

Delegated Report

Planning Reference 26/00396/CLP
Applicant(s) Mrs Francine Gardner
Ward Hinckley Castle



Hinckley & Bosworth
Borough Council

Application Site 47 Southfield Road, Hinckley

Proposal Certificate of Proposed Lawful Development for the erection of a rear dormer

Case Officer Rudi Simpson (Technical Planning Assistant)

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 erection of a rear dormer at 47 Southfield Road, Hinckley would be lawful.

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 south-eastern edge of the settlement boundary of Hinckley. The property features a cream painted, partial brick and render construction, with brown UPVC windows and doors. The property currently benefits from an existing loft conversion with rooflights positioned to the front and rear elevations. The property is set back from the highway and is separated from the highway by a low level boundary wall. The dwelling is not listed nor is it situated within the conservation area.

4. Relevant Planning History

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

5. Publicity and Consultation

- 5.1. There is no statutory requirement to consult third parties on an application for a lawful development certificate. In this instance, no formal consultation was undertaken.

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 Section 192(2) of the Town and Country Planning Act 1990 confirms that if the Local Planning Authority are provided with information satisfying them that the use or operations described in the application would be lawful if instituted or begun at the time of the application, they shall issue a certificate to that; and in any other case they shall refuse the application.

- 7.3 The main consideration for the determination of this proposal is whether the proposed development represents Permitted Development as set out under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). Class B of Part 1 of Schedule 2 of the GPDO confirms enlargements consisting of an addition or alteration to the roof of a dwellinghouse can represent Permitted Development. Development is not permitted under Class B 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 M, N, P, PA 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 proposed works would not result in any part of the dwellinghouse exceeding the highest part of the existing roof.

- c) Any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway;

The proposed enlargement would not extend beyond the plane of any existing roof slope forming the principal elevation, nor would the development front a highway.

- 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 in the case of a terrace house, or
 - (ii) 50 cubic metres in any other case;

For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by 50 cubic metres.

- e) it would consist of or include –
 - (i) the construction or provision of a verandah, balcony or raised platform, or
 - (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

The proposed works would not result in the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

- f) the dwellinghouse is on article 2(3) land;

The dwellinghouse is not on article 2(3) land

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

The dwellinghouse was not constructed under Part 20 of this Schedule.

- 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 existing dwellinghouse has not been enlarged in reliance of a permission granted by Class A of this Part.

7.4 Development is only 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;

The materials used would be of similar appearance to those 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
 - (ii) 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

The eaves of the original roof would be maintained, and the development would not be less than 0.2 metres from the eaves of the original roof. No part of the proposal would extend beyond the outside face of any external wall of the original dwellinghouse.

- 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.

No windows are proposed on the side elevation of the development.

7.5 Given the above, based on the submitted details, the proposed would comply with the relevant provisions of Class B 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 the erection of a rear dormer at 47 Southfield Road would be considered to be lawful development, and therefore, a Certificate of Proposed Lawful Development is granted.

9.2 This application has been determined having regard to the following documents and plans submitted with the application to the Local Planning Authority on 29.04.2026:

- Existing, Proposed Block Plans, Site Location Plan, Drg No. 26/32 03
- Existing Floor Plans, Elevations, Drg No. 26/32 01
- Proposed Floor Plans, Elevations, Drg No. 26/32 02

10. Recommendation

10.1 **Grant Certificate of Proposed Lawful Development**