

Delegated Report

Planning Ref: 23/00447/HHGDO

Applicant: Dena Abbott

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 35 Astley Road Earl Shilton Leicester

Proposal: Single storey rear extension measuring 3.38 metres in depth, 3.75 metres at ridge height and 2.60 metres at eaves height

1. Recommendations

- 1.1. This is an application for prior notification under Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A for a larger home extension.

2. Planning application description

- 2.1. This is a larger home extension notification applying for the erection of single storey rear extension measuring 3.38 metres in depth from the original wall; 3.75 metres in height to the ridge; and 2.60 metres to the eaves.

3. Description of the site and surrounding area

- 3.1. The application dwelling is a two storey town house located within the settlement boundary of Earl Shilton. It features a small garden to the front and a shared parking area to the rear. It is constructed with red facing bricks, interlocking concrete roof tiles and dark grey uPVC windows. To the north of the site sits Weavers Close Church of England Primary School and to the east of the site sits Weavers Sports Pavillion.

4. Relevant planning history

- None

5. Publicity

- 5.1. Not required for this application type.

6. Consultation

- 6.1. The following neighbouring properties were consulted:
- 33 Astley Road, Earl Shilton, Leicester. Leicestershire, LE9 7AE
 - 37 Astley Road, Earl Shilton, Leicester, Leicestershire, LE9 7AE
- 6.2. An verbal objection has been received from 37 Astley Road, Earl Shilton raising the below concerns, however, this was not submitted in writing;
- Loss of light
 - Overbearing impact due to size of the gardens that the application dwelling and no.37 host

7. Policy

- 7.1. Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A National Planning Policies and Guidance

8. Appraisal

- 8.1. A main consideration in respect to this notification is whether any neighbouring properties have objected and whether the development will impact upon the amenity of any adjoining neighbour. In this instance there has been one verbal objection received from 37 Astley Road, as the objection has not been made in writing it carries limited weight and strictly prior approval is not required.
- 8.2. Nonetheless as concerns have been raised verbally, officers have considered the impact on adjoining neighbours. In this case if the applicant was to reduce the proposed rear extension by 0.38 metres the proposal would be classed as permitted development and would be able to be carried out without seeking prior approval from the Local Planning Authority. Considering the applicant has applied to extend their property under this prior-notification procedure this is judged to be a realistic fall back position. The fall-back position would have similar impacts to the surrounding neighbouring properties as such the proposal would not be judged unacceptable.
- 8.3. The rear canopy extension measures 3.38 metres in depth from the original wall; 3.75 metres in height to the ridge; and 2.60 metres to the eaves and will not extend beyond existing side elevations. The proposed development will not result in a site cover exceeding 50% of the total area of the curtilage (excluding the original dwelling house). These measurements fall within the parameters for larger house extensions to detached houses detailed in the TCPA 2015 Sch 2 Part 1, Class A. The proposed materials are to match the existing house.
- 8.4. 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 The Town and Country Planning (General Permitted Development) (England) order 2015 Schedule 2 Part 1, Class A (as amended). 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 area of the proposed extension 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.

The proposed eaves 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.

- 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 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 and 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.

- 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 extension would not include i, ii, iii or iv.

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.

10. Recommendation

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

- Notification of a Proposed Larger Home Extension application form
- Site Location & Block Plan, Drg No. 19-313 AR03
- Proposed Elevations & Floor Plans, Drg No. 19-313 AR02

11.1 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