

Delegated Report

Planning Ref: 23/01113/CLP
Applicant: Mr Jonny Sprigens
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 52 Mount Road Hinckley Leicestershire LE10 1AF

Proposal: Certificate of lawful proposed development of rear dormer

1. Recommendations

1. Issue a certificate of lawful proposed development of rear dormer.

2. Application description

- 2.1. The application is for a Certificate of Lawful Proposed development of a new rear dormer to extend the existing loft space.

3. Description of the site and surrounding area

- 3.1. The property is a two story terrace set back from the public highway. It is brick built, with white uPVC windows and a front bay window. The dwelling has a dual-pitched roof, is not listed and not in a conservation area.

4. Relevant planning history

None relevant.

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 G, M, MA, N, P, PA, 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 G, M, MA, N, P, PA 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 40 cubic metres.

- e) It would consist of or include
 - i) the construction or provision of a verandah, 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 include any of the above.

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

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

- g) The dwellinghouse is built under Part 20 of this Schedule (construction of a new dwellinghouse) or
- h) The existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The dwellinghouse is not built under Part 20 of this Schedule (construction of a new dwellinghouse) or enlarged in reliance on the permission granted by Class AA.

Conditions

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-
 - (aa) the eaves of the original roof are maintained or reinstated; and

(bb) 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.

(c) Any window inserted on a wall or roof slope forming a side elevation 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 the floor of the room in which the window is installed.

There are no side facing windows to the proposal.

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 of 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 Location Plan Licence no 10007474

Proposed second floor plans.

Proposed side and rear elevation

Application form

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.