

Delegated Report

Planning Ref: 24/00249/CLP

Applicant: Mr Iain Stone

Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 71 Paddock Way Hinckley Leicestershire LE10 0BZ

Proposal: Lawful Development Certificate for single storey rear and side extension

Recommendation

1. Issue a certificate of lawful proposed development for the single storey rear and side extensions.
2. **Application description**
 - 2.1. The application is for a Certificate of Lawful Proposed Development for single storey rear and side extensions to a detached dwellinghouse. The site retains its permitted development rights. The rear extension measures 2.5 metres from the existing rear wall of the main dwelling and has a width of 4.5 metres. It has a flat roof and a parapet to an overall height of 2.9 metres. The side extension measures 1.7 metres in width and 4.2 metre in depth. The side extension creates a porch, has a flat roof, parapet, and overall height of 2.9 metres.
3. **Description of the site and surrounding area**
 - 3.1. The property is a two storey detached dwelling within the settlement boundary of Hinckley. It is built with white render, has a dual pitched roof, a brick and glazing porch and white uPVC windows. The property has an existing mono pitched roof side extension which is set away from the public highway. The property fronts on to a footpath and an area of public open space and Paddock Way runs to the side of the property at an angle. The property is not listed and is not in a conservation area.
4. **Relevant planning history**

None relevant.
5. **Publicity**

None required.
6. **Consultation**

None required.
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 application is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse).

For the purpose of Class A, the following criteria are applicable:
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 site as a dwellinghouse has not been granted by Class G, M, MA, N, P, PA, or Q of Part 3 of this Schedule (change of use).

- (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 proposed total area of ground covered by buildings within the curtilage of the dwellinghouse, does not exceed 50% of the total area of the curtilage.

- (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 height of the single storey rear and side extensions do not exceed the height of the highest part of the roof 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 single storey side and rear extension do 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 proposal includes a side extension which is approximately 2.3 metres away from the public highway and is to an angle of more than 45 degree and therefore the side extension is not considered as fronting a highway. The rear extension 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 single storey rear and side extensions are to a detached dwelling and do not go beyond the wall of the original dwellinghouse by more than 4 metres and height not exceeding 4 metres.

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 8 metres in the case of a detached dwellinghouse, or 6 metres in the case of any other dwellinghouse, or
(ii) exceed 4 metres in height;

The single storey extension does extend more than 8 metres and is less than 4 metres in height.

- (h) the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of the dwellinghouse;

The extensions are single storey in scale.

- (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 extensions are not within 2 metres of the boundary and the eaves do not exceed 3 metres.

- (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 a single storey, or
- (iii) have a width greater than half the width 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 side and rear extensions are single storey in scale, not exceeding 4 metres in height and the width are not greater than half of the width of the original dwellinghouse. The total enlargement of both side and rear extensions do not exceed the limit set out in sub-paragraphs (e) to (j).

- (k) it would consist of or include—
- (i) the construction or provision of a verandah, 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; or

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

The application does not include the installation or alteration of any of the points noted above and not built under Part 20 of this Schedule (construction of new dwellinghouses).

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-paragraph (b) and (c).

The application does not relate to article 2(3) land.

Conditions

A.3 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;

Brick is proposed as the external material for the extensions and it matches the brick to the lower part of the existing front porch. The proposal is no more than a single storey and as such no upper floor windows are proposed.

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.
- 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. The proposal is considered to be permitted development under the relevant criteria of Schedule 2 Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

10.2. The proposal complies with the relevant parts and satisfies the conditions.

11. Recommendation

11.1 Issue certificate of lawful proposed development for single storey rear and side extensions.

11.2 The application has been determined with consideration to the following submitted documents:

- Application form (submitted on 15/03/2024)
- Site Location Plan, reference number TQRQM24074143505470 (submitted on 15/03/2024)
- Proposed Plan and Elevation, Drawing Number STONE-02 (submitted on 19/03/2024)
- Proposed Elevation, Drawing Number STONE-03 (submitted on 19/03/2024).

11.3 Notes to applicant

- 1) 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.