Delegated Report

Planning Ref: 23/00241/CLP
Applicant: Mr & Mrs Docherty
Ward: Groby

Site: 19 Bedford Drive, Groby

Proposal: Lawful Development Certificate for loft conversion including new dormer to rear

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1. Recommendations

1. Issue a certificate of lawful proposed development for a loft conversion including new dormer to rear.

2. Application description

2.1. The application is for a Certificate of Lawful Proposed Development for a roof extension to provide a hip to gable loft conversion including new dormer to rear.

3. Description of the site and surrounding area

3.1. The application property is a detached two storey dwelling within the settlement boundary of Groby. The dwellings within the surrounding area are all detached two storey dwellings of similar style and design creating a uniform character within the area.

4. Relevant planning history

21/00794/HOU

- Single storey rear and two storey side extensions
- Planning permission
- 10.08.2021

5. Publicity

5.1. None required.

6. Consultation

6.1. None required.

7. Policy

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

8. Appraisal

8.1. The main consideration for the determination of this application is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class B (Additions to the roof of a dwellinghouse).

For the purpose of Class B, the following criteria are applicable:.
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, or Q of Part 3 of this Schedule (changes of use);

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

b) Any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposed extension would not exceed the height of the highest part of the existing roof.

c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposed extensions would not extend beyond a roof slope forming the principal elevation fronting a highway.

d) The cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –
i) 40 cubic metres in the case of a terraced house
ii) 50 cubic metres in any other case;

The increase in cubic content of the resulting roof space on the main house does not exceed 50 cubic metres.

e) It would consist of or include
i) the construction or provision of a veranda, balcony or raised platform , or
ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe;

The proposed extension does not propose any of these.

f) The dwellinghouse is on article 2(3) land;

The dwellinghouse is not on article 2(3) land.

<u>Conditions</u>
Development is permitted by Class B subject to the following conditions:

(a) The materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

Materials are similar and comply with this condition.

(b) The enlargement must be constructed so that –
i) Other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension the eaves of the original roof are maintained or reinstated and the edge of the enlargement closest to the eaves of the original roof is so far as

practicable, not less than 0.2m from the eaves, measured along the roof slope from the outside edge of the eaves; and

ii) Other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

The dormer is adequately set back from the eaves. No part extends beyond the outside face of any external wall. Condition is complied with.

(c) Any window inserted on a wall or roof slope forming a side elevation must be obscure glazed and non-opening (subject to criteria)

No side facing windows are proposed.

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. The proposal is considered to be permitted development under the relevant criteria of Schedule 2 Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

10.2. The proposal complies with the relevant parts and satisfies the conditions.

11. Recommendation

11.1 **Issue certificate of lawful proposed development for gable roof and rear dormer**

11.2 **Reasons**

1) The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

   Site Plan Drg No. 22105/PL04
   Proposed Plans and Elevations Drg No. 22105/PL03
   Existing Plans Drg No. 22105/PL02

11.3 **Notes to applicant**

1) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.