

Delegated Report

Planning Reference 25/01048/HHGDO
Applicant(s) Robert Alger
Ward Barwell



Hinckley & Bosworth
Borough Council

Application Site 33 Elwell Avenue, Barwell

Proposal Notification to determine if Prior Approval is required for a single storey rear extension measuring 4.85 metres in depth, 3.20 metres at ridge height and 3.00 metres at eaves

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. Prior Approval not required.

2. Planning Application Description

2.1. This is an application for prior approval for a larger home extension via Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') at 33 Elwell Avenue, Barwell.

2.2. The proposal consists of a single storey rear extension. The development would externally measure 5.9m in width by 4.9m in depth. The development would have a flat roof with a parapet that has a maximum height of 3.2m and an eaves height of 3m.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a two-storey, semi-detached dwelling within the settlement boundary of Barwell on the norther side of Elwell Avenue. The dwelling is set back from the public highway with an enclosed front garden. The dwelling is constructed with a hipped roof, and a red brick and a partial pebbledash rendered finish. The property is not listed nor is it situated within the conservation area.

4. Relevant Planning History

4.1 25/00839/HOU

- Erection of a single storey rear extension and internal modifications.
- Withdrawn
- 28.10.2025

- 4.2 Application 25/00839/HOU was withdrawn by the Applicant due to concerns raised by the Local Planning Authority in relation to the scheme's impact on neighbouring residential amenity.

5. Publicity

- 5.1 The application has been publicised by sending out letters to adjoining owners and occupiers in accordance with Paragraph A.2(5) of Class A of Part 1 of Schedule 2 of the GPDO. The following neighbouring properties were consulted on the development proposal:

- 31 Elwell Avenue, Barwell, Leicester, Leicestershire, LE9 8FH
- 35 Elwell Avenue, Barwell, Leicester, Leicestershire, LE9 8FH

- 5.2 No responses have been received.

6. Consultation

- 6.1 Not required for this type of application

7. Policy

- 7.1 Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

8. Appraisal

- 8.1. The determination of this application is assessed on whether the proposed development falls within permitted development for a Larger Homes Extension as set out under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

- 8.2. No objections were received to the application and therefore the requirements of Paragraphs A.4(7) and (9) of Class A of this Part are not applicable within the determination of this application.

- 8.3. For the purpose of Class A, development is not permitted if:

- (a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class G, M, MA, N, P, PA, or Q of Part 3 of this Schedule (changes of use);

Permission to use the existing property as a dwellinghouse has not been granted by Class G, M, MA, N, P, PA, or Q of Part 3 of this Schedule.

- (b) as a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwellinghouse) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse);

The total area of ground covered by buildings within the curtilage does not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- (c) the height of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwellinghouse

The proposed extension does not exceed the highest part of the roof of the existing dwellinghouse.

- (d) the height of the eaves of the part of the dwellinghouse enlarged, improved or altered would exceed the height of the eaves of the existing dwellinghouse;

The height of the eaves of the proposed extension does not exceed that of the original dwellinghouse.

- (e) the enlarged part of the dwellinghouse would extend beyond a wall which—

- (i) forms the principal elevation of the original dwellinghouse; or
- (ii) fronts a highway and forms a side elevation of the original dwellinghouse;

The proposed extension does not extend beyond the principal elevation of the original dwellinghouse and does not front a highway.

- (f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres in the case of any other dwellinghouse, or
- (ii) exceed 4 metres in height;

The development is not on Article 2(3) land and therefore this Paragraph is not applicable to the current proposal.

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, the enlarged part of the dwellinghouse would have a single storey and—

- (i) extend beyond the rear wall of the original dwellinghouse by more than 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or

- (ii) exceed 4 metres in height;

The property is a semi-detached dwelling, and the proposed development does not extend beyond the rear wall by more than 6 metres and does not exceed 4 metres in height.

- (h) the enlarged part of the dwellinghouse would have more than a single storey and—
 - (i) extend beyond the rear wall of the original dwellinghouse by more than 3 metres, or
 - (ii) be within 7 metres of any boundary of the curtilage of the dwellinghouse being enlarged which is opposite the rear wall of that dwellinghouse;

The proposed extension would be single storey in nature.

- (i) the enlarged part of the dwellinghouse would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the height of the eaves of the enlarged part would exceed 3 metres;

Page 11 of the Permitted Development Rights for Householders Technical Guidance confirms that the height of the eaves will be measured from the ground level at the base of the external wall of the extension to the point where the external wall would meet the upper surface of the roof slope. Parapet walls and overhanging parts of eaves should not be included in any calculation of eaves height.

The proposed extension would be within 2 metres of the boundary of the curtilage of the dwellinghouse, and the eaves of the proposed flat roof would not exceed 3 metres in height.

- (j) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse, and would—
 - (i) exceed 4 metres in height,
 - (ii) have more than a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;

The proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

- (ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The proposed enlargement would not adjoin any existing enlargement and therefore Paragraph JA is not relevant in these site-specific circumstances.

- (k) it would consist of or include—
 - (i) the construction or provision of a verandah, balcony or raised platform,
 - (ii) the installation, alteration or replacement of a microwave antenna,
 - (iii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (iv) an alteration to any part of the roof of the dwellinghouse; or

The proposal would not consist of any of the works detailed at Paragraph K of this Class.

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The existing dwelling was not built under Part 20 of this Schedule.

A.2 In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse;
- (d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c).

The existing property is not on Article 2(3) land and therefore A.2 of this Class is not applicable in these site-specific circumstances.

9. Equality Implications

9.1 Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

- (1) A public authority must, in the exercise of its functions, have due regard to the need to:
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 9.2 Officers have taken this into account and given due regard to this statutory duty, and the matters specified in Section 149 of the Equality Act 2010 in the determination of this application.
- 9.3 There are no known equality implications arising directly from this development.
- 9.4 The decision has been taken having regard to all relevant planning legislation, regulations, guidance, circulars and Council policies, including General Data Protection Regulations (2018) and The Human Rights Act (1998) (HRA 1998) which makes it unlawful for the Council to act incompatibly with Convention rights, specifically Article 6 (right to a fair hearing); Article 8 (right to respect for private and family life); Article 1 of the First Protocol (protection of property) and Article 14 (prohibition of discrimination).

10. Conclusion

- 10.1 To summarise, no objections were received to the application and therefore the requirements of Paragraphs A.4(7) and (9) of Class A of Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) (Order) 2015 (as amended) are not applicable within the determination of this application.
- 10.2 Given the above and based on the submitted details, the proposed extension would comply with the relevant limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) (Order) 2015 (as amended). Therefore, prior approval is not required in these site-specific circumstances.
- 10.3 This application has been determined having regard to the following documents and plans submitted with the application to the Local Planning Authority on 28 October 2025:
- Application Form
 - Design and Access Statement
 - Existing Block Plan, Drg No. 0410-A-GA-002
 - Existing Elevations, Drg No. 0410-L-GA-007
 - Existing Ground Floor Plan, Drg No. 0410-A-GF-004

- Existing First Floor Plan, Drg No. 0410-A-1F-005
- Existing Roof Plan, Drg No. 0410-A-RF-006
- Proposed First Floor Plan, Drg No. 0410-A-1F-009
- Proposed Ground Floor Plan, Drg No. 0410-A-GF-008
- Proposed Block Plan, Drg No. 0410-A-GA-003
- Proposed Elevations, Drg No. 0410-L-GA-010 Rev A
- Site Location Plan, Drg No. 0410-A-GA-001

11. Recommendation

11.1 Prior Approval not required

a. Notes to Applicant

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2010 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Bats, nesting birds, great crested newts and certain other species are protected by law under the Wildlife & Countryside Act 1981 (as amended). If any such species are discovered before or during the works, the works must be suspended and the local office of Natural England contacted for advice.