

Delegated Report

Planning Ref: 23/00493/CLP
Applicant: Mr & Mrs S Taylor
Ward: Groby



Hinckley & Bosworth
Borough Council

Site: 3 Border Close Glenfield Leicester

Proposal: Lawful Development Certificate for single storey side/rear extension

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for a single storey side and rear extension to form a garage at 3 Border Close, Glenfield.
- 2.2. The proposed side extension would project outwards from the existing side elevation by 2.77 metres and would have a depth of 5.40 metres.
- 2.3. The proposed rear extension would project outwards from the existing rear elevation by 2.70 metres and would have a width of 2.99 metres.
- 2.4. The proposed eaves height of the pitched roof would be 2.35 metres and the proposed ridge height would be 3.89 metres.
- 2.5. The proposed external materials would match those used on the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application dwelling comprises a semi-detached residential dwelling, located within a cul-de sac, outside of the settlement boundary of Glenfield. The dwelling is characterised by a pitched roof with a brick finish with white uPVC windows and a black uPVC door. The dwelling comprises a small brick wall to the front elevation. No.16 is located to the west of Border Close and hosts a corner plot.

4. Relevant planning history

14/00502/FUL

- Erection of 25 dwellings with associated infrastructure (Cross boundary application with Blaby District Council)
- PER
- 19.11.2014

21/01512/HOU

- Two storey side and single storey rear extensions
- WDN
- 30.06.2022

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.

- 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 proposed side and 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 side and 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 side and 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 extends beyond the side elevation of the original dwellinghouse but does not 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 metres from the rear elevation or be more than 4 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 6 metres from the rear elevation or be more than 4 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 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 extension is less than 4m in height and single storey. The width of the extension is less 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 proposed extension 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 development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class A 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 & Block Plan, Drg No. 23.041 – 3
- Existing Plans & Elevations, Drg No. 23.041 – 1
- Proposed Plans & Elevations, Drg No. 23.041 – 2 as received by the Local Planning Authority on the 19th May 2023.

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.