Delegated Report

Planning Ref: 25/00560/HHGDO
Applicant: Mr and Mrs Jones
Ward: Burbage St Catherines & Lash Hill

Hinckley & Bosworth Borough Council

Site: 19 Holt Road, Burbage, Hinckley, Leicestershire, LE10 2PY

Proposal: Notification to determine if prior approval is required for a single storey rear extension measuring 3.35 metres in depth, 3.00 metres in height and 3.00 metres in height at the eaves

Case Officer: Rudi Simpson

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1. Recommendations

1.1. Prior approval not required

2. Planning application description

2.1. 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.

2.2. This is a larger home extension notification applying for a single storey extension to the rear elevation measuring 3.35 metres in depth from the original wall; 3.00 metres in height to the top of the flat roof; and 3.00 metres to the eaves at 19 Holt Road, Burbage, Hinckley, Leicestershire, LE10 2PY

3. Description of the site and the surrounding Area

3.1. The application site relates to a semi-detached residential dwelling in Burbage. The property is brick built and set back from the highway, with a large driveway to the front providing off road parking. The building is not listed, nor is it situated within the conservation area.

4. Relevant Planning History

- None relevant

5. Publicity

5.1. The following neighbouring properties were consulted;

- 21 Holt Road Burbage Hinckley Leicestershire LE10 2PY
- 17 Holt Road Burbage Hinckley Leicestershire LE10 2PY

5.2. No comments have been received

6. Consultation

6.1. Not required for this type of application

7. Policy

7.1. Condition A.4. of the Town and Country Planning (General Permitted Development) (England) Order 2015, Schedule 2, Part 1, Class A National Planning Policies and Guidance.

8. Appraisal

8.1. The main consideration of this notification is whether any neighbouring properties have objected and to assess whether the development will impact the amenity of any adjoining neighbour. No objections have been received.

8.2. The single storey rear extension measures 3.35 metres in depth from the original wall; 3.00 metres in height to the top of the flat roof; and 3.00 metres to the eaves and will not extend beyond existing side elevations. The proposed development will not result in a site cover exceeding 50% of the total area of the curtilage (excluding the original dwelling house). These measurements fall within the parameters for larger house extensions to semi-detached houses detailed in the TCPA 2015 Schedule 2, Part 1, Class A. The proposed materials are to match the existing house.

8.3. 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 M, 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 M, N, P 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 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.

f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-
   (iii) 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
   (iv) exceed 4 metres in height;

Not relevant

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 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 6.00 metres, and would not exceed 4.00 metres in height.

h) The enlarged part of the dwellinghouse would have more than one 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 opposite the rear wall of the 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 2.00 metres of the boundary of the curtilage of the dwellinghouse but the eaves would not exceed 3.00 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

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 does not adjoin any existing enlargement, therefore paragraph ja is not relevant in this case.

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

The proposed extension would not include i, ii, iii or iv.

l) The dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).

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)

Not Relevant

9. Equality Implications

9.1. Section 149 of the Equality Act 2010 created the public sector equality duty. Section 149 states: -

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. No objections have been received and based on the submission the proposed extension would comply with the relevant provisions of Class A. Therefore prior-approval is not required

10.2. This application has been determined having regard to the following documents and plans submitted with the application:

- Notification of a Proposed Larger Home Extension application form
- Proposed Floor Plans and Elevations Drg No. 4226-02c-A1
- Existing Floor Plans, Elevations, Block, Site Location Plan, Drg No. 4226-01 Rev a

Notes to Applicant:

- 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.

- 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