

Delegated Report

Planning Ref: 24/00742/CLP
Applicant: Mrs Dena Abbott
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 28 Mallory Street Earl Shilton Leicester

Proposal: Lawful Development Certificate for dropped kerb, new gate and vehicle access for parking

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 dropped kerb, new gate and hardstanding at 28 Mallory Street, Earl Shilton.
- 2.2. The proposed hardstanding is to measure 3.00 metres in width and 6.12 metres in depth. It is to be laid towards the grassed area/flower bed, with the start line in line with the existing concrete slabs and is to be constructed out of tarmac and wearing coat with concrete edging stones.
- 2.3. The proposed dropped kerb is to measure 3.00 metres in width and is to feature a gradient no steeper than 1:12.
- 2.4. The proposed gates and fencing are to be constructed in timber to the western boundary and are to feature a maximum height of 1.00 metre.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey semi-detached residential dwelling, situated within the settlement boundary of Earl Shilton. The dwelling comprises the use of red brick and cream render to the walls, along with concrete detailing above the windows and doors which are white uPVC. Grey tiles are present to the hipped roof. Forward of the principle elevation sits a 50/50 slabbed hardstanding along with a grassed amenity space, which are both enclosed by 1.00 metre timber fencing.
- 3.2. Mallory Street is predominantly uniform in terms of design, scale and finish, nevertheless the adjacent highway to the north, Heath Lane features a mixture of residential dwellings.

4. Relevant planning history

- None relevant.

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

- 7.1 The main 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 F and Schedule 2 Part 2, Class A and B.

- 7.2 Please note Class F covers hard surfaces incidental to the enjoyment of a dwellinghouse;

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); or

Permission to use the dwellinghouse as a dwellinghouse has not been granted only by virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule (changes of use).

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

The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses).

Development is permitted by Class F subject to the condition that where—

- (a) the hard surface would be situated on land between a wall forming the principal elevation of the dwellinghouse and a highway, and
- (b) the area of ground covered by the hard surface, or the area of hard surface replaced, would exceed 5 square metres,

either the hard surface is made of porous materials, or provision is made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the dwellinghouse.

The proposed hardstanding is to be constructed out of porous materials.

Please note Class A covers the erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure;

Development is not permitted if:-

- (a) the height of any gate, fence, wall or means of enclosure erected or constructed adjacent to a highway used by vehicular traffic would, after the carrying out of the development, exceed—

- (i) for a school, 2 metres above ground level, provided that any part of the gate, fence, wall or means of enclosure which is more than 1 metre above ground level does not create an obstruction to the view of persons using the highway as to be likely to cause danger to such persons;
- (ii) in any other case, 1 metre above ground level;

The height of the proposed gate and fencing would not exceed 1.00 metre above ground level.

- (b) the height of any other gate, fence, wall or means of enclosure erected or constructed would exceed 2 metres above ground level;

Not applicable as the proposed gate and fencing is to be constructed adjacent to a highway.

- (c) the height of any gate, fence, wall or other means of enclosure maintained, improved or altered would, as a result of the development, exceed its former height or the height referred to in paragraph (a) or (b) as the height appropriate to it if erected or constructed, whichever is the greater; or

The height of the gate would not exceed its former height or the height referred to in paragraph (a) or (b) as a result of the development.

- (d) it would involve development within the curtilage of, or to a gate, fence, wall or other means of enclosure surrounding, a listed building.

Not applicable as the application site is not a listed building.

Please note Class B covers the formation, laying out and construction of a means of access to a highway which is not a trunk road or a classified road, where that access is required in connection with development permitted by any Class in this Schedule (other than by Class A of this Part);

Mallory Street, Earl Shilton is not a trunk road or a classified road.

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 F and Schedule 2 Part 2, Class A and B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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
 - Site Location Plan and Block Plan, Drg No. 19-313 MS01
 - Existing and Proposed Floor Plans and Elevations, Drg No. 19-313 MS02
 - Planning Statement
- all 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.
- b) This permission does not give the Applicant approval to work on the public highway. Therefore, prior to carrying out any works on the public highway the Applicant must ensure all necessary licences/permits/agreements are in place. For further information, please telephone 0116 3050 001.