

Delegated Report

Planning Ref: 24/01015/CLP

Applicant: Mrs White

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 241 Brookside Burbage Hinckley

Proposal: Certificate of proposed lawful development for a single storey side extension

1. Recommendations

1.1. Grant a Certificate of Lawful Proposed Use.

2. Planning application description

2.1. This application seeks to obtain a certificate of proposed lawful use for a single storey side extension at 241 Brookside, Burbage.

2.2. The proposed side extension would project outwards from the side elevation of the existing dwelling by 2.00 metres and would have a width of 5.70 metres. It would feature a flat roof measuring 3.00 metres.

2.3. The proposed external materials would match those used on the existing dwellinghouse.

3. Description of the site and surrounding area

3.1. The application site relates to a detached two-storey residential dwelling situated within the settlement boundary of Burbage. The application site is located off a service road, to the north-west of the main highway of Brookside.

3.2. The application dwelling is constructed of red brick and cream render to the walls, brown interlocking tiles to the roof and white uPVC to the windows. To the site frontage sits an area of block paved/gravelled hardstanding, which is enclosed partially to the southern boundary by a 0.50 metre concrete wall.

3.3. The street scene is predominantly uniform in design, scale and finish.

4. Relevant planning history

- None relevant.

5. Publicity/Consultation

5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required. The application has, however been publicised by sending out letters to local residents and Burbage Parish Council. A site notice was also posted within the vicinity of the site.

5.2 Burbage Parish Council were the only responder and they raised no objections to the proposal.

6. Policy

- 6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Appraisal

- 7.1 The main consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class A.
- 7.2 Please note Class A covers enlargements, alterations and improvements to dwellings, and therefore not all paragraphs are applicable to windows.

Development is not permitted if:-

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

Permission to use the dwellinghouse as a dwellinghouse has not been granted by Class M, N, P 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 of the dwellinghouse would not exceed the 50% of the total area of curtilage.

- 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 side extension would not exceed the height 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 proposed height of the eaves of the side extension would not exceed the height of the existing eaves of the 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 extension would not form the principle elevation of the existing dwellinghouse, nor a side elevation which fronts a highway.

- f) 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 proposal is for a side extension and therefore para (f) (i) (ii) is not relevant.

- g) For a dwellinghouse not on article 2(3) land nor on a site of specific scientific interest the enlarged part of the dwellinghouse would have a single storey and-
 - (i) Extend beyond the rear wall of the 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 four metres in height;

The proposal is for a side extension and therefore para (g) (i) (ii) is not relevant.

- h) The enlarged part of the dwellinghouse would have more than one 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 opposite the rear wall of the dwellinghouse;

The proposal is for a side extension and therefore para (h) (i) (ii) is not relevant.

- 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;

The height of the eaves would not exceed 3.00 metres.

- 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 one storey, or
 - (iii) Have a width greater than half the width of the original dwellinghouse

The enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation, however would not exceed 4.00 metres in height, would be single storey and not have a greater width than half the width of the original dwellinghouse

- k) It would consist of or include:-
 - (i) The construction or provision of a veranda, 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

The proposal would not include any of the above.

8. Equality implications

- 8.1 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1. The proposed side extension is considered to be permitted development under the relevant criteria of Schedule 2, Part 1, Class A (e) (ii) of the Town and Country Planning (General Permitted Development) (England) (Order) 2015 (as amended).

10. Recommendation

- 10.1. **Grant a Certificate of Lawful Proposed Use.**

11. Notes to applicant

The application has been determined with consideration to the following submitted documents:

- Application Form as received by the Local Planning Authority on the 12th November 2024.
- Existing & Proposed Layouts, Drg No. 001A as received by the Local Planning Authority on the 13th November 2024.