

Delegated Report

Planning Reference 25/00974/CLP
Applicant Mr Alan Wainde
Ward Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Application Site 17 York Road, Hinckley, Leicestershire

Proposal Certificate of proposed lawful development for a single storey rear extension and erection of an outbuilding

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 a proposed a single storey rear extension and the erection of an outbuilding at 17 York Road, Hinckley, Leicestershire.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a detached bungalow situated within the settlement boundary of Hinckley. York Road is a cul-de-sac comprising of a mix of detached and semi-detached bungalows and two storey dwellings. The property is constructed of red brick with UPVC windows and doors. It is not listed nor is it situated within a 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 proposals.

5. Publicity and Consultation

- 5.1. There is no statutory requirement to consult third parties on an application for a Lawful Development Certificate, and in the instance no public consultation has taken place.

6. Policy

- 6.1. Section 192 of the Town and Country Planning Act 1990.

- 6.2. The 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 developments fall within permitted development as set out under Class A and Class E of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Class A

- 7.2. Class A of this Part of the GPDO relates to enlargements, alterations and improvements to dwellings. For the purpose of Class A, 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 dwellinghouse as a dwellinghouse has not been granted by Class G, M, MA, 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);

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;

17 York Close is a detached property, and the proposed rear extension would not extend beyond the rear wall by more than 8 metres and would not exceed 4 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 2 metres of the boundary of the curtilage of the dwellinghouse and the proposed eaves of the development 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 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 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 are intended to be of a similar appearance of those 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—
 - (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; and

No windows would be proposed on the side elevations of the dwellinghouse.

- 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.

Class E

7.5. Class E of this Part of the GPDO relates to the provision of 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 a container used for domestic heating purposes for the storage of oil or liquid petroleum gas within the curtilage of a dwellinghouse.

7.6. For the purposes of Class E, Paragraph E.4 of this Class confirms that, “*Purpose incidental to the enjoyment of the dwellinghouse as such*,” includes the keeping of poultry, bees, pet animals, birds or other livestock for the domestic needs or personal enjoyment of the occupants of the dwellinghouse.

The proposed outbuilding would be considered to be for purposes incidental to the enjoyment of the occupants of the dwellinghouse.

7.7. In accordance with Paragraph E.1 of this Class, 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 outbuilding 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 proposed outbuilding 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 of 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 of the proposed development 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 would not relate to a dwelling or a microwave antenna.

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

The development proposal is not for a container and therefore this would not be applicable in this instance.

- k) 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 (construction of new dwellinghouses).

- 7.8. Paragraph E.2 of this Class states that 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.

- 7.9. Paragraph E.3 of this Class states that 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.

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

8. Equality Implications

- 8.1. 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.

- 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 submission the proposed extension and outbuilding would comply with the relevant provisions of Class A and Class E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

10. Recommendation

10.1. Grant Certificate of Lawful Proposed Development.

- 10.2. This application has been determined having regard to the following documents and plans submitted with the application:

- Application Form (submitted: 06/10/2025)

- Planning Statement (submitted: 06/10/2025)
- Existing Floor Plan & Existing Roof Plan Dwg no. 17YORK -PS-25-1 (submitted: 06/10/2025)
- Existing Elevations Dwg no. 17YORK -PS-25-2 (submitted: 06/10/2025)
- Proposed Floor & Roof Plan Dwg no. 17YORK -PS-25-3 (submitted 06/10/2025)
- Proposed Elevations Dwg no. 17YORK -PS-25-4 Rev A (submitted: 09/12/2025)
- Proposed Outbuilding Dwg no. 17YORK -PS-25-5 (submitted: 06/10/2025)
- Proposed Site Block Plan Dwg no.17YORK -PS-25-6 (submitted: 06/10/2025)

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.