

Delegated Report

Planning Ref: 26/00130/CLP

Applicant: Mr Andrew James

Ward: Cadeby Carlton Market Bosworth & Shackerstone

Site: 5 Heath Road, Market Bosworth



**Hinckley & Bosworth
Borough Council**

Proposal: Certificate of proposed lawful development for the erection of a dormer window to the side elevation.

Case Officer(s): Gwion Russell (Planning Officer)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. This application seeks to obtain a certificate of proposed lawful development for the replacement of an existing dormer window with a wider dormer window at its north pitched roof elevation.
- 2.2. The dormer would project a maximum depth of 4m from the pitch of the roof, extending to a width of 9m with a maximum height of 2.4m. It would be topped with a single ply membrane flat roof and feature horizontal fibre cement cladding externally.
- 2.3. It would feature, from east to west, a 1.25m casement window, a 2.5m (double) casement window at its front elevation and a 1.8m wide casement window, which are all proposed to be obscure-glazed. Internally, the dormer would serve an expanded bedroom, main bathroom and en-suite.

3. Description of the site and surrounding area

- 3.1. The application site comprises a two-storey detached residential dwelling situated within the settlement boundary of Market Bosworth.
- 3.2. The dwelling is constructed using a mixture of facing buff brick and horizontal slats painted white. The dwelling features an asymmetrical dual-pitched roof which is a design shared with neighbouring no's 1 and 3 Heath Road. The dwelling currently features a 3m wide flat roof dormer at its north pitched roof elevation, which is to be replaced as part of the proposals.
- 3.3. The dwelling is accessed by a block-paved singular driveway and features a small, grassed area to its front. It has an integrated garage to its south elevation.

4. Relevant planning history

- 4.1. There is no planning history associated with this property.

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

- 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 B.

7.2. Please note Class B covers the enlargement of a dwellinghouse consisting of an addition or alteration to its roof.

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 or Q of Part 3 of this Schedule (changes of use).

The permission to use the dwellinghouse has not been granted by Class M, N, P or Q of Part 3.

b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof;

The proposal would not exceed the height of the highest part of the existing roof.

c) the enlargement would extend beyond the plane of the existing roof slope of the principal elevation that fronts the highway.

The proposal would not extend beyond the principal elevation roof slope fronting the highway and would not project beyond the principal elevation of the dwelling.

d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than—

- (i) 40 cubic metres (terraced houses); or
- (ii) 50 cubic metres (detached and semi-detached houses).

The proposal would not increase the roof volume beyond the limits and does not add a cubic floorspace which exceeds 50 cubic metres (approximately 38m³).

e) the development would include—

- (i) the installation, alteration or replacement of a chimney, flue or soil and vent pipe; or
- (ii) the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.

The proposal would not include the installation, alteration or replacement of a chimney, flue, soil and vent pipe, or any solar equipment.

f) the dwelling is on article 2(3) land

The dwelling is not on article 2(3) land.

h) the existing dwellinghouse has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys)

The dwelling has not been previously enlarged by additional storeys.

Development is permitted by Class B subject to the following conditions -

a) the materials used in any exterior work must be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse;

b) the enlargement must be constructed so that—

(i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension—

(aa) the eaves of the original roof are maintained or reinstated; and

(bb) the edge of the enlargement closest to the eaves of the original roof is, so far as practicable, not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and

other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse; and

c) any window inserted on 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.

8. Equality implications

8.1. 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.

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 The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class B.

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
- Proposed Section AA, Section BB, Site Plan - Drg No. 012
- Proposed Rear and Side Elevation, Site Plan - Drg No. 011
- Proposed Front and Side Elevation, Site Plan - Drg No. 010
- Proposed Roof Plan - Drg No. 009
- Proposed First Floor Plan - Drg No. 008
- Site Location Block Plan - Drg No. 001
- All as received by the Local Planning Authority on the 12th February, 2026.

a) 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 building.control@blaby.gov.uk or call 0116 272 7533.