

Delegated Report

Planning Reference: 25/00919/CLP
Applicant(s): Katie and Raj Chinger
Ward: Burbage, Sketchley & Stretton



Hinckley & Bosworth
Borough Council

Application Site: 31 Twycross Road, Burbage, Hinckley, Leicestershire, LE10 2SF

Proposal: Certificate of proposed lawful development for a single storey rear extension.

Case Officer: Jack Playle (Technical Planning Assistant)

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 a single storey rear extension at 31 Twycross Road, Burbage. The extension would externally measure 5.2m in width by 3m in depth and feature a mono-pitch roof that has a ridge height of 3.5m and an eaves height of 2.4m. To facilitate this development, the existing conservatory would have to be removed from the site.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a semi-detached two-storey dwelling within the settlement boundary of Burbage. The dwelling features both red brick and white cladding to the walls and black tiles to the roof. The dwelling is not listed nor situated within a conservation area.

4. Relevant Planning History

4.1 07/00653/FUL

- Extension and alterations to dwelling.
- Permitted
- 25.07.2007

5. Publicity and Consultation

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

5.2. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is a good reason to believe they possess relevant information about the content of a specific application. Notwithstanding this, views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question are irrelevant when determining the application.

5.3. In this instance, no consultation was undertaken as part of this application.

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. The main consideration for the determination of this proposal is whether the proposed development would comply with the limitations of Permitted Development Rights.

7.2. Class A of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) ('GPDO') can consider the enlargement, improvement or other alteration of a dwellinghouse, subject to several limitations and conditions.

7.3. For the purpose of Class A of Part 1 of Schedule 2 of the GPDO, development is not permitted 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 existing dwellinghouse was not 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 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 does not front a highway, nor extend beyond a wall which forms the principal elevation of the original dwellinghouse.

- (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 proposal is not on article 2(3) land, nor on a Site of Special Scientific Interest and therefore Paragraph A.1(f) of this Class is not applicable to the determination of this application.

- (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 4 metres in height;

The proposal does not exceed these dimensions.

- (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 and therefore Paragraph A.1(h) of this Class is not applicable to the determination of this application.

- (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 2 metres of the boundary of the curtilage of the dwellinghouse but the eaves would not exceed 3 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 4 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 and therefore Paragraph A.1(j) of this Class is not applicable to the determination of this application.

- (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 proposed enlargement together with any existing enlargements of the original house would not exceed the limits set out in Paragraphs A.1(e) to (j).

- (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, alteration, or provision of a verandah, balcony, raised platform, microwave antenna, chimney, or flue or soil vent pipe.

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

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

- A.2 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 existing dwellinghouse is not located on article 2(3) land.

- A.3 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 scheme would be constructed with red brick materials, which are of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse.

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

No windows are proposed on the side elevations of this 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 enlarged part of the dwellinghouse would not have more than a single storey.

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. Based on the submitted details, the proposed extension would 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 application is considered lawful, and a certificate for the Proposed Lawful Development is 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 18 September 2025:

- Application Form (submitted: 07.10.2025)
- Existing Plans and Elevations (0525 02 001B) (submitted: 18.09.2025)
- Proposed Plans and Elevations (0525 02 002C) (submitted: 18.09.2025)

10. Recommendation

10.1. Grant Certificate of Proposed Lawful Development

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.
2. Please note that while a certificate of proposed lawful development has been approved, a Party Wall agreement under the Party Wall etc Act (1996) is separate to the approval of this application.
3. Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered or during the works, the works must be suspended and the local office of Natural England contacted for advice.