

Delegated Report

Planning Ref: 26/00267/CLP
Applicant: Mr Richard Letts
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 6 Cornwall Way Hinckley Leicestershire

Proposal: Certificate of proposed lawful development for the conversion of existing integral garage to form habitable space

Case Officer(s): Zahra Jam-Rotbeh (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 lawful proposed development for the conversion of existing integral garage to form habitable space and alternation on the proportion on the side and rear elevation at 6 Cornwall Way, Hinckley.

3. Description of the Site and the Surrounding Area

- 3.1. 6 Cornwall Way is a detached two storey Victorian style dwelling located within settlement boundary of Hinckley. It features wooden decoration on front elevation. It also features one internal garage and driveway in front.
- 3.2. The neighbouring area features two-storey detached dwellings of varying designs and sizes, and no specific characteristic feature has been identified as defining the area.

4. Relevant Planning History

None relevant

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 Section 192 of the Town and Country Planning Act 1990.

- 7.2 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 meets the statutory definition of development and/or falls within permitted development rights 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. The proposal primarily comprises internal alterations, along with some external changes to window and door openings and the loss of the garage as parking space.
- 8.3. The internal alterations are not considered to meet the statutory definition of 'development' as set out in section 55(2) of the Town and Country Planning Act 1990.
- 8.4. The garage and associated parking space would be lost as a result of the development, however, a review of the planning history identifies that there are no planning restrictions/conditions requiring the retention of the garage for parking. Therefore, this section assesses whether the introduction of new ground floor openings and the removal of the rear window constitute permitted development.
- 8.5. Please note Class A covers enlargements, alterations and improvements to dwellings and therefore not all paragraphs are applicable to door openings.

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);

Not applicable

- 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;

Not applicable

- 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;

Not applicable

- 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

Not applicable

- 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 applicable

- 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;

Not applicable

- 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;

Not applicable

- 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;

Not applicable

- 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

Not applicable

- 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);

Not applicable

- 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 works would not result in the construction or provision of a verandah, balcony or the installation, alteration of a chimney.

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

In the case of a dwellinghouse on article 2(3) land, 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 dwellinghouse was not built under Part 20 of this Schedule

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 in the proposed doors must be the same as the existing openings materials.

- 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 1.7 metres above the floor of the room in which the window is installed; and

The proposed door openings are placed on ground floor.

- 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:

- (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.
- 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 internal alternations would not constitute the statutory definition of development and the external alterations comply with the relevant provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

11. Recommendation

11.1. Grant Certificate of Proposed Lawful Development

- 11.2. The application has been determined with consideration to the following submitted documents:
 - Application Form (submitted 19.03.2026).
 - Proposed Elevations, Floor Plans, Drg No. 1346.RL.26.003
 - Block, Site Location Plan, Drg No.1346.RL.26.001

12.1. Notes to applicant

- a) 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.