

Delegated Report



Planning Reference 25/00895/CLP

Applicant Mr William Pope
Ward Hinckley Castle

Hinckley & Bosworth
Borough Council

Application Site 72 Clarence Road, Hinckley

Proposal Certificate of proposed lawful development for erection of a 5.4m deep by 3.75m wide by 2.5m high summer house

Case Officer Rudi Simpson

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 the proposed erection of a summerhouse at 72 Clarence Road, Hinckley.

3. Description of the Site and the Surrounding Area

3.1. The application site relates to a two-storey detached residential dwelling, situated within the settlement boundary of Hinckley. The property comprises of red brick and a partial rendered finish to the walls and brown tiles to the roofs. The dwelling is set back from the highway and benefits from a generous area of hardstanding providing off street parking provision for several vehicles.

4. Relevant Planning History

4.1. **24/00706/CONDIT**

- Application to vary condition 3 (materials) and condition 4 (privacy screen) on application 19/00970/HOU. Amendment to materials to be used on balcony
- Permitted
- 05.11.2024

4.2. **25/00089/CLE**

- Certificate of Lawful Existing Use for the use of the rear outbuilding as an annexe
- Permitted
- 23.04.2020

4.3. **19/00970/HOU**

- Part retrospective single-storey rear extension, single storey front extension, first-floor balcony and partial rendering of the house
- Permitted
- 25.11.2019

5. Publicity

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

6. Consultation

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

7. Policy

7.1. Section 192 of the Town and Country Planning Act 1990.

7.2. 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 Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Development is considered to be Permitted Development under Class E of Part 1 of this Schedule if it is for the provision within the curtilage of the dwellinghouse of:

- (a) any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure; or
- (b) a container used for domestic heating purposes for the storage of oil or liquid petroleum gas.

Development is not permitted by Class E 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 virtue of Class G, M, MA, N, P, PA or Q of Part 3 of this Schedule.

(b) The total area of ground covered by buildings, enclosures and containers within the curtilage (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, enclosures and containers within the curtilage (other than the original dwellinghouse) would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse)

(c) any part of the building, enclosure, pool or container would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse;

No part of the building would be situated on land forward of a wall forming the principal elevation of the original dwellinghouse

(d) the building would have more than a single storey;

The building would be single storey

(e) the height of the building, enclosure or container would exceed

- (i) 4 metres in the case of a building with a dual-pitched roof,
- (ii) 2.5 metres in the case of a building, enclosure or container within 2 metres of the boundary of the curtilage of the dwellinghouse, or
- (iii) 3 metres in any other case;

The building would be situated within 2 metres from the boundary of the curtilage of the dwellinghouse and would feature a 2.5-metre-high roof.

(f) The height of the eaves of the building would exceed 2.5 metres;

The height of the eaves would not exceed 2.5 metres

(g) The building, enclosure, pool or container would be situated within the curtilage of a listed building;

The proposal would not be situated within the curtilage of a listed building

(h) It would include the construction or provision of a verandah, balcony or raised platform;

The building would not include the construction or provision of a verandah, balcony or raised platform.

- (i) It relates to a dwelling or a microwave antenna; or

The building does not relate to a dwelling or a microwave antenna.

- (j) the capacity of the container would exceed 3,500 litres.;

Not relevant in these site-specific circumstances.

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

The dwellinghouse was not built under Part 20 of this Schedule (construction of new dwellinghouses)

In the case of any land within the curtilage of the dwellinghouse which is within—

- (a) an area of outstanding natural beauty;
- (b) the Broads;
- (c) a National Park; or
- (d) a World Heritage Site,

development is not permitted by Class E if the total area of ground covered by buildings, enclosures, pools and containers situated more than 20 metres from any wall of the dwellinghouse would exceed 10 square metres.

No part of the land is within an Area of Outstanding Natural Beauty, the Broads, a National Park or a World Heritage Site.

In the case of any land within the curtilage of the dwellinghouse which is Article 2(3) land, development is not permitted by Class E if any part of the building, enclosure, pool or container would be situated on land between a wall forming a side elevation of the dwellinghouse and the boundary of the curtilage of the dwellinghouse.

No part of the land within this application site is on article 2(3) land.

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 Class E of Part 1 of Schedule 2 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 (submitted: 22.09.2025)
- Proposed Block Plan (submitted: 29.09.2025)
- Proposed Elevation (NW) (submitted: 20.10.2025)
- Proposed Elevation (E) (submitted: 20.10.2025)
- Proposed Elevation (SW) (submitted: 20.10.2025)
- Proposed Ground Floor Plan (submitted: 29.09.2025)
- Site Location Plan (submitted: 22.09.2025)

a. Notes to Applicant

1. 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.

