

Delegated Report

Planning Ref: 24/00537/CLE
Applicant: Mr Tom Garvie
Ward: Ambien



Hinckley & Bosworth
Borough Council

Site: 22 Nuneaton Lane Higham On The Hill Nuneaton

Proposal: Lawful Development Certificate for the existing development of a single storey rear extension, a porch to front door and replacement of garage roof with a pitched roof

1. Recommendations

1.1. Grant Certificate of Existing Lawful Use

2. Planning application description

- 2.1. The application seeks a Certificate of Existing Lawful Use for a single storey rear extension, a porch to the front door and a replacement of the mono-hipped garage roof with a mono-pitched roof.
- 2.2. The timber canopy porch projects outwards from the original front elevation by approximately 0.92 metres and hosts a width of approximately 1.30 metres. It features a pitched which measures approximately 2.33 metres to the eaves and approximately 3.18 metres to the ridge.
- 2.3. The rear extension projects outwards from the original rear elevation by 5.00 metres and hosts a width of 9.04 metres. It features a duo pitched and hipped roof which measures 2.35 metres to the eaves and 3.31 metres to the ridge.
- 2.4. The existing mono-hipped garage roof has been replaced with a mono-pitched roof which measures approximately 2.08 metres to the eaves and approximately 3.04 metres to the ridge. The roof features a 75 degree slope.
- 2.5. The external materials include the use of white render to the walls, grey tiles to the roof, sage uPVC to the windows and timber supports to the porch canopy.
- 2.6. The extensions/alterations have been in situ for more than four years from the date of submission.

3. Description of the site and surrounding area

- 3.1. The application site relates to a two-storey semi-detached dwelling situated within the settlement boundary of Higham on the Hill. The dwelling comprises the use of white render to the walls, grey tiles to the roof, sage uPVC to the windows and timber supports to the porch canopy.
- 3.2. The site is accompanied by a generous gravelled hardstanding which is surrounded by timber fencing ranging from 1.00-2.00 metres in height to the perimeter. A single car garage is also present at the site, as a whole allowing for sufficient off-street parking spaces at the site. The dwelling can be accessed to the north-west of Nuneaton Lane, a classified C road via a gated access.
- 3.3. Nuneaton Lane is relatively uniform in design, finish and scale. To the south-west of the site sits, Cherry Orchard Court a residential dwelling accompanied by open green land which predominantly hosts a vast amount mature specimens directly adjacent to the site.

4. Relevant planning history

00/00214/FUL

- EXTENSION TO DWELLING
- REF
- 31.01.2001

91/00180/4

- VEHICULAR ACCESS
- PER
- 26.03.1991

5. Publicity/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

6. Policy

- 6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Appraisal

- 7.1 The time period for immunity from enforcement action for this breach of planning control is 4 years as the breach took place before the 25th April 2024. As such, the key issue for consideration is whether the extensions/alterations in question have been in situ for 4 years or more.
- 7.2 From the information and evidence provided as part of the submission, which includes photographs dated the 10th June 2020 and the 17th June 2020, along with completed building control plans as signed off on the 11th May 2020 on the balance of probability and from the totality of the evidence provided it can be assumed that the extensions/alterations have been in situ for a period of over 4 years.
- 7.3 A discrepancy between the plans as approved by building control in 2020 has been observed, however the porch and mono-pitched roof have both been evidenced to have been in situ for a period of over 4 years. For the above reasoning the granting of the certificate of lawful existing use can be granted.

8. Equality implications

- 8.1 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.
- 8.2 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.
- 8.3 There are no known equality implications arising directly from this development.

9. Conclusion

- 9.1. For the reasons outlined above, it is evidenced and judged that the extensions/alterations have been in situ for a period in excess of 4 years. No evidence has been submitted to contradict the Councils evidence, therefore there is no good reason to refuse this application and the Council is satisfied on the balance of probability.

10. Recommendation

Grant Certificate of Existing Lawful Use

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

- Existing Floor Plans and Site Location Plan, Drg No. PS24-1
- Existing Elevations, Drg No. PS24-2
- Block ,Plan, Drg No. PS24-3
as received on the 28th May 2024.
- Proposed Structure Plan as approved by Building Control
- Elevations as approved by Building Control
- Roof Plan as approved by Building Control
as received on the 10th July 2024.
- Dated Photographs showing extension
as received on the 17th July 2024.