

Delegated Report

Planning Reference: 25/00435/CLP
Applicant(s): Mr & Mrs Amadeo
Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Application Site: 27 Hillrise, Burbage, Leicestershire, LE10 2UA

Proposal: Certificate of proposed lawful development for the formation of habitable rooms in roof space with rooflights.

Case Officer: Jack Playle (Technical Planning Assistant)

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 formation of habitable rooms in the roof space with rooflights at 27 Hillrise, Burbage, LE10 2UA.
- 2.2. The proposed external works would see five new rooflights to the front, side and rear elevations. The works would see a flue or soil and vent pipe to the rear elevation.
- 2.3. The proposed internal works would contain new dry ridge ventilation, fibreglass insulation and a new staircase to gain access to the roof space.

3. Description of the Site and the Surrounding Area

- 3.1. The application site relates to a detached residential bungalow within the settlement boundary of Burbage. The dwelling features a yellow brick to the walls, black tiles to the roof and white uPVC to the openings. The dwelling is not listed nor is situated within a conservation area.
- 3.2. The street scene predominantly consists of a mixture of single-storey and two storey semi-detached dwellings.

4. Relevant Planning History

4.1 06/0010/FUL

- Extensions and alterations to dwelling
- Permission granted
- 21.03.2006

4.2. 07/00132/FUL

- Alteration to dwelling including dormer windows
- Permission granted
- 23.03.2007

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 B (Additions etc to the roof of a dwellinghouse), Class C (Other alterations to the roof of a dwellinghouse) and Class G (chimneys, flues etc on a dwellinghouse).

8.2. For the purpose of Class B, the following criteria are applicable:

Development is not permitted by Class B 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) 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 conversion would not exceed the height of 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 conversion 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 terraced house
 - ii) 50 cubic metres in any other case;

The total cubic content of the resulting roof space remains the same and would therefore not exceed the cubic content of the original roof space by more than 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 the installation, alteration of a chimney. There is the addition of a small flue or soil and vent pipe but this complies in full with Class G.

- 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 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) The enlargement must 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 is so far as practicable, not less than 0.2m 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.

Not relevant to this application.

- c) Any window inserted on a wall or roof slope forming a side elevation 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.

The windows to the north-west and south-east slope forming the side elevations of the dwellinghouse are indicated as being obscure-glazed and non-opening.

For the purpose of Class C the following criteria are applicable:

- (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 0.15m beyond the plane of the slope of the original roof when measured from the perpendicular with the external surface of the original roof;

The rooflights will not protrude more than 0.15m beyond the plan 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; or

The proposal does not result in the highest part of the alteration 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

The proposal does not include either of these elements.

C.2 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 rooflights proposed on the side elevations are indicated as being obscured glazed and non-opening unless it is more than 1.7 metres above the floor of the room in which the window is installed.

For the purpose of Class G the following criteria are applicable:

Development is not permitted 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 (change 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 height of the chimney, flue or soil and vent pipe would exceed the highest part of the roof by 1 metre or more;

The height of the chimney, flue or soil and vent pipe would not exceed the highest part of the roof by 1 metre or more.

- (c) in the case of a dwellinghouse on article 2(3) land, the chimney, flue or soil and vent pipe would be installed on a wall or roof slope which-
 - (i) fronts a highway, and
 - (ii) forms either the principal elevations or a side elevation of the dwellinghouse; or

The dwellinghouse does not sit on article 2(3) land.

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

Not relevant to this application.

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;
 - (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. The proposed development constitutes permitted development by virtue of the Provisions of Schedule 2 Part 1 Classes B, C and G 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 for a Certificate of Lawful Proposed Development received 28/04/2025.
- Site Location Plan CM-01221852.
- Existing Elevations, Floor Plans and 3D Visuals Dwg.
- Proposed Elevations, Floor Plans and 3D Visuals.

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 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.