

Delegated Report

Planning Ref: 25/00629/CLP
Applicant: Mr Florin Mititelu
Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 39 Princess Road, Hinckley, Leicestershire, LE10 1EA

Proposal: Certificate of proposed lawful development for erection of single storey rear extension and rear dormer window

1. Recommendations

- 1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1 This application seeks to obtain a certificate of lawful development for a proposed single storey rear extension and rear dormer at 39 Princess Road, Hinckley, Leicestershire, LE10 1EA.

3. Description of the site and the surrounding Area

- 3.1. The application site relates to a single storey residential bungalow in the settlement boundary of Hinckley. The property is brick built with a partially rendered finish, has UPVC windows and doors and a driveway providing off road parking to the front. The dwelling is not listed nor is it situated within the conservation area.

4. Relevant Planning History

- None relevant

5. Publicity

- 5.1. Not required for this type of application

6. Consultation

- 6.1. Not required for this type of application

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 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 B.

8.2. The proposed single storey rear extension will be assessed under Class A and the proposed rear dormer will be assessed under Class B.

8.3. Class A

The proposed single storey rear extension would measure 1.90 metres from the depth of the original wall of the dwellinghouse and 2.88 metres in height.

8.4. Please note Class A covers enlargements, alterations and improvements to dwellings. For the purpose of Class A, the following criteria are acceptable:

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 would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).

- 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 single storey 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 total height of the extension would not exceed the height of the eaves of the existing 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 proposed extension would not extend beyond the principal elevation of the original dwellinghouse and does not front a highway.

- f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
 - (iii) extend beyond the rear wall of the original dwellinghouse by more than 4 metres in the case of a detached dwellinghouse, or 3 metres

- (iv) in the case of any other dwellinghouse, or exceed 4 metres in height;

Not relevant

- 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;

The development would not extend beyond the rear wall by more than 8.00 metres and would not exceed 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 proposed extension would be single storey in nature.

- 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 proposed extension would be within 2.00 metres of the boundary of the curtilage of the dwellinghouse but would not exceed 3.00 metres in height.

- 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 proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse.

- ja) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (e) to (j);

The enlargement does not adjoin any existing enlargement, therefore paragraph ja is not relevant in this case.

- 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 single storey rear extension would not include i, ii, iii or iv. The proposed works to the dormer will be assessed separately under Class B.

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

In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

(a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;

(b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or

(c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.

(d) any total enlargement (being the enlarged part together with any existing enlargement of the original dwellinghouse to which it will be joined) exceeds or would exceed the limits set out in sub-paragraphs (b) and (c)

The dwellinghouse was not built under Part 20 of this Schedule

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.

8.5. Class B

The proposed rear dormer would measure 6.89 meters in width and 3.71 metres in depth. It would comprise a flat to pitched roof form which would have a maximum ridge height of 2.82 metres

- 8.6. The cubic content of the additional roof space would be 36.04 cubic metres.
- 8.7. The proposed external materials would match those of the existing dwelling.

Please note Class B covers enlargements consisting of an addition or alteration to the roof of a dwellinghouse. For the purpose of Class B, the following criteria are acceptable:

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 virtue of Class M, N, P, PA or Q of Part 3.

- 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 works would not result in any part of the dwellinghouse exceeding 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 enlargement would not extend beyond the plane of any existing 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 terrace house, or
(ii) 50 cubic metres in any other case;

For the purposes of Class B "resulting roof space" means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by 50 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 works would not result in the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

- 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 new dwellinghouses)

The dwellinghouse was not built under Part 20 of this Schedule

- 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).

Not relevant

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;

The materials used would match those of the existing dwellinghouse.

- 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 0.2 metres 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 eaves of the original roof are to be maintained and the edge of the enlargement closest to the eaves of the original roof shall not be less than 0.20 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

- c) any window inserted on 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.

There are no windows proposed on a wall or roof slope forming a side elevation.

9. Equality Implications

- 9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

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. Based on the submission the proposed extension would comply with the relevant provisions of Schedule 2, Part 1, Class A and Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1. Grant Certificate of Lawful Proposed Development

- 11.2. This application has been determined having regard to the following documents and plans submitted with the application:

- Application form
- Block, Site Location Plan, Drg No. AMA-983-001
- Existing Floor Plans, Elevations, Drg No. AMA - 983 – 002
- Proposed Floor Plans, Elevations, Drg No. AMA - 983 - 003

Notes to Applicant:

- This permission does not grant approval under the Building Act 1984 and the Building Regulations 2010 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

