

Delegated Report

Planning Ref: 24/00860/CLP

Applicant: Mr Isa

Ward: Ratby



Hinckley & Bosworth
Borough Council

Site: 5 Martin Square, Ratby, Leicestershire

Proposal: Single storey rear extension

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 a proposed single storey rear extension at 5 Martin Square, Ratby.

2.2. The proposed single storey rear extension would extend to a depth of 2.925 metres from the rear elevation of the existing dwelling and for a width of 4.89 metres flush with both side elevations. It would have a lean-to pitched roof with an eaves height of 2.36 metres and maximum height of 3.495 metres.

2.3. An amended plan has been submitted confirming that the external materials used in the construction shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

3. Description of the site and surrounding area

3.1. The application dwelling is a two storey end of terrace house located in the far rear corner of a small cul-de-sac on a large residential estate within the settlement boundary of Ratby. It is constructed of light red facing bricks to external walls, red/brown interlocking concrete roof tiles and white uPVC doors and window frames. The rear garden is enclosed by 1.8 metres high solid close boarded timber fencing. The cul-de-sac comprises two storey dwellings of similar style and appearance but of varied designs. There is a large area of public open space to the northeast of the site.

4. Relevant planning history

- No relevant planning history

5. Publicity/Consultation

5.1 This is an application for a certificate of proposed lawful use and therefore 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 A.

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 proposed rear extension would not exceed the 50% of the total area of 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 rear extension would 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 of the proposed rear extension would not exceed the height of the existing eaves of the 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 rear extension would not extend beyond a wall which forms the principal elevation of the original dwellinghouse or beyond a wall which fronts a highway and forms the side elevation of the original dwellinghouse.

- f) 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 proposed rear extension would have a single storey and would not extend by more than 3 metres from the rear elevation wall of this terraced house and would not exceed 4 metres in height.

- 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 proposed rear extension would have a single storey and would not extend further than 6 metres from the rear elevation of this terraced house or exceed 4 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 rear extension would have only a 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 proposed rear extension would be within 2 metres of the boundary but the height of the eaves would 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 one storey, or
 - (iii) Have a width greater than half the width of the original dwellinghouse

The proposed rear extension would not extend beyond a wall forming the side elevation of the original dwellinghouse.

- 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 single storey rear extension would not include any of these features in its construction.

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 of a single storey rear extension as defined on the submitted application form and plans would meet the criteria requirements of 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).

10. Recommendation

10.1 Grant Certificate of Lawful Proposed Development

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

- Application Form
- Site Location Plan, Site Block Plan, Existing and Proposed Ground Floor Plans, Existing and Proposed Elevations Drawing No. SC/OB/05/09/24/01 Rev A received by the local planning authority on the 27 September 2024.

11.1 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.