

APPLICATION: MA/13/1205 Date: 5 July 2013 Received: 8 July 2013

APPLICANT: Mrs Fay Gooch

LOCATION: 137, HEATH ROAD, BARMING, MAIDSTONE, KENT, ME16 9HJ

PARISH: Barming

PROPOSAL: An application for a certificate of lawfulness for a proposed development being erection of single storey rear extension as described in MA/13/1205 and as shown on drawing number FPG/07/13/1 received on 8th July 2013.

AGENDA DATE: 19th September 2013

CASE OFFICER: James Burke

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

- A Borough Councillor 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.

2. HISTORY

- MA/79/1372 - Erection of side extension at first floor level - Refused

3. CONSULTATIONS

- 3.1 **Barming Parish Council:** wish to see the above application approved and do not request that it is reported to the Planning Committee.

4. REPRESENTATIONS

- 4.1 No neighbour representations have been received.

5. CONSIDERATIONS

5.1 Site Description

5.1.1 The application site forms part of the rear garden of a semi-detached dwelling typical of other dwellings in the locality. The garden is south facing and separated from the garden of the adjoining dwelling by a 1.8 metre high panelled wooden fence. A small utility/shower room extends out from the dwelling to the south of the dwelling house. A number of rear extensions have been erected to properties along the southern side of Heath Road. The property is within the defined urban area as shown by the Maidstone Borough-Wide Local Plan 2000.

5.2 Background information

5.2.1 This Certificate of Lawful Development has been incorrectly publicised, with a site notice being put up and neighbour consultations being sent. However, given that the Parish Council have raised no objection and no neighbours have made representations to the proposal, I consider it acceptable to continue with the assessment of this Certificate of Lawful Development 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 2008).

5.3 Proposal

5.3.1 The applicant seeks a Certificate of Lawful Development for a proposed development being the erection a single storey rear extension to be used as a sunroom. The extension will measure 6 metres in length, be a maximum of 2.95 metres in depth and have a height of 2.9 metres above ground level. The proposal includes a lantern-style roof light above the flat roof to provide additional natural light.

5.4 Assessment

5.4.1 This 1960's semi-detached 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. The property appears to have its permitted development rights in tact to extend the original house.

5.4.2 The proposed single storey extension will be set 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 2008);

- The total area of ground covered by all the buildings within the curtilage of this dwellinghouse, including this proposal, 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 front a highway and would not form the 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 be considered lawful development and would not require planning permission from the Local Planning Authority. It would comply with Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

7. RECOMMENDATION

A Lawful Development Certificate be granted for the proposed development for the following reason:

1. The proposal is permitted development as outlined under the provisions of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000 and the South East Plan 2009) and there are no overriding material considerations to indicate a refusal of planning consent.