

Delegated Report

Planning Ref: 23/00976/CLP

Applicant: Mr D. Fisher

Ward: Groby



Hinckley & Bosworth
Borough Council

Site: The Old Cottage, 15 Markfield Road, Groby

Proposal: Lawful Development Certificate for one detached outbuilding

1. Recommendations

Grant Certificate of Proposed Lawful Development

2. Planning application description

2.1. The proposal is for a single storey detached rear outbuilding, within the curtilage of a two storey semi-detached property within the settlement boundary of Groby.

2.2. The building will be 6.7m long and 5m wide, and has a flat roof at a height of 2.5m. It will be finished with cedar cladding and UPVC doors and windows.

3. Description of the site and surrounding area

3.1 15 Markfield Road is a semi-detached two storey dwelling located within the settlement boundary of Groby. The immediate streetscene is almost entirely ununiformed featuring a range of two-storey detached and semi-detached properties, as well as bungalows. There is a wide mix of different brickworks, renders and designs. To the rear of the property are commercial premises.

4. Relevant planning history

None.

5. Publicity

5.1. Not required for this application type.

6. Consultation

6.1. Not required for this application type.

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 proposal is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class E.

For the purpose of Class A, the following criteria are acceptable:

Development is not permitted by Class E if:

- a) Permission to use the dwellinghouse as a dwellinghouse has been granted only by virtue of Class M, N, P, 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 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 total area of ground covered by building, enclosures and container within the curtilage including any other extensions and outbuildings at the property would not exceed 50% of the total area of the curtilage.

- c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

The proposed building would not be situated forward of the wall forming the principal elevation.

- (d) the building would have more than a single storey;

The proposal is for a single storey building.

- (e) the height of the building, enclosure or container would exceed—
 - (i) 4 metres in the case of a building with a dual-pitched roof,
 - (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
 - (iii) 3 metres in any other case;

The proposed building has a flat roof of 2.5m.

- (f) the height of the eaves of the building would exceed 2.5 metres;

The proposed building has a flat roof of 2.5m.

- (g) the building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposed development would not be situated within the curtilage of a listed building.

- (h) it would include the construction or provision of a verandah, balcony or raised platform;

The proposal would not involve the construction or provision of a verandah, balcony or raised platform.

- (i) it relates to a dwelling or a microwave antenna; or

The proposed development does not relate to a dwelling or a microwave antenna.

- E.2 In the case of any land within the curtilage of the dwellinghouse which is within
- (a) an area of outstanding natural beauty;
 - (b) the Broads;
 - (c) a National Park; or
 - (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

The proposal is not within any of the above designated sites.

- E.3 In the case of any land within the curtilage of the dwellinghouse which is article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

The proposed development is located on article 2(3) land but is not situated on land between a side elevation and the boundary.

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

- 11.1 The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1 Grant Certificate of Proposed Lawful Development

11.2 Reasons:

1. The application has been determined with consideration to the following submitted documents:
 - Proposed Elevations and Floor plans. Drg No. 15MR/2023/2/2 - Received 11/10/2023
 - Site Location and Block Plan. Drg No. 15MR/2023/1/2 - Received 11/10/2023

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 buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.