

## Delegated Report

**Planning Reference** 26/00496/CLP  
**Applicant** Mr Matthew Boulton  
**Ward** Burbage Sketchley & Streeton



Hinckley & Bosworth  
Borough Council

**Application Site** 46 Twycross Road, Burbage

**Proposal** Certificate of Proposed Lawful Development for a single storey rear extension

**Case Officer** Jack Playle (Technical Planning Assistant)

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### 1. Recommendations

#### 1.1. Grant Certificate of Lawful Proposed Development

### 2. Planning Application Description

- 2.1. This application seeks a Certificate of Lawful Proposed Development to confirm that the erection of a single storey rear extension represents lawful development at 46 Twycross Road, Burbage.

### 3. Description of the Site and the Surrounding Area

- 3.1. The application site comprises a semi-detached, two-bedroom bungalow located on the western side of Twycross Road opposite Millers Green. The property is set back from the highway behind a grassed garden and constructed with facing brickwork and a partial light-coloured pebble render finish, and a pitched concrete tiled roof. The principal elevation features include brown uPVC-style framed windows and doors.
- 3.2. The surrounding area is wholly residential in character and features dwellings with a variety of styles and appearances. In the immediate vicinity of the application site, all the properties on the western side of Twycross Road are semi-detached bungalows that are constructed with concrete pitched roofs and partial facing brickwork and rendered finishes.

### 4. Relevant Planning History

- 4.1 There is no relevant planning history within this application site that is applicable to the current development proposals.

### 5. Publicity and Consultation

- 5.1. There is not statutory requirement to consult third parties on an application for a lawful development certificate.

## 6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990.
- 6.2 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

## 7. Appraisal

- 7.1 Section 192 of the Town and Country Planning Act 1990 enables any person with the opportunity to ascertain whether any proposed use of buildings or other land, or any operations proposed to be carried out in, on, over or under land would be lawful.

- 7.2 The enlargement, improvement, or other alteration of a dwellinghouse can represent Permitted Development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The main consideration for the determination of this proposal is whether the proposed development would be considered to comply with the limitations and conditions of Class A. Development is not permitted under Class A 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 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 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 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 would not 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;

**The development is not on article 2(3) land and therefore this Paragraph would not be applicable to the current proposal.**

- (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 development would not extend the rear wall of the dwellinghouse by more than six metres and the height of the extension would not exceed four 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 two metres of the boundary of the curtilage of the dwellinghouse, but the eaves of the proposed development would not exceed three 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 four 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 would not adjoin any existing enlargement, and therefore Paragraph JA would not be 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 proposal would not consist of any of the works detailed at Paragraph K of this Class.**

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

**The existing dwelling was not built under Part 20 of this Schedule.**

7.3 In the case of a dwellinghouse on article 2(3) land, Paragraph A.2 of this Class states that 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)

**The existing property is not on article 2(3) land and therefore Paragraph A.2 of this Class would not be applicable in these site-specific circumstances.**

7.4 For the purpose of Class A, development is permitted subject to the following conditions detailed at Paragraph A.3 of this Class—

- (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 proposed materials would be constructed with facing brickwork to match that of the existing dwellinghouse as confirmed within the Planning Statement.**

- (b) any upper-floor window located in a wall or roof slope forming a side elevation of the dwellinghouse must be—
  - (i) obscure-glazed,
  - (ii) and 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

**No windows are proposed on the side elevations of the extension.**

- (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.

**The proposed extension would be single storey in nature.**

7.5 As the proposal would not exceed the limitations of Paragraph A.1(f) of this Class, the prior approval process detailed at Paragraphs A.4(4) to A.4(16) of this Class, including the consultation of adjoining premises, would not apply in these site-specific circumstances.

7.6 By virtue of the above factors, based on the submitted details, the proposal would be considered to comply with the relevant provisions of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Therefore, the proposed development would be considered to be lawful, and it is recommended that a Certificate of Proposed Lawful Development should be granted.

## **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; and
  - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it; and
  - (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.
- 8.4 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).

## **9. Conclusion**

- 9.1 The proposed development for a single storey rear extension at 46 Twycross Road, Burbage would be considered to represent lawful development. Therefore, a certificate for the Proposed Lawful Development can be granted.
- 9.2 This conclusion is made on the basis of details provide by the Applicant, and as shown on the following documents received by the Local Planning Authority on 02 June 2026:
- Application Form
  - Elevations- Drw No.26.10.03
  - Existing Floor Plan- Drw No.26.10.01
  - Planning Statement
  - Proposed Floor Plan- Drw No.26.10.02
  - Site Location Plan

## **10. Recommendation**

### **10.1 Grant Certificate of Proposed Lawful Development**