

cDelegated Report

Planning Ref: 24/00797/CLP
Applicant: Mr Ricky McDougall
Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 15 Boyslade Road East Burbage Hinckley

Proposal: Resurface existing hard standing across whole site frontage with porous loose stone surfacing and create new opening to perimeter dwarf wall to form second vehicle access, frontage 14.5 mtrs x 7mtrs new access to be 4.7mtrs wide.

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 the proposed development of a dropped kerb, a new opening to the boundary wall to form secondary vehicle access and the resurfacing of the entirety of the existing hardstanding with porous loose stone at 15 Boyslade Road East, Burbage.
- 2.2. The proposed usable hardstanding would measure 101.50 metres squared metres and the proposed access would host a width of 4.70 metres.

3. Description of the site and surrounding area

- 3.1. The application site relates to a detached residential bungalow situated within the settlement boundary of Burbage. The dwelling is constructed in red facing brick with brown roof tiles and white uPVC windows, it hosts a predominant hipped roof design, with a partial flat roof present to the canopy porch. A single car garage is integrated to the dwelling which is stepped forward of the existing main elevation by approximately 0.90 metres, as extended in 1982. To the boundary's frontage sits a stepped 1.00 metre high brown brick wall, with the main access way being situated to the south-east of the site.
- 3.2. The site is surrounded by residential dwellings to all sides. The properties on Boyslade Road East are typically detached, but are finished in a range of styles and designs; there are a mix of two storey and one and a half storey properties. Many of the surrounding dwellings have been altered to host dropped kerbs and generous areas of hardstanding to the frontages.

4. Relevant planning history

83/00789/4

- NEW BOW WINDOWS
- PER
- 03.10.1983

82/00462/4

- EXTENSION TO EXISTING GARAGE
- PER

- 03.06.1982

78/01716/4M

- FORMATION OF BEDROOM IS ROOF SPACE AND ALTERATIONS TO WINDOWS
- PER
- 09.10.1978

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 F and Schedule 2 Part 2, Class A and B.

- 7.2 Please note Class F covers hard surfaces incidental to the enjoyment 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); or

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).

- (b) 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).

Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed hardstanding is to be constructed out of porous materials.

Please note Class A covers the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure;

Development is not permitted if:-

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—
 - (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
 - (ii) in any other case, 1 metre above ground level;

The height of the existing perimeter wall would not be altered following the creation of the new opening to the existing wall.

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Not applicable as the existing wall is situated adjacent to a highway and would not be altered in height following the creation of the new opening to the existing wall.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

Following the creation of the new opening to the existing wall, the height of the wall would not exceed its former height or the height referred to in paragraph (a) or (b) as a result of the development.

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Not applicable as the application site is not a listed building.

Please note Class B covers the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part);

Boyslade Road East, Burbage is not a trunk road or a classified road.

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 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 F and Schedule 2 Part 2, Class A and B.

10. Recommendation

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

- Certificate of Lawful Proposed Development application form
 - Site Location Plan
- all as received by the Local Planning Authority on the 19th August 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.
- This permission does not give the Applicant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway the Applicant must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050 001.