

Delegated Report

Planning Reference 25/00812/HHGDO

Applicant Mr Dafydd Oliver

Ward: Ratby, Bagworth, and Thornton



Hinckley & Bosworth
Borough Council

Application Site 5 Mottys Stile Way, Ratby, Leicestershire, LE6 0QA

Proposal Notification to determine if Prior Approval is required for a single storey rear extension measuring 3.40 metres in depth, 3.80 metres height at ridge and 2.80 metres at eaves

Case Officer Rudi Simpson

1. Recommendations

1.1. Prior approval not required.

2. Planning Application Description

2.1. This is an application for prior approval for a larger home extension via Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') at 5 Mottys, Stile Way, Ratby. The proposal consists of a single storey rear extension that externally measures 3.4 metres in depth from the original wall by 3.8 metres in height to the ridge and 2.8 metres to the eaves.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a two-storey dwelling located to the northwest of, but outside of the identified settlement boundary of, Ratby. The property is brick built with white UPVC windows and accessed via a private drive off Mottys Stile Way. The property was approved as part of the wider development of 90 dwellings in the area via applications 20/00462/FUL and 22/00884/CONDIT.

4. Relevant Planning History

4.1 There is no relevant planning history applicable to this development proposal.

5. Publicity

5.1. The application has been publicised by sending out letters to adjoining owners and occupiers in accordance with Paragraph A.2(5) of Class A of Part 1 of Schedule 2 of the GPDO. No comments have been received.

6. Consultation

- 6.1. Not required for this type of application

7. Policy

- 7.1. Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

8. Appraisal

- 8.1. The determination of this application is assessed on whether the proposed development falls within permitted development for a Larger Homes Extension as set out under Class A of Part 1 of Schedule 2 of the GPDO.

- 8.2. No objections were received to the application and therefore the requirements of Paragraphs A.4(7) and (9) of Class A of this Part are not applicable within the determination of this application.

- 8.3. For the purpose of Class A, 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 Class G, M, MA, N, P, PA, 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 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 height of the eaves of the proposed extension would not exceed that of the original 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-
- (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;

The development is not on Article 2(3) land and therefore this paragraph is not applicable to the current proposal.

- (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 property is a detached dwelling and the proposed development would not extend beyond the rear wall by more than 8 metres and would not exceed 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 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 metres of the boundary of the curtilage of the dwellinghouse, but the eaves would not exceed 3 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 development is not on Article 2(3) land and therefore this paragraph is not applicable to the current proposal.

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

The existing dwelling was not built under Part 20 of this Schedule.

A.2 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 existing property is not on Article 2(3) land and therefore A.2 of this Class is not applicable in these site-specific circumstances.

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. No objections have been received to the development proposal, and based on the submitted details, the proposed extension would comply with the relevant limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) (Order) 2015 (as amended). Therefore, prior approval is not required in these site-specific circumstances.

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

- Application Form (submitted: 28.08.2025)
- Block Plan (submitted: 05.11.2025)
- Site Location Plan (submitted: 21.09.2025)

11. Recommendation

11.1. **Prior approval not required.**

a. Notes to Applicant

1. 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.
2. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice