

Delegated Report

Planning Ref: 24/01045/CLP
Applicant: Mr Angus Richardson
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 40 Faray Drive Hinckley Leicestershire

Proposal: Certificate of proposed lawful development for single storey rear extension to dwelling

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. This application seeks to obtain a certificate of proposed lawful use for a single storey rear extension at 40 Faray Drive, Hinckley.
- 2.2. The proposed single storey rear extension would project outwards from the existing rear elevation by 3.00 metres and would feature a width of 7.15 metres. It would feature a mono-pitched roof which would measure 3.46 metres to the ridge and 2.42 metres to the eaves.
- 2.3. The proposal would include the demolition of the existing conservatory.
- 2.4. Additional alterations also include the addition of two Velux roof lights, a set of three windows, and a set of four bi-fold doors.
- 2.5. The proposed external materials would match those of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application relates to a two-storey detached residential dwelling situated within the settlement boundary of Hinckley, within an area of similar designed dwellings. The application dwelling comprises red brick to the walls with stone accents to the openings, brown tiles to the roof and white uPVC to the windows.
- 3.2. The site can be accessed to the south of the main highway of Faray Drive, via a side road. The surrounding site is predominantly residential. To the east of the site sits a balancing pond and generous open space with an adjoin footpath which can also be seen to extend to the south and west.

4. Relevant planning history

05/00335/OUT

- Proposed construction of 375 dwellings, estate roads, footpaths, cycle routes and landscaping.
- Outline Planning Approval
- 29.03.2006

09/00140/REM

- Approval of reserved matters for outline permission 05/00335/OUT
- Planning Permission

- 08.06.2009

13/00677/NOMAT

- Non-material amendment of planning permission 09/00140/REM for the erection of detached garages to plots 290, 320, 332-334, 358-360 and 374-375.
- Permit Non Material Amendments
- 18.09.2013

13/01048/NOMAT

- Replace existing parking spaces and alterations to existing garages.
- Permit Non Material Amendments
- 20.12.2013

5. Publicity/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

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 and Class C.
- 7.2 It should be noted that the Local Planning Authority previously implemented a condition at the site under application 05/00335/OUT removing permitted development rights as set out under Schedule 2 Part 1 Class A and E of the General Permitted Development Order 1995 as amended for any dwelling constructed within 50 metres of the northern boundary of Area A and the western boundary of Area B where it adjoins Wykin Recreation Area.

Condition 23:

“Notwithstanding the provisions of the General Permitted Development Order 1995 as amended, no development within Schedule 2 Part 1 Class A and E shall be carried out to any dwelling constructed within 50 metres of the northern boundary of Area A and the western boundary of Area B where it adjoins Wykin Recreation Area.”

The Local Planning Authority have, however assessed the planning history and can confirm that condition 23 would, not apply in this case as the site is situated within Area C (identified within Figure 1 below.)

Figure 1



7.3 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, including the proposed rear extension 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 rear 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 rear 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 does not extend beyond the side elevation of the original dwellinghouse nor does it front 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;

It would not extend further than 3.00 metres from the rear elevation or be more than 4.00 metres in height.

- 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;

It would not extend further than 8.00 metres from the rear elevation or be more than 4.00 metres in height.

- 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 construction would be single storey.

- 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

Not applicable.

- 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 proposed extension would not include any of the above.

Conditions

Development is permitted by Class A subject to the following conditions—

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

The materials used would match those of the existing dwellinghouse.

- b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
- (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

Not applicable.

- c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

Not applicable.

7.4 Please note Class C covers other alterations to the roof of a dwellinghouse.

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

- (b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The alteration would not protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof.

- (c) it would result in the highest part of the alteration being higher than the highest part of the original roof; or

The alteration would not result in the highest part of the alteration being higher than the highest part of the original roof.

- (d) it would consist of or include—
- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or
 - (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.; or

The alteration would not include (i) or (ii).

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

The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

Conditions

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) obscure-glazed; and
- (b) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed.

The alteration would not form part of a side elevation of the dwellinghouse.

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

10. Recommendation

10.1 Grant Certificate of Lawful Proposed Development

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

- Application Form
- Site Location Plan, Drg No. 2448-01
- Site Plan, Drg No. 2448-02
- Existing and Proposed Floor Plans, Drg No. 2448-03
- Existing Elevations, Drg No. 2448-04
- Proposed Elevations, Drg No. 2448-06
- Building Regulations Plan 1 Groundworks and Structure, Drg No. 2448-07
- Building Regulations Plan 2 Ground Floor Layout Plan, Drg No. 2448-08
- Building Regulations Plan 3 Roof Structure Plan, Drg No. 2448-09
- Section 1, Drg No. 2448-10
- Planning Statement all as received by the Local Planning Authority on the 14th November 2024.

11.1 Notes to applicant

- The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.