

Delegated Report

Planning Ref: 25/00353/CLP
Applicant: Mr Stephen Lawrance
Ward: Earl Shilton



Hinckley & Bosworth
Borough Council

Site: 23 Cedar Road Earl Shilton Leicester

Proposal: Certificate of proposed lawful development for a loft conversion with dormer

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 use for a loft conversion and the construction of a dormer at 23 Cedar Road, Earl Shilton.
- 2.2. The proposed rear dormer would measure 3.52-7.26 metres in width and 4.18-6.59 metres in depth. It would compromise a flat to pitched roof form which would have a maximum ridge height of 5.15 metres and a eaves height of 3.28 metres.
- 2.3. The cubic content of the resulting roof space would be 48 cubic metres.
- 2.4. Additional alterations include the addition of two windows to the rear (east) elevation, the addition of a window to the side (north) elevation and the addition of a Velux window to the front (west) elevation).
- 2.5. The proposed external materials would match those of the existing dwelling.

3. Description of the site and surrounding area

- 3.1. The application site relates to a semi-detached residential bungalow situated within the settlement boundary of Earl Shilton. The bungalow has a hipped to pitched roof form and compromises the use of red brick to the walls, brown interlocking tiles to the roof and white uPVC to the openings. An area of tarmacadam/gravelled hardstanding wraps around from the front to the side of the plot leading to a detached double garage. To the rear of which sits 0.07 hectares of private amenity space enclosed by timber fencing.
- 3.2. The street scene predominantly consists of a mixture of single-storey and two-storey semi-detached dwellings.

4. Relevant planning history

- None relevant.

5. Publicity/Consultation

- 5.1 This is an application for a certificate of proposed lawful use and no publicity or consultation is required.

6. Policy

- 6.1 The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

7. Appraisal

- 7.1 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 B.
- 7.2 Please note Class B covers enlargements consisting of an addition or alteration to the roof of a dwellinghouse.

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 (change of use)

Permission to use the dwellinghouse as a dwellinghouse has not been granted by virtue of Class M, N, P, PA or Q of Part 3.

- b) any part of the dwellinghouse would, as a result of the works, exceed the height of the highest part of the existing roof

The proposed works would not result in any part of the dwellinghouse exceeding the highest part of the existing roof.

- c) any part of the dwellinghouse would, as a result of the works, extend beyond the plane of any existing roof slope which forms the principal elevation of the dwellinghouse and fronts a highway

The proposed enlargement would not extend beyond the plane of any existing roof slope forming the principal elevation fronting a highway.

- d) the cubic content of the resulting roof space would exceed the cubic content of the original roof space by more than –

- (i) 40 cubic metres in the case of a terrace house, or
- (ii) 50 cubic metres in any other case

For the purposes of Class B “resulting roof space” means the roof space as enlarged, taking into account any enlargement to the original roof space, whether permitted by this Class or not.

The cubic content of the resulting roof space would not exceed the cubic content of the original roof space by 50 cubic metres.

- e) it would consist of or include –

- (i) the construction or provision of a verandah, balcony or raised platform, or
- (ii) the installation, alteration or replacement of a chimney, flue or soil and vent pipe

The proposed works would not result in the construction or provision of a verandah, balcony or raised platform or the installation, alteration or replacement of a chimney, flue or soil and vent pipe.

- f) the dwellinghouse is on article 2(3) land

The dwellinghouse is not on article 2(3) land.

B.2 Development is permitted by Class B subject to the following conditions –

- a) the materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing dwellinghouse

The materials used would match those of the existing dwellinghouse.

- b) the enlargement shall be constructed so that –
- (i) other than in the case of a hip-to-gable enlargement or an enlargement which joins the original roof to the roof of a rear or side extension –
 - (aa) the eaves of the original roof are maintained or reinstated; and
 - (bb) the edge of the enlargement closest to the eaves of the original roof shall, so far as practicable, be not less than 0.2 metres from the eaves, measured along the roof slope from the outside edge of the eaves; and
 - (ii) other than in the case of an enlargement which joins the original roof to the roof of a rear or side extension, no part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse

The eaves of the original roof are to be maintained and the edge of the enlargement closest to the eaves of the original roof shall not be less than 0.20 metres from the eaves. No part of the enlargement extends beyond the outside face of any external wall of the original dwellinghouse.

- c) any window inserted on a wall or roof slope forming a side elevation of the dwellinghouse shall 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

The window to the north slope forming the side elevation of the dwellinghouse shall be obscure-glazed and non-opening.

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;
 - (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 constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class B 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 The application has been determined with consideration to the following submitted documents:
 - Application Form
 - Existing Floor Plans and Elevations, Drg No. EX01
 - Proposed Floor Plans and Elevations, Drg No. PR01
 - Planning StatementAll as received by the Local Planning Authority on the 2nd April 2025.

11.1 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.
- b) Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered before or during the works the works must be suspended and the local office of Natural England contacted for advice.