

Delegated Report

Planning Ref: 23/01072/HHGDO

Applicant: Mr D Coley

Ward: Hinckley Castle



Hinckley & Bosworth
Borough Council

Site: 26 Bute Close Hinckley Leicestershire LE10 0SJ

Proposal: Single storey rear extension measuring 4.27 metres in depth, 3.69 metres in height to the ridge, and 2.5 metres to the eaves

1. Recommendation:

Prior Approval Given

- 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. The application relates to a larger home extension notification of a single storey rear extension measuring 4.27 metres in depth from the original wall, 3.69 metres in height to the ridge and 2.5 metres to the eaves. The extension has an approximate square space of 24 metres to create an enlarged dining/living area.

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 Hinckley. It is brick built, has white uPVC windows, a flat roof detached garage and a dual pitched roof to the main dwelling. The dwelling is not listed and not in a conservation area.
- 3.2. The surrounding street scene has similar designed and scaled two storey semi-detached properties.

4. Relevant planning history

- None relevant.

5. Publicity

- 5.1. Not required for this application type.

6. Consultation

- 6.1. The following neighbouring properties were consulted:
- 25 Bute Close, Hinckley, Leicestershire, LE10 SJ
 - 23 Bute Close, Hinckley, Leicestershire, LE10 SJ
 - 24 Bute Close, Hinckley, Leicestershire, LE10 SJ
 - 35 Hollycroft Crescent, Hinckley, Leicestershire, LE10 0HH
 - 28 Bute Close, Hinckley, Leicestershire, LE10 SJ
 - 37 Hollycroft Crescent, Hinckley, Leicestershire, LE10 0HH

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.

8. Appraisal

The 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.

One comment was received from a neighbour raising concern about loss of light to their kitchen, dining and patio areas.

The single storey rear extension measures 4.27 metres in depth from the original wall of the main dwelling, 5.6 metres in width to cover the full width of the main dwelling, 3.69 metres in height to the ridge and 2.5 metres to the eaves height and does not extend beyond existing side elevations. The proposed development does not exceed 50% of the total area of the curtilage (excluding the original dwelling house).

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 (enlargement, improvement or other alteration of a dwellinghouse).

Development is not permitted if:-

- a) permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, MA, 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, MA, 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 area of the proposed extension does 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 does 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 eaves of the proposed extension do not exceed the eaves height 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) front a highway and forms a side elevation of the original dwellinghouse

The proposed extension does 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;

Not applicable

- 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 4 metres in height;

The development does not extend beyond the rear wall by more than 6 metres and 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 being enlarged which is opposite the rear wall of the dwellinghouse.

The proposed extension is a single storey.

- 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 is within 2 metres of the boundary of the curtilage of the dwellinghouse and the eaves does 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.
- 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 limit set out in sub-paragraphs (e) to (j);

The proposed extension is to the rear of the 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:- or

- (l) the dwellinghouse is built under Part 20 of this schedule (construction of new dwellinghouses)

The proposed extension does not include i, ii, iii or iv and is not built under Part 20 of this schedule (construction of new dwellinghouses).

A.2 In the case of a dwellinghouses 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) exceed or would exceed the limits set out in sub-paragraph (b) and (c).

The dwellinghouse is not on 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;
- (b) any upper floor window located in a wall or roof slope forming a side elevation of the existing 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
- (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.

Matching external materials are proposed for the extension.

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.

Impact on Neighbouring Amenity

- 8.4 The proposed extension extends beyond what would be permitted development by 27.5 centimetres. The closest window in the adjoining property is a dining room window. Given the existing fencing on the boundary between the two properties and the small increase in size of the extension over what would be permitted development it is not considered that the additional impacts of this increased length of extension have significant impacts on the amenity of residents of the neighbouring property that would warrant refusal or amendment of the application.

9. Recommendation

The proposal complies with the 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). There is no significant impact on the neighbouring property over what could be built under permitted development. It is therefore recommended that prior approval is given.

Prior Approval Given

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

- Site Location and Block Plan Drawing Number 2304.GA.001.
- Proposed Floor Plan and Elevation Drawing Number 2304.GA.002.

Received by the Local Planning Authority on 13.11.2023.

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