

APPLICATION: MA/14/0403 Date: 12 March 2014 Received: 12 March 2014

APPLICANT: Mrs G West

LOCATION: 37, HILDENBOROUGH CRESCENT, MAIDSTONE, KENT, ME16 0PJ

PARISH: Maidstone

PROPOSAL: An application for a Certificate of Lawfulness for a Proposed Use or Development being the erection of a single storey rear extension as shown on the site location plan and block plan, and 1No. un-numbered drawing received 12th March 2014

AGENDA DATE: 12th June 2014

CASE OFFICER: Catherine Slade

The recommendation for this application is being reported to Committee for decision because:

- An employee of the Council is the applicant.

## **1. POLICIES**

1.1 Given that this application is for a Certificate of Lawful Development for a proposed extension and based upon evidence it is not necessary to assess the proposed development against relevant planning policies.

## **1. HISTORY**

- 67/0174/MK1 Detailed plans for the erection of 75 dwellings with garages and four shops with maisonettes over, all comprising phase 3 of the development – APPROVED SUBJECT TO CONDITIONS
- 66/0321/MK1 Outline application for the residential development of land by the erection of 363 houses and flats, also four shops all with garages and estate roads – APPROVED SUBJECT TO CONDITIONS

2.1 Although conditions restricting permitted development were attached to the consents set out above, these relate only to development which would preclude the use of approved parking, garaging or turning space.

## **2. CONSIDERATIONS**

### **3.1. Site Description**

- 2.1.1 The application site comprises a two storey terraced building located to the south of Hildenborough Crescent, together with its front and rear gardens.
- 2.1.2 The property is located within a large mid twentieth century residential development and is located in Allington. It has no specific environmental or economic designations and is within the defined urban boundary as defined in the Maidstone Borough-Wide Local Plan 2000.

### **3.2. Proposal**

- 3.2.1 The applicant seeks a Certificate of Lawfulness for the proposed erection of a single storey rear extension. The extension would have a rectangular footprint projecting 3m from the rear elevation of the original dwellinghouse, extending 2.2m across the rear elevation of the dwelling. The extension would be set in by 0.1m from the boundary with the adjoining property to the north east (number 39 Hildenborough Crescent) and by 2.4m from the boundary with the adjoining property to the north east (number 33 Hildenborough Crescent).
- 3.2.2 The proposed extension would have a mono-pitched form, with a maximum height of 3.5m and eaves heights of 2.4m.

### **3.3. Assessment**

- 3.3.1 This 1970's terraced property is located within the urban area as designated by the Maidstone Borough-Wide Local Plan 2000; it does not occupy article 1(5) land or contain a listed building; and there are no Article 4 directions in force. Permitted development rights have been withdrawn from the property, but only insofar as prohibiting any development that would preclude the use of approved parking, garaging or turning space, which is not the case here.
- 3.3.2 The proposed single storey extension then falls to be assessed against the criteria laid out under Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). In considering the application I can confirm that:
- The total area of ground covered by all the buildings within the curtilage of this dwellinghouse, including this proposal but excluding the original dwellinghouse, would not exceed 50% of the total area of the residential curtilage.
  - The proposal would be single storey and would not exceed the highest part of the roof of the existing dwellinghouse.

- The proposal would be single storey and would not exceed the height of the eaves of the existing dwellinghouse.
- The proposed extension would not extend beyond a wall which fronts a highway or forms either the principle or a side elevation of the original dwellinghouse.
- The proposal would not extend beyond the rear wall of the original dwellinghouse by more than 3m and would not exceed 4m in height.
- The proposal would not have more than one storey.
- The proposal would be within 2m of the boundary of the curtilage of the dwellinghouse but its eaves height would not exceed 3m.
- The proposal would not extend beyond a wall forming a side elevation of the original dwellinghouse.
- The proposal would not consist of any verandas, balconies or raised platforms, it would not involve a microwave antenna, flue or soil vent and it would not result in an alteration to any part of the roof of the dwellinghouse.

## **6. CONCLUSION**

- 6.1 On considering the details submitted with this application I have concluded that this proposal would fall within the scope of lawful development as defined in Class A, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) and therefore does not require planning permission from the Local Planning Authority.

## **7. RECOMMENDATION**

A Certificate of Lawfulness for a Proposed Use or Development be granted for the proposed development for the following reason:

1. The proposal is permitted development as defined in the legislation under the provisions of Class A, Part 1, Schedule 2 of the Town and County Planning (General Permitted Development) Order 1995 (as amended).