

Delegated Report

Planning Ref: 24/00345/CLP

Applicant: Simon Lee

Ward: Burbage St Catherines & Lash Hill



Hinckley & Bosworth
Borough Council

Site: 50 Sapcote Road Hinckley Leicestershire LE10 2AU

Proposal: Certificate of lawful proposed development for loft conversion with hip to gable roof, rear dormer and rooflights.

1. Recommendations

1. Issue a certificate of lawful proposed development for loft conversion with hip to gable roof, rear dormer and rooflights.

2. Application description

- 2.1. The application is for a Certificate of Lawful Proposed Development for a roof extension to create a loft space for bedrooms and the addition of new dormer changes the roof design from hip to gable side roof form. The proposal does not increase the height of the dwelling. Two rooflights are also inserted in the existing roof fronting the highway.

3. Description of the site and surrounding area

- 3.1. The property is a two storey semi-detached dwelling in a row of similar sized residential properties. The dwelling has a hipped roof form, is brick built, white uPVC windows, front driveway and hedge, and is set back from the public highway.
- 3.2. The surrounding street is characterised with large semi-detached dwellings with a mix of brick and rendered properties. The dwelling is not listed and not within a conservation area.

4. Relevant planning history

No relevant planning history.

5. Publicity

None required.

6. Consultation

None required.

7. Policy

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

8. Appraisal

- 8.1. The main consideration for the determination of this application is whether the proposed development falls within permitted development as set out under The Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class B (Additions to the roof of a dwellinghouse).
- 8.2. The insertion of two new Velux roof light to the existing roof is covered under Schedule 2, Part 1, Class C (other alterations to the roof of a dwellinghouse).

- 8.3. The proposed loft conversion and dormer increases the roof space to a total of 40.96 cubic metres. No increase in height of the dwelling. A side gable roof form is created as a result of the new dormer. A new obscure glaze window is created to serve the new bathroom on the second floor.

For the purpose of Class B, 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 (changes of use);

Permission to use the dwellinghouse as a dwellinghouse has not been granted by Class G, M, MA, N, P, PA 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 extension does 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 extensions would not extend beyond a 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, or
ii) 50 cubic metres in any other case;

The increase in cubic content of the resulting roof space on the main house does not exceed 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 extension does not propose any of the above.

- f) The dwellinghouse is on article 2(3) land;

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

- g) the dwellinghouse is built under Part 20 of this Schedule (construction of new dwellinghouses); or

- f) the existing dwellinghouses has been enlarged in reliance on the permission granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

The dwelling is not built under Part 20 (construction of new dwellinghouses)

of this schedule and permission not granted by Class AA (enlargement of a dwellinghouse by construction of additional storeys).

Conditions

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;

Similar external materials are proposed for the extension and comply with this condition.

- (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; and

This is a hip to gable enlargement with rear dormer. The dormer is adequately set back from the eaves. No part extends beyond the outside face of any external wall. Condition is complied with.

- (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.

A new obscured glazed window is proposed to the side facing elevation and the opening part of the window is more than 1.7 metres from floor level.

In addition to the proposed development are two Velux rooflights to the existing roof fronting the highway. This is to be assessed against Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1, Class C (other alterations to the roof of a 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 has not been granted by Class G, M, MA, N, P, PA or Q of Part 3 of the 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 rooflights do not protrude more than 0.15 metres beyond the plan 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 rooflights do 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.

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

The proposed work does not include the installation of any of the above and dwellinghouse not built under Part 20 of this Schedule.

Conditions

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.

A new obscured glazed window is proposed to the side facing elevation and the opening part of the window is more than 1.7 metres from floor level.

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 proposal is considered to be permitted development under the relevant criteria of Schedule 2 Part 1, Class B and C of the Town and Country Planning (General Permitted Development) (England) Order (as amended).
- 10.2. The proposal complies with the relevant parts and satisfies the conditions.

11. Recommendation

11.1 Issue certificate of lawful proposed development for loft conversion with hip to gable roof, rear dormer and rooflights

11.2 Reasons

- 1) The proposed development constitutes permitted development by virtue of the provisions of Schedule 2, Part 1, Class B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

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

Site Location Plan Drawing Number 1645/SL (submitted on 10/04/2024).
Proposed Floor Plans, Elevation and Sectional Plans, Drawing Number 1645 (19/04/2024).

11.3 Notes to applicant

- 1) The approved development may require Building Regulations Approval, for further information please contact the Building Control team via e-mail at buildingcontrol@blaby.gov.uk or call 0116 272 7533.