

Delegated Report

Planning Ref: 23/00313/HHGDO

Applicant: Mr T. Yarwood

Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 6 Ash Road, Earl Shilton, Leicester, Leicestershire LE9 7HA

Proposal: Single storey rear extension measuring 3.9 metres in depth; 3.0 metres in height to the ridge; and 2.7 metres to the eaves

1. Recommendations

- 1.1. Prior approval given.
- 1.2. 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.
- 1.3. The proposal is for a single storey rear extension measuring 3.9 metres in depth; 3.02 metres in height to the ridge; and 2.7 metres to the eaves.

2. Consultation

2.1. Neighbours consulted:

- 21Oakdale Road, Earl Shilton, Leicester LE9 7HX
- 95 Cedar Road Earl Shilton, Leicester LE9 7HG
- 19 Oakdale Road, Earl Shilton, Leicester LE9 7HX
- 4 Ash Road, Earl Shilton, Leicester LE9 7HA
- 8 Ash Road, Earl Shilton, Leicester LE9 7HA

3. Policy

- 3.1. Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), Schedule 2, Part 1, Class A.

4. Appraisal

Key Issues

- 4.1. The main considerations in respect of this notification are whether any neighbouring property has objected and whether the proposal will impact upon the amenity of any adjoining neighbour.
- 4.2. In this instance there have been no objections received to the proposal and under the provisions of condition A.4, prior approval given.
- 4.3. 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 G, M, MA, 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 G, M, MA, N, 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 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.

- 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 and forms a side elevation.

- 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 for this application type.

- 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 original 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 6 metres and would not exceed 4 metres in height.

- h) The enlarged part of the dwellinghouse would have more than a single 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 enlarged which is opposite the rear wall of the dwellinghouse;

The proposed extension would be 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 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

(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 proposed extension would not extend beyond a wall forming a side elevation of the original dwellinghouse and not applicable to ja.

- 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 dwellinghouse)

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

A.2 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).

The dwellinghouse of the proposed extension is not on article 2(3) land.

5. Equality implications

5.1 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.

5.2 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.

5.3 There are no known equality implications arising directly from this development.

5.4 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).

6. Recommendation

Prior approval given.

Relevant information provided:

- Application form
- Site location and Block Plan 100035207
- Existing and Proposed Plan and Elevations Drawing. Ref: Planning Received by the LPA on 29.03.2023.

7. 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.