

Delegated Report

Planning Ref: 25/00141/CLP
Applicant: Mr Richard List
Ward: Burbage



Hinckley & Bosworth
Borough Council

**Site: 20 Falconers Green, Burbage, Hinckley, Leicestershire,
LE10 2SX**

Proposal: Certificate of proposed lawful development for a single storey rear extension

1. Recommendations

- 1.1. Grant Certificate of Lawful Proposed Development.

2. Planning application description

- 2.1 This application seeks to obtain a certificate of lawful development for a proposed single storey rear extension at 20 Falconers Green, Burbage, Hinckley, Leicestershire, LE10 2SX.

3. Description of the site and the surrounding Area

- 3.1. The application site relates to a detached two storey dwelling, the frontage of which is accessed via a private drive.

4. Relevant Planning History

06/00580/FUL

- EXTENSION AND ALTERATIONS TO DWELLING
- PER
- 18.07.2006

5. Publicity

- 5.1. Not required for this type of application

6. Consultation

- 6.1. Not required for this type of application

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.

- 8.2. Please note Class A covers enlargements, alterations and improvements to dwellings. For the purpose of Class A, the following criteria are applicable:

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.

The proposed eaves of the extension would 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 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 8.00 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 and 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);

Despite gaining planning approval under 06/00580/FUL there is no evidence to suggest the works were implemented. Therefore, this proposed enlargement does not adjoin any existing enlargement, and so 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.

Conditions

Development is permitted by Class A subject to the following conditions—

- 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 materials used would match those 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

Not applicable.

- 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.

Not applicable.

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. Based on the submission the proposed extension would comply with the relevant provisions of Schedule 2, Part 1, Class A and Class C 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. This application has been determined having regard to the following documents and plans submitted with the application:

- Application form
- Site Location Plan
- Block Plan
- Proposed Rear Elevation
- Proposed Ground Floor Plan
- Existing Ground Floor Plan

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.