



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
**CENTRAL AREA PLANNING COMMITTEE
20 MARCH 2019**

Application Number	LDP/MAL/19/00083
Location	24 Dorset Road, Maldon, Essex CM9 6JU
Proposal	Claim for lawful development certificate for a proposed single storey rear extension and infilling of window to south elevation.
Applicant	Mr & Mrs R Holmes
Agent	Mr A Taylor
Target Decision Date	22.03.2019
Case Officer	Annie Keen
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member of Staff

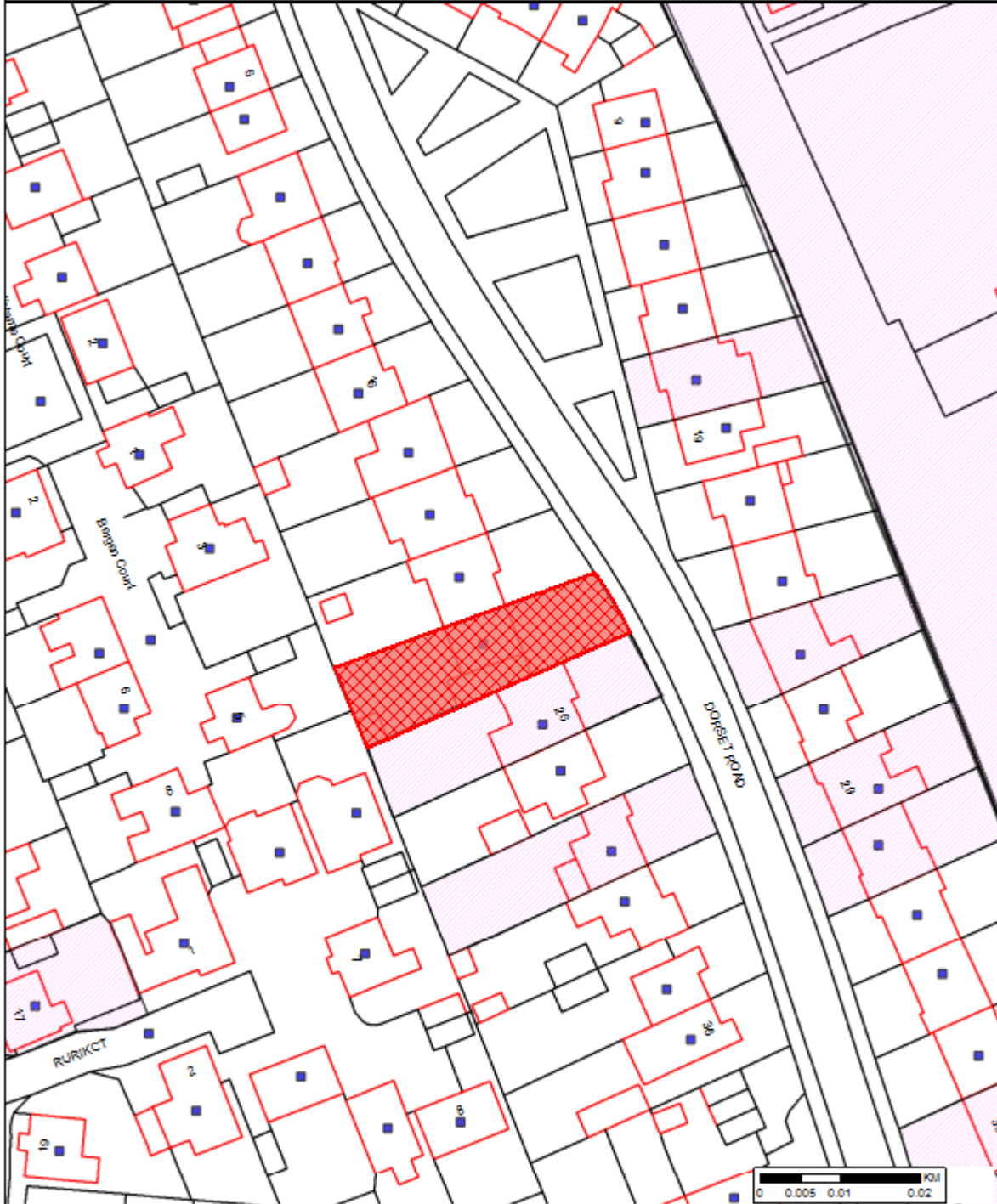
1. RECOMMENDATION


GRANT CERTIFICATE OF LAWFULNESS for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

19/00083/LDP
24 Dorset Road



 MALDON DISTRICT COUNCIL <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:655
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Area Committee
	Date:	19/02/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of Dorset Road, within the settlement boundary of Maldon. The site is occupied by a two storey semi-detached dwelling.
- 3.1.2 The proposal seeks a lawful development certificate for the erection of a single storey rear extension and infilling of a window to the southern elevation. The proposed rear extension would measure 3.6 metres in width and would project 2.4 metres from the original rear elevation of the dwelling. The extension would measure 2.8 metres in height to the eaves with an overall height of 3.7 metres.
- 3.1.3 The proposed materials in the construction of the development are interlocking roof tiles, white uPVC windows, uPVC fascia's and brick work to match the existing dwelling and led flashing.
- 3.1.4 The assessment is made in regard to government legislation and the decision must be reached in accordance with the stipulations within Schedule 2, Part 1 of The Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 3.1.5 It is noted that this application must be determined by the area planning committee due to the applicant being a member of staff at the Council.

3.2 Conclusion

- 3.2.1 It is considered that the proposal would constitute Permitted Development within the allowance provided by Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development Order 2015 (as amended)).

4. POLICY CONTEXT

- 4.1 The application must be determined on the basis of evidence submitted and statutory legislation within Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

5. ASSESSMENT

5.1 Rear extension

- 5.1.1 The application for the extension must be determined on the basis of evidence submitted and statutory legislation within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.1.2 An initial search of the planning history was undertaken and it appears that permitted development rights have not been removed from this property.

- 5.1.3 The proposed extension constitutes an enlargement, addition or alteration to a dwellinghouse. It falls within Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.1.4 Permission to use the building as a dwellinghouse has not been granted by virtue of the parts of permitted development rights that allow the changes of use of buildings, to residential dwellings in accordance with stipulation A.1 (a).
- 5.1.5 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 not exceed 50% of the total area of the curtilage (excluding the ground area of the original dwellinghouse), in accordance with stipulation A.1 (b).
- 5.1.6 The existing dwelling is two storey in nature. The proposed extension would be single storey, therefore the height of the part of the dwellinghouse enlarged, improved or altered would not exceed the height of the highest part of the roof of the existing dwellinghouse, in accordance with stipulation A.1 (c).
- 5.1.7 The height of the eaves of the part of the proposed extension would not exceed the height of the eaves of the existing dwellinghouse, in accordance with stipulation A.1 (d).
- 5.1.8 The enlarged part of the dwellinghouse would not extend beyond a wall which forms the principal elevation of the original dwellinghouse; or fronts a highway and forms a side elevation of the original dwellinghouse, in accordance with stipulation A.1 (e).
- 5.1.9 The proposed development is single storey and would not exceed 4 metres in height. The dwelling is semi-detached, linked by a party wall connected to No.22 Dorset Road and therefore the rear extension cannot extend beyond 3 metres from the rear elevation. The extension projects 2.7 metres from the rear elevation of the original dwelling and therefore the extension is in accordance with stipulation A.1 (f) and (g).
- 5.1.10 The extension is single storey and therefore stipulation A.1 (h) does not apply as it relates to extensions of more than one storey.
- 5.1.11 The enlarged part of the dwellinghouse is not located within 2 metres of the boundary of the curtilage of the dwellinghouse and therefore stipulation A.1 (i) falls away.
- 5.1.12 The proposed development is a rear extension therefore the stipulations of A.1 (j) fall away.
- 5.1.13 From the details submitted, the proposed works do not consist of or include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse in accordance with stipulation A.1 (k).
- 5.1.14 The dwellinghouse is not located on Article 2(3) land and therefore stipulation A.2 falls away.

5.2 Infilling Window on South Elevation

- 5.2.1 The proposed infilling of the window on the southern elevation constitutes an alteration to a dwellinghouse. It falls within Schedule 2 Part 1 Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
- 5.2.2 The infilled window will not result in any part of the dwelling being extended and therefore stipulations A.1 (b) – A.1 (ja) do not apply.
- 5.2.3 From the details submitted, the infilled window does not consist of or include the construction or provision of a veranda, balcony or raised platform, the installation, alteration or replacement of a microwave antenna, the installation, alteration or replacement of a chimney, flue or soil and vent pipe, or an alteration to any part of the roof of the dwellinghouse in accordance with stipulation A.1 (k).
- 5.2.4 As stated above, the dwellinghouse is not located within article 2(3) land and, therefore, stipulation A.2 falls away.
- 5.2.5 The window must be infilled using materials that match the external materials of the existing dwelling. The plans state that brickwork, that matches the existing brickwork, will be used to infill the window. An informative will be included to highlight this requirement.

6. ANY RELEVANT SITE HISTORY

- **MAB/97/61/6** – Residential development – Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No comment	Noted

- 7.1.1 There is no statutory requirement to consult third parties, however it is noted that Maldon Town Council have no comments.

8. GRANT CERTIFICATE OF LAWFULNESS

- 8.1 The proposed rear extension and infilled window would fall within the tolerance of Class A of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

Informative

1. The proposed external materials to be used as part of the development agreed must match those of the existing dwelling.