

Delegated Report

Planning Ref: 25/00244/CLP
Applicant: Ms Gayle Vann
Ward: Hinckley DeMontfort



Hinckley & Bosworth
Borough Council

Site: 1 Norwood Close, Hinckley, Leicestershire, LE10 1TS

Proposal: Certificate of proposed lawful development for 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 the erection of a proposed outbuilding at 1 Norwood Close, Hinckley, Leicestershire, LE10 1TS

3. Description of the site and the surrounding Area

- 3.1. The application site relates to a two-storey residential dwelling situated within the settlement boundary of Hinckley. The property is brick built with white UPVC windows and a large driveway offering off street parking. The dwelling is not listed nor is it situated within the conservation 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. The 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 falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class E.

Please note Class E covers buildings etc incidental to the enjoyment of a

dwellinghouse. For the purposes of Class E, “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.

For the purpose of Class E, the following criteria are acceptable:

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

- 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 building 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 building 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 from the boundary of the curtilage of the dwellinghouse and the height would not exceed 2.5 metres

- f) The height of the eaves of the building would exceed 2.5 metres;

The height of the eaves 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 the construction or provision of a verandah, balcony or raised platform.

- i) It relates to a dwelling or a microwave antenna; or

The building does not relate to a dwelling or a microwave antenna

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

Not relevant

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

The dwellinghouse is not built under Part 20 of this Schedule

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

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.

No part of the development is on article 2(3) land.

9. Equality Implications

- 9.1. 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.

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

11. Recommendation

11.1. Grant Certificate of Lawful Proposed Development

- 11.2. This application has been determined having regard to the following documents and plans submitted with the application:
- Application form
 - Site Location Plan TQRQM2326411222019
 - Block Plans 2323-02
 - Outbuilding Floor Plan 2323-010
 - Proposed Elevations 1 2323-030
 - Proposed Elevations 2 2323- 031
 - Outbuilding Section 2323-020
 - Outbuilding Elevations, Drg No.2323-030
 - Outbuilding Details, Drg No.2323-040
 - Model Image, Drg No.2323-050

Notes to Applicant:

- 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.