DELEGATED REPORT

Recommendation Made:

Reference:- 11/00535/CLU **Parish:- Hinckley**

Applicant:- Mr Joel Denham
11 Priesthills Road
Hinckley
Leicestershire
LE10 1AQ

Location:- 11 Priesthills Road Hinckley Leicestershire LE10 1AQ

Proposal:- CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT FOR EXTENSIONS AND ALTERATIONS TO DWELLING.

Introduction:-

A certificate of lawful proposed development is sought for the erection of a single storey rear extension at 11 Priesthills Road Hinckley. The application dwelling is a two storey end terrace property.

This property has permitted development rights in place.

Consultations:-

No consultations

Development Plan Policies:-

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Schedule 2, Part 1"Development within the Curtilage of a Dwelling House", Class A "The enlargement, improvement or other alterations of a dwellinghouse".

Appraisal:-

The main consideration for the determination of this application is to determine whether the proposed rear extension falls within permitted development under The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 Schedule 2, Part 1, Class A.

Development is not permitted by Class A if,

(a) As a result of the works, the total area of ground covered by buildings within the curtilage of the dwellinghouse (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house).

The extensions and alterations would not exceed 50% of the total curtilage.

(b) The height of the part of the dwelling house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling house.

The height does not exceed the highest part of the roof of the existing dwelling.

(c) 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 dwelling house.

The height of the eaves does not exceed the eaves of the existing dwelling.

(d) the enlarged part of the dwellinghouse would extend beyond a wall which: -

(i) fronts a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwelling house

The extension does not front onto a highway and does not form either the principal elevation or side elevation.

(e) the enlarged part of the dwellinghouse would have a single storey and : -

(i) extend beyond the rear wall of the original dwelling house 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;

This an end terrace dwelling house and as such is allowed to extend 3 metres beyond the rear wall of the original dwelling house. The proposal is to demolish a utility/WC and erect an extension extending 4845mm from the rear wall of the dining room, however, this results in a net projection of 2345 mm. However, notwithstanding this, the proposed extension projects 9700 mm from the rear wall of the original dwelling house when measured in line with the sitting room window which constitutes the original dwellinghouse and therefore fails this criterion.

(f) 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 dwelling house opposite the rear wall of the dwellinghouse;

The enlarged part of the dwelling house does not have more than one storey.

(g) the enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres.

The eaves does not exceed 3 metres in height within this application.

(h) 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; or

The enlarged part of the dwelling house which extends beyond a wall forming a side elevation does not exceed 4 metres in height, does not have more than one storey, and does not have a width greater than half the width of the original dwelling house.

(i) 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 enlarged part of the dwelling house does not include any of the criterion stipulated in section (i)

This proposal fails to comply with the requirements of Schedule 2 Part 1, Class A (e) of theTown and Country

Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and is therefore not a permitted development under the order. As such this application for a proposed lawful development certificate is refused and an application for planning permission is required.

Reasons :-

1 In the opinion of the Local Planning Authority, the proposals, because of the extent of the projection from the rear wall of the dwelling house does not comply with the criteria in Schedule 2, Part 1, Class A (e) of The Town and Country Planning (General Permitted Development)(Amendment)(No 2)(England) Order 2008, and therefore the Certificate of Lawful Proposed Development is not granted.

Contact Officer:- Nick Cox Ext 5659