

Delegated Report

Planning Reference 26/00420/HHGDO

Applicant Liam Morris

Ward Barwell



Hinckley & Bosworth
Borough Council

Application Site 47 Byron Street, Barwell

Proposal Notification to determine if Prior Approval is required for a single storey rear extension measuring 4.00 metres in depth, 3.68 metres at ridge height and 2.28 metres at the eaves

Case Officer Rudi Simpson (Technical Planning Assistant)

1. Recommendations

1.1. Prior Approval Not Required

2. Planning Application Description

- 2.1. This is an application for prior approval for a larger home extension via Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') at 47 Byron Street, Barwell. The proposal consists of a single storey rear extension that would extend the entire width of the property and have a depth of 4 metres in depth. The extension would feature a mono-pitch roof that has a maximum ridge height of 3.7 metres and an eaves height of 2.3 metres.

3. Description of the Site and the Surrounding Area

- 3.1. This application relates to a two-storey semi-detached dwelling on the northern side of Byron Street to the north of, and within, Barwell. The application dwelling is constructed with red brick finish on the ground floor and a rendered finish at its first floor and features a gable-fronted pitched porched entrance.

4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

5. Publicity

- 5.1 The application has been publicised by sending out letters to adjoining owners and occupiers in accordance with Paragraph A.2(5) of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). No responses have been received.

6. Consultation

6.1 No consultation is required for this type of application.

7. Policy

7.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO').

8. Appraisal

8.1. The determination of this application is assessed on whether the proposed development would comply with the limitations of Permitted Development for a Larger Homes Extension as set out under Class A of Part 1 of Schedule 2 of the GPDO.

8.2. For the purpose of Class A, 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 existing property 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 total area of ground covered by buildings within the curtilage 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 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 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 it would not front a highway.

- (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 development would not be on article 2(3) land and therefore this Paragraph would not be applicable to the current proposal.

- (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 property is a semi-detached dwelling, and the proposed 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 being enlarged which is opposite the rear wall of that dwellinghouse;

The proposed extension would be single storey in nature.

- (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, but the proposed 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 a single storey, or
 - (iii) have a width greater than half the width of the original dwellinghouse;

The proposed extension would not extend beyond a wall forming a side elevation 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 enlargement would not adjoin any existing enlargement and therefore Paragraph JA would not be relevant in these site-specific circumstances.

- (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

The proposal would not consist of any of the works detailed at Paragraph K of this Class.

- (l) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses)

The existing dwelling was not built under Part 20 of this Schedule.

8.3. In the case of a dwellinghouse on article 2(3) land, Paragraph A.2 of this Class states that 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 existing property is not on article 2(3) land and therefore A.2 of this Class would not be applicable in these site-specific circumstances.

8.4. For the purpose of Class A, development is permitted subject to the following conditions detailed at Paragraph A.3 of this Class—

- (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 proposed materials would be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
 - (i) obscure-glazed, and
 - (ii) non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed; and

No upper-floor windows are proposed on a wall or roof slope forming a side elevation of the dwellinghouse.

- (c) where the enlarged part of the dwellinghouse has more than a single storey, or forms an upper storey on an existing enlargement of the original dwellinghouse, the roof pitch of the enlarged part must, so far as practicable, be the same as the roof pitch of the original dwellinghouse.

The proposed development would be single storey in nature.

- A.4(7) Where any owner or occupier of any adjoining premises objects to the proposed development, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises

No representations have been received

- A.4(9) The local planning authority must, when considering the impact referred to in sub-paragraph (7)—
- (a) take into account any representations made as a result of the notice given under sub-paragraph A.4(5); and
 - (b) consider the amenity of all adjoining premises, not just adjoining premises which are the subject of representations.

The proposed development would not be considered overbearing or result in a loss of privacy or amenity to any adjoining premises

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 Based on the submitted details, the proposed extension would comply with the relevant limitations and conditions of Class A of Part 1 of Schedule 2 of the Town and Country (General Permitted Development) (England) (Order) 2015 (as amended). Therefore, prior approval is not required in these site-specific circumstances.
- 10.2 This application has been determined having regard to the following documents and plans submitted with the application to the Local Planning Authority on 08.05.2026:
- Application Form
 - Block, Site Location Plan
 - Existing Ground Floor Plan, Drg No 26.16.01
 - Existing, Proposed Elevations, Drg No 26.16.03
 - Proposed Ground Floor Plan, Drg No 26.16.02

11. Recommendation

11.1 Prior Approval Not Required

a. Notes to Applicant(s)

1. This permission does not grant approval under the Building Act 1984 and the Building Regulations 2010 (as amended) for which a separate application may be required. You are advised to contact the Building Control Section via e-mail at building.control@blaby.gov.uk or call 0116 272 7533.
2. Bats, nesting birds, great crested newts and certain other species are protected by law under the Wildlife & Countryside Act 1981 (as amended). 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.