

Delegated Report

Planning Ref: 24/00390/CLP

Applicant: Mr Michael King

Ward: Newbold Verdon With Desford & Peckleton

Site: 17 Peters Avenue Newbold Verdon Leicester



**Hinckley & Bosworth
Borough Council**

Proposal: Lawful Development Certificate for the change of use of a detached garage to a bedroom

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the proposed development of the change of use of an existing detached garage to a bedroom at 17 Peters Avenue, Newbold Verdon.
- 2.2. Additional alterations include the replacement of the existing garage door with a window and single door access and replacement of the existing access to the side elevation with a window.
- 2.3. The proposed external materials would match those of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application relates to a two-storey semi-detached dwelling, situated within the settlement boundary of Newbold Verdon. The dwelling comprises the use of brick and white render to the walls, brown interlocking tiles to the pitched roof and white uPVC to the windows. To the principle elevation of the dwelling sits a pitched roof porch, and to the south-east sits a detached pitched roof single car garage, accessed via a mono-pitched car port and tarmac hardstanding.
- 3.2. The application dwelling lies within a row of detached dwellings on similar building lines and with varying designs.

4. Relevant planning history

83/00992/4

- ERECTION OF PORCH AND W C
- PER
- 15.12.1983

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

- 7.2 The first 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. The proposed development would not result in the construction of a new building and neither proposes any extensions to the existing structure, by virtue the legislation would not be applicable in this aspect.
- 7.3 The second consideration for the determination of this proposal is whether the proposed development falls within permitted development as set out under of Section 55 of the Town and Country Planning Act 2015 (as amended). It is, therefore a requirement to assess whether the outbuilding would remain ancillary to the main residential use of the site or whether it would form a separate use independent to the dwelling. Planning permission is only needed where there is a material change in use.
- 7.4 For the purpose of Section 55 of the Town and Country Planning Act 2015 (as amended);
- ‘Development’ means the carrying out of building, engineering, mining or other operations in, on, over or under land, or the making of any material change in the use of any buildings or other land.*
- (a) For the purposes of this Act “ building operations ” includes—*
- (i) demolition of buildings;*
 - (ii) rebuilding;*
 - (iii) structural alterations of or additions to buildings; and*
 - (iv) other operations normally undertaken by a person carrying on business as a builder.*
- (b) The following operations or uses of land shall not be taken for the purposes of this Act to involve development of the land—*
- (bb) the carrying out for the maintenance, improvement or other alteration of any building of works which—*
 - (i) affect only the interior of the building, or*
 - (ii) do not materially affect the external appearance of the building*
- (c) the use of any buildings or other land within the curtilage of a dwellinghouse for any purpose incidental to the enjoyment of the dwellinghouse.*
- 7.5 An assessment of whether this change would be material has been made below.
- 7.6 The proposal would not involve the extension of the existing structure, however it would involve the replacement of the existing garage door with a window and single door access and replacement of the existing access to the side elevation with a

window. The outbuilding is set back from the principal elevation of the host dwelling, which is already set away from the highway and although partially viewable is screened somewhat by the existing car port and timber fencing. Notwithstanding the proposed alterations the application site would still be viewed as a domestic dwelling surrounded by residential properties and therefore would not have a significant impact upon the character of the area. The alterations would be covered through Class E of the GPDO as alterations to the existing outbuilding.

- 7.7 The submitted plans indicate that the outbuilding would host a bedroom, en-suite and a small tea and coffee making facility; the annex would therefore still have a degree of dependence upon the main dwelling for tasks such as cooking and washing. The applicant has stated the outbuilding is to be occupied by her elderly father-in-law whom is to spend the majority of his time within the main dwelling. By virtue of the above it is concluded that on the balance of probabilities the proposal would not constitute to a material change of use, remaining ancillary to the main residential use of the site.

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 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) and the use does not constitute development under Section 55(1) of the Town and Country Planning Act (1990) and therefore a Certificate of Lawful Use as defined within Section 192 of the Act can be issued.

10. Recommendation

10.1 Grant Certificate of Lawful Proposed Development

- 10.2 The application has been determined with consideration to the following submitted documents;

- Certificate of Lawful Proposed Development application form
- Existing Garage Floor Plan

- Proposed Garage Floor Plan
 - Verification of application evidence
 - Planning Statement
all as received by the Local Planning Authority on the 22nd April 2024.
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- Site Location Plan
as received by the Local Planning Authority on the 30th July 2024.

11. Notes to applicant

- a) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.