

Delegated Report

Planning Ref: 23/00229/CLP
Applicant: Mr W. Bambrough
Ward: Hinckley Clarendon



Hinckley & Bosworth
Borough Council

Site: 2 Mallard Drive, Hinckley, Leicestershire LE10 0GN

Proposal: Lawful Development Certificate for single storey rear extension

1. Recommendations

1.1. Grant Certificate of Proposed Lawful Development

2. Planning application description

- 2.1. The application is for a Proposed Lawful Development Certificate for the single storey rear extension at 2 Mallard Drive, Hinckley. The extension measures 3.02 metres in depth and 8.61 metres in width to eaves height of 2.5 metres and ridge height of 3.61 metres. Matching materials is used for the extension.

3. Description of the site and surrounding area

- 3.1 The property relates to a two storey detached dwelling on a corner plot within the settlement boundary of Hinckley. The property is set back from the public highway, with front driveway and green verge. It is brick built, brown dual pitched roof tile and white uPVC windows. The property is surrounded in all direction by residential dwellings, and these are a of similar designs of two storey detached and semi-detached dwellings.

4. Relevant planning history

None relevant.

5. Publicity

None required.

6. Consultation

None required.

7. Policy

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

8. Appraisal

- 8.1 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 (enlargements, alterations and improvements to dwellings).

- 8.2 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 G, M, MA, 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 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 the proposed extension will not exceed 50% of the total area of the curtilage.

- 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 extension will not exceed the height of the eaves of the existing 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 will not extend beyond a wall to form the principal elevation or 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;

Not applicable

- 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 extension does not extend beyond the rear wall of the original dwellinghouse by more than 8 metres and will not 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 being enlarged which is opposite the rear wall of the dwellinghouse;

The proposed extension is 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 enlarge part of the dwelling is within 2 metres of the boundary of the curtilage and 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

(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).

Not applicable.

- 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).

The dwellinghouse is not built under Part 20 of this Schedule.

A.2 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 applicable.

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 The proposed development constitutes 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).

11. Recommendation

11.1 Grant Certificate of Lawful Proposed Development

11.2 Reasons:

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

Site Location Plan, Block Plans, Existing Floor Plan and Elevation: Drawing No. 2MD/2023/1/2.

Proposed Floor Plans and Elevation Drawing No. 2MD/2023/2/2.
received by the LPA on 10.03.2023.

11.3 Notes to applicant

1. The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@hinckley-bosworth.gov.uk or call 01455 238141.