

Delegated Report

Planning Ref: 25/00618/HHGDO
Applicant: Mr and Mrs Barry
Ward: Burbage Sketchley & Stretton

Site: 71 Newstead Avenue, Burbage

Proposal: Single-storey rear extension



Hinckley & Bosworth
Borough Council

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 a single storey extension to the rear elevation measuring 6.08 metres in depth from the original wall; 4 metres in height to the ridge; and 2.38 metres to the eaves at 71 Newstead Avenue, Burbage.

3. Description of the site and the surrounding Area

- 3.1. The application dwelling is currently a single storey, detached property on Newstead Avenue, Burbage. The property is currently set back 13m from the highway and has a fully hipped roof with a smaller hipped roof that projects 3.6m that was built as part of the original design. Viewed from above, the building has an L-shaped hipped roof. Although most properties along Newstead Avenue are typically two-storey in massing, the materials and hipped roof types are consistent. Despite the property being situated on Newstead Avenue, both identical Nos. 74 and 71 Newstead Avenue are corner plots and mostly in keeping with the character and design of dwellings on Welbeck Avenue. Both Newstead Avenue and Welbeck Avenue are wholly residential. The site falls within the settlement boundary of Burbage.

3.2. The application site is subject to a recent application for a single-storey front and rear extension, elongating the property footprint. This has since been permitted under application 25/00433/HOU.

4. Relevant Planning History

- **25/00433/HOU**
- Proposed single storey front and rear extensions
- Permitted

5. Publicity

- 5.1. The following neighbouring properties were consulted:

- No. 48 Brockhurst Avenue
- No. 46 Brockhurst Avenue
- No. 69 Newstead Avenue.

5.2. No comments have been received.

6. Consultation

6.1. Not required for this type of application

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. The main consideration of this notification is whether any neighbouring properties have objected and to assess whether the development will impact the amenity of any adjoining neighbour. No objections have been received.

8.2. The single storey rear extension measures 6.08 metres in depth from the original wall; 4 in height to the ridge; and 2.38 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 **single-storey detached houses** detailed in the GPDO2015 Sch 2 Part 1, Class A. The proposed materials are to **match the existing house**.

8.3. 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 and the house was not created under the permitted development rights to change 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 total area of ground covered by buildings within the curtilage 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 height of the eaves of the proposed extension would not exceed that of the original dwellinghouse.

The proposed eaves of the extension does 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.

- f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
 - (iii) 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
 - (iv) exceed 4 metres in height;

This is not relevant in this application as the application is for a larger home extension under Class A of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

- 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 does not extend beyond the rear wall by more than 8 metres and does 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 is 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 do 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, previous extension or any works carried out in accordance with the General Permitted Development Order, 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 proposed extension would not include the provision of i, ii or iii. The proposed roof lantern protrudes 25cm beyond the slope of the extension roof and remains 4m in height.

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

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)

Not Relevant

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 and based on the submission the proposed extension **would** comply with the relevant provisions of Class A. Therefore **prior-approval is not required.**

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.
- 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

