

Delegated Report

Planning Ref: 24/00998/HHGDO

Applicant: Mrs Chloe Furze

Ward: Barwell



Hinckley & Bosworth
Borough Council

Site: 40 Hinckley Road Barwell Leicester

Proposal: Single storey rear extension measuring 5.10m in depth, 3.00m in height to the ridge and 3.00m to the eaves

1. Recommendations

- 1.1. **Refuse Prior Approval** subject to the reason at the end of this report.

2. Planning application description

- 1.2. This is an application for prior notification under Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for a larger home extension.
- 2.1. The application seeks consent for the a single storey extension to the rear elevation measuring 5.10 metres in depth from the original wall; 3.00 metres in height to the ridge; and 3.00 metres to the eaves at 40 Hinckley Road, Barwell.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey detached residential dwelling, situated within the settlement boundary of Barwell. The dwelling comprises the use of red brick and white render to the walls, brown tiles to the hipped to pitched roof and brown uPVC to the windows. An integral single car garage sits to the far east of the dwelling of which a timber canopy porch sits to the west of.
- 3.2. A gravelled hardstanding sits to the sites frontage, which is enclosed by 2.00 metre high hedgerow to the southern and western boundaries and a 1.00 metre brick wall to the eastern boundary. Forward of the southern hedgerow, on highways owned land sits a grass verge which is accompanied by a mature specimen.
- 3.3. The street scene is predominantly residential, large areas of countryside can, however be observed to the north and south-west of the site.

4. Relevant planning history

97/00515/FUL

- EXTENSION TO DWELLING
- REF
- 12.11.1997

98/00328/FUL

- EXTENSION TO DWELLING
- PER
- 24.06.1998

06/00610/FUL

- EXTENSIONS AND ALTERATIONS TO DWELLING
- PER
- 12.07.2006

07/00301/FUL

- EXTENSION AND ALTERATION TO DWELLING
- PER
- 19.04.2007

14/00028/HOU

- Extensions and alterations to dwelling.
- PER
- 19.03.2014

82/01082/4

- TWO STOREY EXTENSION AND GAMES ROOM
- PER
- 24.02.1983

5. Publicity

5.1. Not required for this application type.

6. Consultation

6.1. The following neighbouring properties were consulted;

- 38 Hinckley Road, Barwell, Leicester, Leicestershire, LE9 8DJ
- 39 Hinckley Road, Barwell, Leicester, Leicestershire, LE9 8DJ
- 41 Hinckley Road, Barwell, Leicester, Leicestershire, LE9 8DJ
- 42 Hinckley Road, Barwell, Leicester, Leicestershire, LE9 8DJ
- 43 Hinckley Road, Barwell, Leicester, Leicestershire, LE9 8DJ

7. Policy

7.1. Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A

8. Appraisal

8.1. The main considerations in respect of this application are whether the proposal for a Larger Homes Extension meets the criteria for permitted development as set out under The Town and Country Planning (General Permitted Development) (England) order 2015 Schedule 2 Part 1, Class A (as amended) and whether any neighbouring property has objected and if so whether the proposal will impact upon the amenity of any adjoining neighbour.

8.2. In this instance no objections have been received from any neighbours. The proposed enlargement would, however be joined to an existing enlargement for an two-storey side extension and a first floor side extension which was granted planning permission on the 12th July 2006 (06/00610/FUL) and an existing

conservatory as carried out under the constraints of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015. Where a proposed extension joins an existing enlargement of the original dwellinghouse, as outlined below in sub paragraph (ja), the total enlargement must comply with the limits outlined in sub-paragraphs (e) to (j) not just the newly proposed extension.

8.3. Sub-paragraph (ja) is outlined below:

“(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);

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 The Town and Country Planning (General Permitted Development) (England) order 2015 Schedule 2 Part 1, Class A (as amended). For the purpose of Class A, the following criteria are acceptable:

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 area of the proposed extension would 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 would not exceed the height of 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 would not exceed that of the original dwellinghouse.

The proposed eaves of the extension would not exceed the height of the eaves of the existing 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

Whilst the newly proposed part of the extension would not extend beyond the principal elevation of the original dwellinghouse, nor a side elevation

which fronts a highway, the extension to which it joins does extend beyond a wall which forms the principal extension of the original dwellinghouse. By virtue of criteria (ja) the total enlargement fails to comply with criteria (e)

- 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 fails criteria (g) as the newly proposed extension joins on to an existing two storey extension and therefore the total enlargement would have more than a single storey.

- (i) **The extension and total enlargement protrudes less than 8m beyond the rear wall of the dwellinghouse**
- (ii) **As the extension would be joined to the existing enlargement the total enlargement exceeds four metres in height with the two storey element being approximately 6.9m in height.**

By virtue of the above the proposal does not comply with sub-paragraph (g).

- 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;

(i) **The total enlargement would have more than one storey and extends further than 3m beyond the rear wall of the original dwellinghouse.**

(ii) **The enlargement would not be within 7m of the boundary of the curtilage opposite the rear wall of the dwelling.**

By virtue of the above the proposal does not comply with sub-paragraph (h).

- 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 proposed extension would be within 2.00 metres of the boundary of the curtilage of the dwellinghouse, however as the extension would be adjoined to the existing enlargements the eaves would measure 5.52 metres.

By virtue of the above the proposal does not comply with sub-paragraph (i).

- 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 total enlargement does extend beyond a wall forming a side elevation of the original dwellinghouse and would exceed 4m in height, have more than one storey and have a width greater than half the width of the original dwellinghouse.

By virtue of the above the proposal does not comply with sub-paragraph (j).

- (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);

As set out above the extension would be adjoined to the existing enlargements the proposal would exceed the limits as set out in sub-paragraphs (e), (g), (h), (i) and (j).

- 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

None are proposed, the development complies with criteria (k).

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

The proposed extension would not include i, ii, iii or iv and was neither built under Part 20 of this Schedule (construction of new dwellinghouses).

8.4. The total enlargement would therefore not fall under the requirements of the legislation under the provisions of Schedule 2 Part 1 Class A (e), (g), (h), (i), (j) or (ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015. Prior Approval for the proposal is thus refused.

8.5. Should the applicant wish to seek formal approval of the enlargement a householder application is advised to be submitted. The list below provides an indication of the likely/suggested submission requirements:

- Householder Planning Application Form
- Ownership Certificates/Notices
- Planning Fee - £258.00
- Site Location Plan (scale 1:1250)
- Block Plan (scale 1:500)
- Existing and Proposed Elevations of the Extensions (scale 1:50 or 1:100)

A list of national and local requirements can also be found under the 'planning' pages on the Council's website.

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.

10. Recommendation

11.1. Refuse Prior Approval subject to the reason at the end of this report.

11.2. Reason

1. From the information that has been provided, you are hereby notified on behalf of Hinckley and Bosworth Borough Council, acting as your Local Planning Authority, that planning permission is required for the proposal as the proposed enlargement would be joined to an existing enlargement of the dwellinghouse (as approved under 06/00610/FUL). Therefore the application does not fall under the requirements of the legislation under the provisions of Schedule 2 Part 1 Class A (e), (g), (h), (i), (j) and (ja) of the Town and Country Planning (General Permitted Development) (England) Order 2015.

11.3. Notes to applicant

This application has been determined having regard to the following documents and plans submitted with the application:

- Notification of a Proposed Larger Home Extension application form
- Existing Elevations and Floor Plans, Drg No. 1371-01
- Proposed Elevations and Floor Plans, Drg No. 1371-02a as received by the Local Planning Authority on the 30th October 2024.