

## **Delegated Report**

**Planning Reference: 25/00786/CLP**

**Applicant(s): Mr Charles McAleer**

**Ward: Hinckley Clarendon**



Hinckley & Bosworth  
Borough Council

**Application Site: 5 Pinfold Close, Hinckley, Leicestershire, LE10 0FP.**

**Proposal: Certificate of Lawful Proposed Development for the installation of a single electric garage door replacing two manual doors, including associated works.**

**Case Officer: Jack Playle (Technical Planning Assistant)**

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### **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 change of 2 single manual doors to 1 electric door for the garage and associated works.

2.2. The central pillar between for the existing two manual garage doors will be removed to accommodate a single electric garage door, with original bricks reused above the new opening.

#### **Description of the Site and the Surrounding Area**

3.1. The application site relates to a detached two-storey residential dwelling with a two-bay detached garage within the settlement boundary of Hinckley. The dwelling features a red brick to walls, black tiles to the roof and white uPVC to the openings. The dwelling is not listed nor is situated within a conservation area.

### **4. Relevant Planning History**

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

## **8. Appraisal**

- 8.1. The main consideration for determination of this proposal is whether the proposed development falls within permitted development rights as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 (As Amended) Schedule 2 Part 1, Class A (enlargements, alterations and improvements to dwellings).

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 M, 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 would not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse).**

- 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 garage door would not exceed the highest part of the existing dwellinghouse or garage.**

- 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 garage door would not exceed the height of the eaves of the existing dwellinghouse or the garage.**

- 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 garage door does front a highway but will not result in an increase in size to the dwellinghouse or the garage.**

- f) subject to paragraph (g), the enlarged part of the dwellinghouse would have a single storey and-  
(iii) 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  
(iv) exceed 4 metres in height;

**The proposal is for a garage door so not applicable.**

- 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 proposal is for a garage door so not applicable.**

- 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 proposal is for a garage door so not applicable.**

- 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 proposal is for a garage door so not applicable.**

- 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 proposal is for a garage door so not applicable.**

- 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 proposal is for a garage door so not applicable.**

- 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 proposed works would not result in the construction or provision of a verandah, balcony or the installation, alteration of a chimney.**

- l) The dwellinghouse is built under Part 20 of this Schedule (construction of

new dwellinghouses).

In the case of a dwellinghouse on article 2(3) land, development is not permitted by Class A if—

- (a) it would consist of or include the cladding of any part of the exterior of the dwellinghouse with stone, artificial stone, pebble dash, render, timber, plastic or tiles;
- (b) the enlarged part of the dwellinghouse would extend beyond a wall forming a side elevation of the original dwellinghouse; or
- (c) the enlarged part of the dwellinghouse would have more than a single storey and extend beyond the rear wall of the original dwellinghouse.
- (d) 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 (b) and (c)

### **The dwellinghouse was not built under Part 20 of this Schedule**

#### **Conditions**

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;

**The materials used 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 1.7 metres above the floor of the room in which the window is installed; and

**Not applicable**

- 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.

**Not applicable**

## **9. Equality Implications**

- 9.1. 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; and

- (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.

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. The proposed development constitutes permitted development by virtue of the Provisions of 2 Part 1 Class A of the Town and Country (General Permitted Development) (England) Order 2015 (as amended).

## **11. Recommendation**

### **11.1. Grant Certificate of Proposed Lawful Development**

11.2. The application has been determined with consideration to the following submitted documents:

- Application Form (submitted 18.08.2025).

### **12.1. 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.
- b) Bats, nesting birds, great crested newts and certain other species are protected by law. If any such species are discovered or during the works the works must be suspended and the local office of Natural England contacted for advice