

Delegated Report

Planning Ref: 25/00566/CLP

Applicant: Mr Daniel Green

Ward: Hinckley Castle

Site: 13 Queens Road, Hinckley



**Hinckley & Bosworth
Borough Council**

Proposal: Certificate of proposed lawful development relating to the change of use from a dwellinghouse (C3) to six bed HMO (C4)

1. Recommendations

1.1. Grant Certificate of Lawful Proposed Development

2. Planning application description

- 2.1. The application seeks a Certificate of Proposed Lawful Development for the proposed change of use from a single dwellinghouse to a six bed house of multiple occupation (HMO) at 13 Queens Road, Hinckley.
- 2.2. The proposal involves internal alterations to convert the existing four-bedroom dwellinghouse to a six bed HMO with shared kitchen and dining area. The alterations also involve the removal and relocation of an existing rear external door, the removal of a rear window and the installation of an additional first floor front window and an additional front rooflight.

3. Description of the site and surrounding area

- 3.1. The application site is located within the settlement boundary of Hinckley to the south-east of the Hinckley Town Centre.
- 3.2. The application building is a two-storey terraced dwelling located centrally to a row of terraced dwellings along Queens Road. The building has a pitched tile roof and stone wall cladding on the primary elevation. It is sited close to the pavement on the south-western side of Queens Road.
- 3.3. The application site does not have vehicular access from Queens Road, and the only available parking is on-street. Queens Road is an adopted unclassified road subject to a 30mph speed limit.
- 3.4. To either side of the application site are terraced dwellings. To the rear is a further dwelling and the southern extent of the Thornycroft Road Car Park.
- 3.5. The surrounding area is relatively uniformly comprised of terraced buildings. Most surrounding buildings are in residential use, however there are intermittent and varied commercial uses including a convenience store, hot food takeaway, retail stores, and a motor repair garage. The incidence of commercial uses increases to the north-west closer to the town centre while residential uses are more common to the south-east.

4. Relevant planning history

Nil.

5. Publicity/Consultation

- 5.1. There is no statutory requirement to consult third parties on applications for a lawful development certificate. As such, no consultation has been undertaken for this application.

6. Policy

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

7. Appraisal

7.1 The main considerations for the determination of this proposal are 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) under Schedule 2, Part 1, Class A, and Schedule 2, Part 1, Class C and Schedule 2, Part 3, Class L.

7.2 It is noted that Class A covers the enlargement, improvement or other alteration of a dwellinghouse, Class C covers any other alteration to the roof of a dwellinghouse, and Class L covers the change of use from small HMOs (up to six residents) to dwellinghouses and vice versa.

7.3 The Applicant has stated that the existing use of the building is as a single dwellinghouse (C3). There is no planning history recorded for the application site, however a sale brochure for the property dated from April 2024 has been sourced which supports the previous use as a dwellinghouse. Therefore, the Local Planning Authority (LPA) do not dispute the stated existing use of the site.

Development is not permitted by Class L if it would result in the use-

- (a) *as two or more separate dwellinghouses falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order of any building previously used as a single dwellinghouse falling within Class C4 (houses in multiple occupation) of that Schedule; or*
- (b) *as two or more separate dwellinghouses falling within Class C4 (houses in multiple occupation) of that Schedule of any building previously used as a single dwellinghouse falling within Class C3 (dwellinghouses) of that Schedule.*

The development does not result in two or more separate dwellinghouses.

Development is not permitted by 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 was not granted by virtue of the abovementioned Classes 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 ground area covered by the building does not increase.

- (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 alterations would not increase 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 alterations 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 alterations would not extend beyond the principal elevation of the original dwelling house and the side elevations do 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 does not involve any extension to the dwellinghouse.

(g) *for a dwellinghouse not on article 2(3) land nor on a site of special scientific interest, 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 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 development does not involve any extension to the dwellinghouse.

(h) *the enlarged part of the dwellinghouse would have more than a single 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 being enlarged which is opposite the rear wall of that dwellinghouse;*

The development does not involve any extension to the dwellinghouse.

(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 development does not involve any extension to the dwellinghouse.

(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 a single storey, or*
(iii) *have a width greater than half the width of the original dwellinghouse;*

The development does not involve any extension to the dwellinghouse.

(k) it would consist of or include—

- (i) the construction or provision of a verandah, 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; or

The inclusion of an additional rooflight is dealt with below in this report under Schedule 2 Part 1 Class C. The development does not involve any of the other above listed elements.

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

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

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;

Note to Applicant.

(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

The upper-floor window is not located on a side elevation 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 development does not involve any extension to the dwellinghouse.

Development is not permitted by Class C 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 was not granted by virtue of the abovementioned Classes of this Schedule.

(b) the alteration would protrude more than 0.15 metres beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The information provided demonstrates that the rooflight to be installed would replicate the size of the existing rooflight, which does not protrude more than 0.15 metres beyond the plane of the slope of the original roof.

(c) *it would result in the highest part of the alteration being higher than the highest part of the original roof;*

The rooflight would not be mounted in a position which would result in it being higher than the highest part of the original roof.

(d) *it would consist of or include—*

- (i) *the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or*
- (ii) *the installation, alteration or replacement of solar photovoltaics or solar thermal equipment, or*

The development does not consist of or include a chimney, flue, soil and vent pipe, or solar photovoltaic or solar thermal equipment.

(e) *the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses).*

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

Development is permitted by Class C subject to the condition that any window located on a roof slope forming a side elevation of the dwellinghouse must be—

- (a) *obscure-glazed; and*
- (b) *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 rooflight window is not located on a roof slope forming a side elevation of the dwellinghouse.

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 3, Class L, Schedule 2, Part 1, Class A and Schedule 2, Part 1, Class C 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 Notes to applicant

- a) The application has been determined with consideration to the following submitted documents:
 - Certificate of Lawful Proposed Use Application Form
 - Site Location / Existing and Proposed Plans & Elevations 24/164/P02
- b) 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.