

Delegated Report

Planning Ref: 23/01230/CLP

Applicant: Mr and Mrs Sarkaria

Ward: Burbage Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Site: 3 Shackleton Drive Burbage Hinckley Leicestershire LE10 2GB

Proposal: Lawful Development Certificate for single storey rear extension

Recommendation

1. Issue a certificate of lawful proposed development for the single storey rear extension.
2. **Application description**
 - 2.1. The application is for a Certificate of Lawful Proposed Development for a single storey rear extension to a detached dwellinghouse. The site retains its permitted development rights. The extension extends back from the existing rear main wall by 3m with a width of 8.97m. The existing small conservatory would be removed. The proposed extension has a flat roof that is 3m at its highest point.
3. **Description of the site and surrounding area**
 - 3.1. The property is a detached two storey brick built property with an integrated garage within the settlement boundary of Burbage. The property has a hardstanding front driveway. The property is not listed and is not in a conservation area.
4. **Relevant planning history**
 - 4.1. None relevant.
5. **Publicity**
 - 5.1. None required.
6. **Consultation**
 - 6.1. None required.
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 application is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class A (enlargement, improvement or other alteration of a dwellinghouse).

For the purpose of Class A, the following criteria are applicable:
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 site 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 proposed total area of ground covered by buildings within the curtilage of the dwellinghouse, does not exceed 50% of the total area of the curtilage.

- (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 height of the single storey rear extension does not exceed the height of the highest part of the roof 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 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 extension is to the rear elevation of the original dwellinghouse.

- (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;

The single storey rear extension is to a detached dwelling and does not go beyond the rear wall of the original dwellinghouse by more than 4 metres and height not exceeding 4 metres.

- (g) for a dwellinghouse not on article 2(3) land nor on a site of special 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 4 metres in height;

The site is not within a conservation area and does not go beyond the rear wall by more than 8 metres or 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 being enlarged which is opposite the rear wall of the dwellinghouse;

The 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 extension is within 2 metres of the boundary but the eaves do not exceed 3 metres.

(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 a single 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 application does not relate to a side or front extension.

(k) it would consist of or include—

(i) the construction or provision of a verandah, 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 dwellinghouses).

The application does not include the installation or alteration noted in the above sections and not built under Part 20 of this Schedule (construction of new dwellinghouses).

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-paragraph (b) and (c).

The application does not relate to article 2(3) land.

Conditions

A.3 Development is permitted by Class A subject to the following conditions—

(a) the materials used in any exterior work (other than materials used in the construction of a conservatory) must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

The application proposes to use matching materials and does not propose more than a single storey rear extension, and as such no upper floor windows are proposed.

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

10.1. The proposal is considered to be permitted development under the relevant criteria of Schedule 2 Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order (as amended).

10.2. The proposal complies with the relevant parts and satisfies the conditions.

11. Recommendation

11.1 **Issue certificate of lawful proposed development for single storey rear extension.**

11.2 Reasons

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

The application has been determined with consideration to the following submitted documents:

Site Location Plan 348-001, Proposed Block Plan Drawing Number 348-002-2, Proposed Ground Floor Plan Drawing Number 348-004A, and Existing and Proposed Elevation Drawing Number 348-005B, submitted to the Local Planning Authority on 20/12/2023.

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.