

Delegated Report

Planning Reference 26/00641/CLP

Applicants Mr and Mrs Mark and Vickie Brocklehurst

Ward Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Application Site 1 Newquay Close Hinckley Leicestershire

Proposal Certificate of Proposed Lawful Development for the erection of a single storey rear extension

Case Officer 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 Proposed Lawful Development for a single storey rear extension at 1 Newquay Close Hinckley. The proposed extension would extend the entire width of the dwelling and project from the rear elevation of the dwelling by 3 metres. The extension would be constructed with a mono-pitched roof that would have an eaves height of 2.3 metres and a ridge height of 3.5 metres. The proposed external materials would match those of the existing dwelling.

3. Description of the Site and the Surrounding Area

- 3.1. The application site is located on the western side of Newquay Close to the north of, but within the identified settlement boundaries of, Hinckley. The application site comprises the two-storey residential property, 1 Newquay Close. The site is surrounded by residential properties, which, like the application property, are typically two-storey detached or semi-detached dwellings that are constructed with a gable-ended pitched concrete tiled roof and a brick finish.

4. Relevant Planning History

- 4.1 There is no relevant planning history applicable to this application.

5. Publicity and Consultation

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

6. Policy

- 6.1 Section 192 of the Town and Country Planning Act 1990 (as amended).
- 6.2 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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 Developments for the enlargement, improvement, or other alteration of a dwellinghouse can represent Permitted Development under Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)) (GPDO). The main consideration for the determination of this application would therefore be whether the proposed development would be considered to comply with the limitations and conditions of Class A. Development is not permitted under Class A 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 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);

The total area of ground covered by buildings within the curtilage, including the proposed side/rear extension would not exceed the 50% of the total area of curtilage.

- (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 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 height of the eaves of the extension would not exceed the height of the existing eaves of the 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 property or 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;

The extension would not extend further than 8 metres from the rear elevation of the detached host dwelling or be more than 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 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 eaves height of the proposed development would not exceed 3 metres.

- (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 of the host property, 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 The existing property is not on article 2(3) land and therefore Paragraph 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 would match 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 side windows are proposed as part of this development.

- (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.

7.5 As the proposal would not exceed the limitations of Paragraph A.1(f) of this Class, the prior approval process detailed at Paragraphs A.4(4) to A.4(16) of this Class, including the consultation of adjoining premises, would not apply in these site-specific circumstances.

7.6 By virtue of the above factors, based on the submitted details, the proposal would be considered to 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 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;
 - (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.

9. Conclusion

9.1 The proposed development for a single storey rear extension at 1 Newquay Close, Hinckley would be considered to represent lawful development because it complies 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, a certificate for Proposed Lawful Development can be 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 01 July 2026:

- Application Form
- Proposed Plans - 6562/MVB/4A

10. Recommendation

10.1 Grant Certificate of Lawful Proposed Development

a. Notes to Applicants

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.