

## **Delegated Report**

**Planning Ref: 24/00909/CLP**

**Applicant: Mrs Vicky Ayres**

**Ward: Twycross Sheepy & Witherley**



**Hinckley & Bosworth  
Borough Council**

**Site: 34 Kennel Lane Witherley Atherstone**

**Proposal: Lawful Development Certificate for a loft conversion.**

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### **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 a loft conversion at 34 Kennel Lane, Witherley.

2.2. The conversion seeks to alter the loft from storage space to two additional habitable bedrooms.

2.3. No external alterations are proposed.

### **3. Description of the site and surrounding area**

3.1. The application site relates to a detached two-storey residential dwelling situated within, but to the edge of the settlement boundary of Witherley. The application dwelling comprises the use of mainly red brick to the walls with the use of grey brick to the lower levels and red detailing to the first floor and lower roofline. Grey slate tiles are present to the roof and brown uPVC to the windows with a stone coloured render detailing above.

3.2. The main dwelling is enclosed by a 0.50 metre grey brick wall to the frontage which hosts a concrete pedestrian access from the highway and encloses a mixture of vegetation with the main feature being a mature cedar tree. The property benefits from a large rear garden and detached garage with parking for up to four vehicles inside to the south of the dwelling. The driveway/hard standing area in front of the garage can accommodate between four-six vehicles without overspill onto the highway.

### **4. Relevant planning history**

#### **03/00912/FUL**

- ERECTION OF FENCE
- WDN
- 24.09.2003

#### **19/00942/HOU**

- Change of use of garage to ancillary annexe
- PER
- 28.10.2019

#### **76/01341/4M**

- DEMOLITION OF GARAGE AND ERECTION OF STORAGE BUILDING
- PER
- 26.10.1976

**74/00040/4M**

- EXTENSION TO FORM SHOP
- PER

**76/00765/4**

- DEMOLITION OF EXISTING GARAGE AND ERECTION OF NEW GARAGE REFRIGERATOR AND STORAGE AREA
- OUT
- 27.07.1976

**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 C.

- 7.2 Please note Class C covers other alterations to the roof of a dwelling house.

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 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) 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 proposal would not include any external alterations to the dwelling.**

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

**The proposal would not include any external alterations to the dwelling.**

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.

**The proposal would not consist of or include the installation, alteration or replacement of a chimney, flue or soil and vent pipe or the installation, alteration or replacement of solar photovoltaics or solar thermal equipment.**

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 proposal would not include any external alterations to the dwelling.**

## **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 C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

## **10. Recommendation**

10.1 The application has been determined with consideration to the following submitted documents;

- Site Location Plan
- Elevations and Floor Plans (Photo) – 77/1860/4M

- Photo 1
  - Photo 2
  - Photo 3
  - Photo 4
  - Photo 5
- all as received by the Local Planning Authority on the 2<sup>nd</sup> September 2024.
- Certificate of Lawful Proposed Development application form  
as received by the Local Planning Authority on the 30<sup>th</sup> September 2024.

#### 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](mailto:building.control@blaby.gov.uk) or call 0116 272 7533.