DELEGATED REPORT

Recommendation Made: 8 November 2011

Reference:- 11/00779/CLU **Parish:- Market Bosworth Parish Council**

Applicant:- Mr Paul Smart
91 Heath Road
Market Bosworth
Nuneaton
Leicestershire

Location:- 91 Heath Road Market Bosworth Nuneaton Leicestershire CV13 0NX

Proposal:- CERTIFICATE OF LAWFUL PROPOSED DEVELOPMENT FOR EXTENSIONS AND ALTERATIONS TO DWELLING.

Introduction:-

A certificate of lawful proposed development is sought for the erection of a single storey side extension to replace the existing conservatory. The application dwelling is a detached bungalow.

This property has permitted development rights in place.

Relevant planning history: -

86/00660/4 - ERECTION OF 6 DWELLINGS AND GARAGES FORMATION OF ASSESS - Planning Permission - 27.08.1986

Consultations:-

There are no consultations on this type of application.

Development Plan Policies:-

The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1 'Development within the curtilage of a dwellinghouse,' Class A 'The enlargement, improvement or other alteration of a dwellinghouse.'

Appraisal:-

The main consideration for the determination of this application is to determine whether the proposed rear extension falls within permitted development under the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1, Class A.

Development is not permitted by Class A if;

(a) As a result of the works, the total area of ground covered by the buildings within the curtilage of the dwelling house (other than the original dwelling house) would exceed 50% of the total area of the curtilage (excluding the ground area of the original dwelling house);

As a result of the works the total ground covered by buildings within the curtilage would not exceed 50%.

(b) The height of the part of the dwelling house enlarged, improved or altered would exceed the height of the highest part of the roof of the existing dwelling house;

The height would not exceed the highest part of the existing roof.

(c) The height of the eaves of the part of the dwelling house enlarged, improved or altered would exceed the

height of the eaves of the existing dwelling house;

The height of the eaves would not exceed the height of the existing eaves.

(d) The enlarged part of the dwelling house would extend beyond a wall which: -
(i) front a highway, and
(ii) forms either the principal elevation or a side elevation of the original dwelling house;

The extension extends beyond a wall which forms a side elevation but does not front a highway.

(e) The enlarged part of the dwelling house would have a single storey and: -
(i) extend beyond the rear wall of the original dwelling house by more than 4 metres in the case of a detached dwelling house, or 3 metres in the case of any other dwelling house, or
(ii) exceed 4 metres in height;

This provision is not applicable as the application is for a single storey side extension.

(f) The enlarged part of the dwelling house would have more than one storey and: -
(i) extend beyond the rear wall of the original dwelling house by more than 3 metres, or
(ii) be within 7 metres of any boundary of the curtilage of the dwelling house opposite the rear wall of the dwelling house;

This provision is not applicable as the application is for a single storey side extension.

(g) The enlarged part of the dwelling house would be within 2 metres of the boundary of the curtilage of the dwelling house, and the height of the eaves of the enlarged part would exceed 3 metres;

The extension is not within 2 metres of the boundary of the curtilage and the height of the eaves would not exceed 3 metres.

(h) The enlarged part of the dwelling house would extend beyond a wall forming a side elevation of the original dwelling house, 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 dwelling house; or

The extension would not exceed 4 metres in height, would be single storey and would not have a width greater than half the width of the original dwelling house.

(i) 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.

This provision is not applicable as the application is for a single storey side extension.

As the proposal meets the criteria within the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1 'Development within the curtilage of a dwellinghouse,' Class A 'The enlargement, improvement or other alteration of a dwellinghouse' the proposal should be granted a certificate of lawful proposed development.

Summary of Reasons for Recommendation and Relevant Development Plan Policies :

Reasons :-

1 The proposed single storey side extension as shown on plan ref: DEH125B1 is considered to be development under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted

Development) (Amendment) (No.2) (England) Order 2008 subject to the conditions set out at paragraph A.3 of the Order.

Notes to Applicant:-

1 Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.

2 This permission does not grant approval under the Building Act 1984 and the Building Regulations 2000 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section.

3 As from 6 April 2008 this Authority are charging for the discharge of conditions in accordance with revised fee regulations which came into force on that date. Application forms to discharge conditions and further information can be found on the planning portal web site www.planningportal.gov.uk.

4 All works within the limits of the Highway with regard to the access shall be carried out to the satisfaction of the Southern Area Manager (0116 3052202).

Contact Officer:- Robert Morgan Ext :- 5775