

Delegated Report

Planning Ref: 23/00315/HHGDO
Applicant: Mr Gerard Maguire
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 5 The Grange Earl Shilton Leicester

Proposal: Single storey rear extension (canopy) measuring 5.5 metres in depth, 3.1 metres at ridge and 2.50 metres at eaves

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 canopy extension measuring 5.50 metres in depth from the original wall; 3.10 metres in height to the ridge; and 2.50 metres to the eaves.

3. Description of the site and surrounding area

- 3.1. The proposal is for a single storey rear canopy extension at a single storey detached dwelling, located within a cul-de sac, within the settlement boundary of Earl Shilton. No.5 is situated to the south-east of The Grange, Earl Shilton. The exterior dwelling is constructed of dark brown brick and interlocking tiles.
- 3.2. The wider area is characterised by a mix of semi-detached and detached residential dwellings. The application property and the neighbouring dwellings immediately to the north are well setback from the highway with the presence of a large Cedar tree (T2) and a large Beech tree (T3) providing considerable screening of the properties in the wider area. The two trees are protected by the Hinckley and Bosworth Tree Preservation Order reference 79/00003/TPORD.

4. Relevant planning history

02/01098/TPO

- WORKS TO ONE OAK TREE
- TPOPER
- 12.11.2002

17/00378/TPO

- T1 - Fell 1x Oak
- TPOPER
- 16.06.2017

17/00562/HOU

- Erection of carport to front elevation
- PER

- 01.08.2017

82/01120/4

- ERECTION OF HOUSE AND GARAGE
- PER
- 22.02.1983

83/00196/4

- ERECTION OF NINE NO DETACHED DWELLINGS HOUSES AND BUNGALOWS
- OUT
- 26.04.1983

5. Publicity

- 5.1. Not required for this application type.

6. Consultation

- 6.1. The following neighbouring properties were consulted:

- 3 Equity Road East, Earl Shilton
- 4 The Grange, Earl Shilton
- 5 Equity Road East, Earl Shilton
- 6 The Grange, Earl Shilton
- Stoneacres, 15 Breach Lane, Earl Shilton
- 17 Breach Lane, Earl Shilton
- 19 Breach Lane, Earl Shilton
- Farwood, 21 Breach Lane, Earl Shilton

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 have been no objections received to this proposal and under the provisions of condition 4, prior approval is not required
- 8.2. The rear canopy extension measures 5.50 metres in depth; 3.10 metres in height to the ridge; and 2.50 metres in height 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.

- 8.3. 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.

- 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 Plan, Drg No. 23.20.05
- Block Plan, Drg No. 23.20.06
- Proposed Floor Plan & Elevations, Drg No. 23.20.04A as received by the Local Planning Authority on the 30th March 2022.

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