

# Unrestricted Document Pack

APOLOGIES Committee Services  
Tel. 01621 875791

Council Chamber 01621 859677

CHIEF EXECUTIVE'S OFFICE  
CHIEF EXECUTIVE  
Fiona Marshall

02 February 2018

Dear Councillor

You are summoned to attend the meeting of the;

## **SOUTH EASTERN AREA PLANNING COMMITTEE**

on **MONDAY 12 FEBRUARY 2018** at **7.30 pm**.

in the Burnham Town Council Offices, Chapel Road, Burnham-on-Crouch.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a large, hand-drawn oval.

Chief Executive

### COMMITTEE MEMBERSHIP

#### CHAIRMAN

Councillor R P F Dewick

#### VICE-CHAIRMAN

Councillor A S Fluker

#### COUNCILLORS

Mrs B F Acevedo  
B S Beale MBE  
R G Boyce MBE  
Mrs P A Channer, CC  
Mrs H E Elliott  
P G L Elliott  
M W Helm  
R Pratt, CC  
N R Pudney

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**AGENDA**  
**SOUTH EASTERN AREA PLANNING COMMITTEE**  
**MONDAY 12 FEBRUARY 2018**

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1. **Chairman's notices (please see overleaf)**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 16)

To confirm the Minutes of the meeting of the Committee held on 15 January 2018, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **FUL/MAL/17/01391 - Annexe, Upper Westwick, Waterside Road, Bradwell-on-Sea** (Pages 17 - 26)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)

6. **HOUSE/MAL/17/01428 - River Lodge, 120 Imperial Avenue, Mayland** (Pages 27 - 32)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)

7. **FUL/MAL/17/01440-Waterside Holiday Park, Main Road, St. Lawrence, Essex CM0 7LY** (Pages 33 - 42)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)

8. **FUL/MAL/17/01460 - Land Adjacent 104 Imperial Avenue, Mayland** (Pages 43 - 56)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)

9. **HOUSE/MAL/18/00006 - 7 Cedar Grove, Burnham-on-Crouch** (Pages 57 - 64)

To consider the planning application and recommendation of the Director of Planning and Regulatory Services (copy enclosed, Members' Update to be circulated)

10. **Any other items of business that the Chairman of the Committee decides are urgent**

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**Reports for noting:**

In accordance with the recent Council decision (Minute No. 542 refers), the following report is for noting and a copy has been placed in the Members' Room and on the I drive for Members' information.

- Other area planning and related matters
- 

**Note:**

1. The Council operates a facility for public speaking. This will operate only in relation to the consideration and determination of planning applications under Agenda Items No. 5 – 9.
2. The Committee may hear from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to speak is afforded only to those having previously made previous written representation.
3. Anyone wishing to speak must notify the Committee Clerk or a Planning Officer between 7pm and 7.20pm prior to the start of the meeting.
4. For further information please ring 01621 875791 or 876232 or see the Council's website – [www.maldon.gov.uk/committees](http://www.maldon.gov.uk/committees)

\* Please note the list of related Background Papers attached to this agenda.

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

**Fire**

In event of a fire, Officers will notify those present. Please use the fire exits marked with the green running man. The fire assembly point is Barclays Bank car park. Please gather there and await further instruction.

## **BACKGROUND PAPERS**

The Background Papers listed below have been relied upon in the preparation of this report:

1. The current planning applications under consideration and related correspondence.
2. All third party representations and consultation replies received.
3. The following Statutory Plans and Supplementary Planning Guidance, together with relevant Government legislation, Circulars, Advice, Orders, Directions and Guidance:

### **Development Plans**

- Maldon District Local Development Plan approved by the Secretary of State 21 July 2017
- Burnham-On-Crouch Neighbourhood Development Plan (2017)\*

\* Note the referendum was held on 20 July 2017 and was in favour of the Plan, but the Plan will be made by Maldon District Council in September 2017. In the meantime it is treated as being in effect.

### **Legislation**

- The Town and Country Planning Act 1990 (as amended)
- Planning (Listed Buildings and Conservation Areas) Act 1990
- Planning (Hazardous Substances) Act 1990
- The Planning and Compensation Act 1991 and The Planning and Compulsory Purchase Act 2004 (as amended)
- The Planning Act 2008
- The Town and Country Planning (General Permitted Development) Order 1995 (as amended)
- The Town and Country Planning (Development Management Procedure) (England) Order 2010
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (Control of Advertisements) (England) Regs 2007
- The Town and Country Planning (Environmental Impact Assessment) Regs 2011
- Localism Act 2011
- The Neighbourhood Planning (General) Regulations 2012
- The Town and Country Planning (Local Planning) (England) Regulations 2012
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017

## **Supplementary Planning Guidance and Other Advice**

### **i) Government policy and guidance**

- National Planning Policy Framework (NPPF) and Technical Guidance
- Planning Practice Guidance (PPG)
- Planning policy for traveller sites
- Relevant government circulars
- Relevant Ministerial Statements (as referred to in the Report)

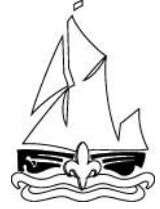
### **ii) Essex County Council**

- Essex Design Guide 1997
- Essex and Southend on Sea Replacement Waste Local Plan

### **iii) Maldon District Council**

- Five Year Housing Land Supply Statement 2015 / 16
- Planning Policy Advice Note (version 4) - October 2015
- Planning Policy Advice Note (version 5) - May 2016
- Infrastructure Delivery Plan (All versions, including update in Council's Hearing Statement)
- Infrastructure Phasing Plan (January 2015 and January 2017 update for Examination)
- North Heybridge Garden Suburb Strategic Masterplan Framework - 2014
- South Maldon Garden Suburb Strategic Masterplan Framework - 2014
- Vehicle Parking Standards Supplementary Planning Document (SPD) - July 2006
- Accessibility to Buildings SPD – December 2006
- Children's Play Spaces SPD – March 2006
- Sadd's Wharf SPD – September 2007
- Heybridge Basin Timber Yard SPD – February 2007
- Developer Contributions Guide - 2010
- Affordable Housing Guide – June 2006
- Heybridge Basin Village Design Statement – November 2006
- Wickham Bishops Village Design Statement – 2010
- Woodham Walter Village Design Statement – 2017
- Various Conservation Area Appraisals

Copies of all Background Papers are available for inspection at the Maldon District Council Offices, Princes Road, Maldon, Essex CM9 5DL during normal office hours.



**MINUTES of  
SOUTH EASTERN AREA PLANNING COMMITTEE  
15 JANUARY 2018**

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**PRESENT**

Chairman	Councillor R P F Dewick
Vice-Chairman	Councillor A S Fluker
Councillors	B S Beale MBE, R G Boyce MBE, Mrs P A Channer, CC, Mrs H E Elliott and M W Helm

**723. CHAIRMAN'S NOTICES (PLEASE SEE OVERLEAF)**

The Chairman drew attention to the list of notices published on the back of the agenda.

**724. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Mrs B E Acevedo, P G L Elliott, R Pratt CC and N R Pudney.

**725. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on 4 December 2017 be received.

Councillor R P F Dewick declared that he had a pecuniary interest in this item and left the Chamber for this discussion.

COUNCILLOR A S FLUKER IN THE CHAIR

**Minute No. 657 – OUT/MAL/17/01123 – LAND TO THE REAR OF 60A  
MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

There was some discussion on the Minute relating to this item and it was agreed that the wording of the first sentence of the third paragraph should read as follows:

*“A Member advised that access was no longer available as the donor bungalow was no longer to be demolished.”*

The second paragraph on page 683 should read as follows:

*“Councillor Mrs P A Channer CC proposed that the Chairman in consultation with the Group Manager – Planning Services and Ward Members come up with the wording for the reasons for refusal ...”*

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 4 December 2017 be confirmed.

Councillor R P F Dewick then returned to the Chamber.

COUNCILLOR R P F DEWICK IN THE CHAIR

**726. DISCLOSURE OF INTEREST**

Councillor A S Fluker declared in the interests of openness and transparency that, in relation to Agenda Item 6 – FUL/MAL/17/01251 – Land East of The Rest, Southminster Road, Asheldham, Essex, he knew the Applicant and the Applicant’s family.

Councillor Mrs P A Channer CC declared:

- that she was also a Member of Essex County Council who was consulted on highways, access and other matters;
- a non-pecuniary interest in relation to Agenda Item 6 – FUL/MAL/17/01251 – Land East of The Rest, Southminster Road, Asheldham, Essex, as she knew the Applicant’s Agent.

The Committee received the reports of the Director of Planning and Regulatory Services and determined the following planning applications, having taken into account all representations and consultation replies received, including those listed on the Members’ Update circulated at the meeting.

**727. FUL/MAL/17/01096 - LAND ADJACENT 101 MALDON ROAD, BURNHAM-ON-CROUCH, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/01096</b>
<b>Location</b>	Land Adjacent 101 Maldon Road Burnham-On-Crouch Essex
<b>Proposal</b>	Proposed new detached dwelling house
<b>Applicant</b>	Mr E J Dominic Savio
<b>Agent</b>	Greg Wiffen - Planman
<b>Target Decision Date</b>	22 November 2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875822
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Chief Executive Call In

**RESOLVED** that this application be **APPROVED** subject to the following conditions:



- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice as well as the submitted detailed specifications.
- 3 No development shall commence until full details of the materials to be used in the external surfaces of the development hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details as approved.
- 4 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers / densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 5 Prior to occupation of the proposed dwelling, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.
- 6 Prior to occupation of the proposed dwelling and as shown in Drawing no SI 5 (Proposed block plan showing visibility splays), the access at its centre line shall be provided with a clear to ground visibility splay with dimensions of 2.4 metres by 43 metres in both directions, as measured from and along the nearside edge of the carriageway. Such vehicular visibility splays shall be provided before the access is first used by vehicular traffic and retained free of any obstruction at all times.
- 7 Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.
- 8 Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading / unloading / reception and storage of building materials and manoeuvring of all vehicles, including construction traffic shall be identified clear of the highway. Details are to be submitted to and approved in writing by the Local Planning Authority and the development is to be carried out in accordance with the approved details.

- 9 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.

Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s).

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 10 Prior to the first occupation of the building hereby permitted, the windows in the east and west side elevations shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

**728. FUL/MAL/17/01251 - LAND EAST OF THE REST, SOUTHMINSTER ROAD, ASHELDHAM, ESSEX**

<b>Application Number</b>	<b>FUL/MAL/17/01251</b>
<b>Location</b>	Land East Of The Rest Southminster Road Asheldham Essex
<b>Proposal</b>	Demolition of existing stables and pole barn and erection of a new single dwelling and change of use of land to residential (Class C3) (amendment to and repositioning of dwelling approved under reference 13/00595 onto adjacent paddock).
<b>Applicant</b>	Mr David Hall
<b>Agent</b>	Mr Anthony Cussen - Cussen Construction Consultants
<b>Target Decision Date</b>	4 January 2018
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875822
<b>Parish</b>	<b>ASHELDHAM</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

The Development Management Team Leader presented the report and advised the Committee that Officers were looking to secure a Section 106 Agreement.

Members debated this application and, in response to a question, the Development Management Team Leader advised that the access would remain as it was currently.

**RESOLVED** that this application be **APPROVED** subject to:

**HEADS OF TERMS OF ANY SECTION 106 AGREEMENT**

- Voluntary agreement for the non-implementation of planning application **FUL/MAL/13/00055**

and subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings: 1092/08 A, 1092/09 A, 1092/10, 1092/11, 1092/12.
- 3 Prior to the construction of the dwelling hereby approved, samples and written details of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
- 4 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has submitted an archaeological assessment by an accredited archaeological consultant to establish the archaeological significance of the site.

Such archaeological assessment shall be approved by the Local Planning Authority and will inform the implementation of a programme of archaeological work. The development shall be carried out in a manner that accommodates such approved programme of archaeological work.

- 5 No development including any site clearance or groundworks of any kind shall take place within the site until the applicant or their agents; the owner of the site or successors in title has secured the implementation of a programme of archaeological work from an accredited archaeological contractor in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in a manner that accommodates the approved programme of archaeological work.

The archaeological work will comprise trial-trenching of the site, followed by full excavation if archaeological features are identified. All fieldwork should be conducted by a professional recognised archaeological contractor in accordance with a brief issued by this office.

- 6 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be

implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

- 7 Any gates erected at the vehicular access shall be inward opening only and shall be recessed a minimum of 6m from the highway boundary.
- 8 No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 9 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.
- 10 No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally

planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

- 11 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

**729. HOUSE/MAL/17/01267 - NORTONLEA, 6 KATONIA AVENUE, MAYLAND, ESSEX, CM3 6AD**

<b>Application Number</b>	<b>HOUSE/MAL/17/01267</b>
<b>Location</b>	Nortonlea 6 Katonia Avenue Mayland Essex
<b>Proposal</b>	First floor extension to existing bungalow to create additional bedroom space.
<b>Applicant</b>	Ms Stacy Christmas
<b>Agent</b>	Annabel Brown - Annabel Brown Architect
<b>Target Decision Date</b>	9 January 2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report Mr Edwards, from Mayland Parish Council, addressed the Committee.

Councillor M W Helm advised that he had called this application in and that the Parish Council considered that the proposed development would be overdevelopment and out of keeping with the street scene.

**RESOLVED** that this application be **REFUSED** for the following reason:

- 1 The proposed development, by virtue of the scale, form, design and appearance of the roof extension, would result in the dwelling having an incongruous and discordant visual appearance that would be harmful to the character and appearance of the site and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide and the guidance contained within the National Planning Policy Framework.

**730. FUL/MAL/17/01289 - 33 PRINCES AVENUE, MAYLAND, ESSEX, CM3 6BA**

<b>Application Number</b>	<b>FUL/MAL/17/01289</b>
<b>Location</b>	33 Princes Avenue Mayland Essex CM3 6BA
<b>Proposal</b>	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
<b>Applicant</b>	Royal Day Investments
<b>Agent</b>	Mr Gary Taylor - Ken Judge & Associates Ltd
<b>Target Decision Date</b>	15 January 2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

Following the Officer's presentation of the report Mr Edwards, from Mayland Parish Council, addressed the Committee.

Councillor M W Helm advised that the had called this application in as the Parish Council were of the opinion that this would be overdevelopment, not in keeping with the street scene and that there was insufficient parking. Councillor Helm proposed that this application be refused contrary to the Officer's recommendation.

Members discussed this application and raised concerns about the design changes, but felt that it would be difficult to refuse an application where planning permission for a replacement building had already been granted. Furthermore, as the change was to the rear elevation, it would not affect the street scene.

Councillor Helm's proposal was duly seconded.

Councillor Helm requested a recorded vote.

In favour of refusal:

Councillor B M Beale MBE  
Councillor Mrs P A Channer CC  
Councillor Mrs H E Elliott  
Councillor A S Fluker  
Councillor M W Helm

Against refusal:

Councillor R G Boyce MBE

Abstention:

Councillor R P F Dewick

**RESOLVED** that this application be **REFUSED** for the following reason:

The proposed development, by virtue of the proposed first floor, flat-roofed rear projection would be of inadequate design and result in an unacceptable bulk and mass at the rear of the dwellings, thereby being an incongruous and visually unacceptable

element, to the detriment of the site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies D1 and H4 and the Maldon District Design Guide (2017).

There being no further items of business the Chairman closed the meeting at 8.18 pm.

R P F DEWICK  
CHAIRMAN

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01391</b>
<b>Location</b>	Annexe, Upper Westwick, Waterside Road, Bradwell-on-Sea
<b>Proposal</b>	Proposed single storey rear extension with a pitched roof over and part flat roof
<b>Applicant</b>	Ms Yolanda Westall
<b>Agent</b>	None
<b>Target Decision Date</b>	13.02.2018
<b>Case Officer</b>	Devan Lawson TEL: 01621 875845
<b>Parish</b>	<b>BRADWELL-ON-SEA</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

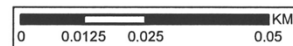
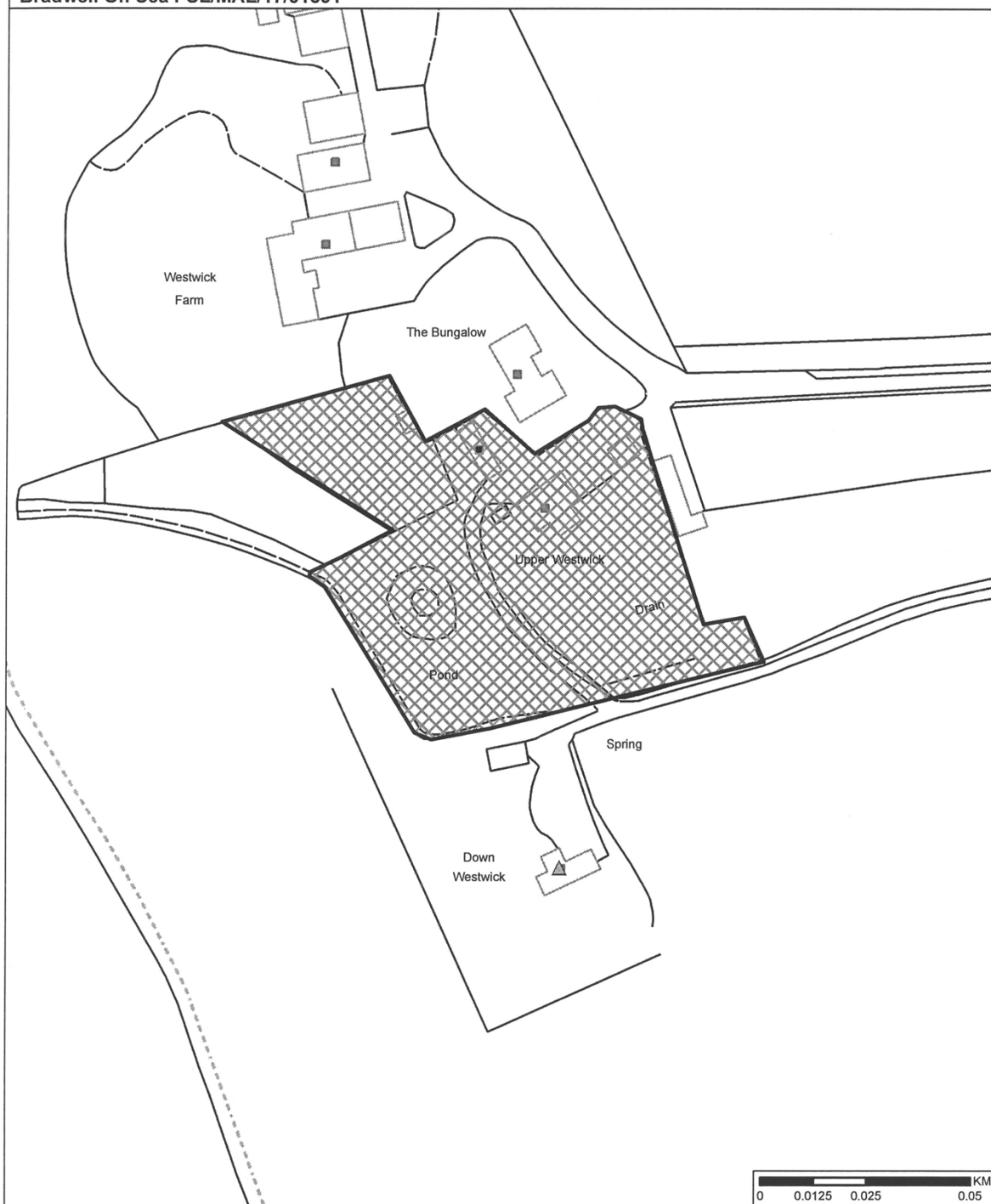
**1. RECOMMENDATION**

**REFUSE** planning permission for reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Annexe - Upper Westwick - Waterside Road**  
**Bradwell On Sea FUL/MAL/17/01391**



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 Maldon District Council 100018588 2014

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	South East Area Committee
Date:	31/01/2018
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located on the western side of Waterside Road, in a rural location, outside of a defined settlement boundary. The site is occupied by a single storey dwelling (Upper Westwick) and a single storey detached annexe which lies on the northern boundary of the curtilage of Upper Westwick.
- 3.1.2 The principal elevation of the annexe is located on the northeast of the application building. However, the annexe is approached via the site access located to the southwest and so the southwest elevation is most prominent. The living accommodation within the annexe comprises two bedrooms, a bathroom, living room and kitchen. The site also has its own amenity space to the southwest of the annexe which is bound by a low picket fence. The building appears to have been part of the original farm complex and used either as farm workers accommodation or for livestock.
- 3.1.3 The main dwelling is located to the south of the annexe across an unmade private driveway which serves access to both the annex and the dwelling. The dwelling is a detached two storey building set within a large curtilage. It lies close to a number of other buildings, including farm buildings and three other residential properties. The property is not visible from the highway.
- 3.1.4 Planning permission is sought to construct a single storey extension on the southwestern elevation of the annexe.
- 3.1.5 The proposed extension will replace part of an existing extension. The proposal will project a maximum of 8.8m from the southwest elevation and 3.8m from the existing extension on the southeast elevation. It will have a maximum width of 8.2m and a height of 3.4m to the eaves and 5m to the ridge. The extension would accommodate 3 bedrooms and a living area. One of the existing bedrooms will be converted into a dressing room and a bathroom and the existing living area will become a dining room. The proposal will increase the number of bedrooms within the annexe from two to four.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development by reason of its scale, bulk, design and siting would result in an overly large and incongruous form of development which would be detrimental to the character and appearance of the original building, the host dwelling and the intrinsic character and beauty of the countryside. Furthermore, the level of accommodation proposed is considered to represent a separate dwelling unit lacking in a functional relationship with the host dwelling. Therefore, the proposal is considered to be detrimental to the character and appearance of the rural area contrary to approved policies S1, S8, D1 and H4 of the Local Development Plan (LDP) and Government guidance contained within the National Planning Policy Framework (NPPF)

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 14 – Preservation in favour of Sustainable Development
- 17 - Core planning Principles
- 56 -58 – Requiring good design

#### **4.2 Maldon District Local Development Plan**

- S1 – Sustainable Development
- S8 – Settlement Boundaries and the Countryside
- D1 - Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

#### **4.3 Relevant Planning Guidance / Documents:**

- Maldon District Design Guide
- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 The principle of erecting ancillary accommodation to provide facilities in association with the existing residential accommodation is considered acceptable under policy H4 of the Local Development Plan.
- 5.1.2 Annexe accommodation is expected to be ancillary to the host dwelling. It is expected to have a functional link, shared services, amenities and facilities and there should be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.
- 5.1.3 It should be noted that the annexe accommodation exists and although detached from the main dwelling its use as an annexe ancillary to the main dwelling is established and lawful. The main dwelling on site is occupied by the applicant and it is stated within the application that the annexe is occupied by the applicant's daughter.
- 5.1.4 Justification for the proposed extension to the annexe accommodation has been submitted with the application. It has been stated that the existing annexe accommodation, which is occupied by the daughter of the owner of Upper Westwick, is too small for the family's requirements. At present there are three children who live in the annexe and share a bedroom; now they are older they require their own space. The family wishes to remain living at Upper Westwick as a family unit, as the applicant looks after the children whilst her daughter who resides in the annexe, runs her book keeping business.
- 5.1.5 The proposal will result in an annex that has a floor area just 15m<sup>2</sup> less than that of the host dwelling. Therefore, concerns are raised in relation to the building remaining ancillary in nature and would amount to the creation of a separate planning unit, which is exacerbated by the level of accommodation proposed. The accommodation proposed is considered to go beyond satisfying the functional needs of the occupier and in effect the proposal could represent a self-contained unit of accommodation.
- 5.1.6 The existing accommodation facilitates a full suite of activities and day to day living and the level of facilities allow for a totally independent form of development from the main dwelling, allowing completely separate living, the proposal exuberates this. The proposal would accommodate a dining room, two additional bedrooms, an additional bathroom, a dressing room and an outdoor seating area; this accommodation is considered to go a long way beyond satisfying the functional needs of the occupier and would easily remove the need

for the building to be used ancillary to the main dwelling. In effect the proposal represents a self-contained unit of accommodation detached from the main dwelling without any degree of dependency or requirement to interact with the principal property. Furthermore, the increase in bedrooms from two to four will result in an annexe which has one more bedroom than the host dwelling. Therefore, it is not considered that an annexe, which provides a greater level of accommodation than the host dwelling, can be deemed an ancillary use.

- 5.1.7 The physical separation, exacerbated by the track which gives the sense of two separate curtilages, combined with the size and residential appearance of the annexe accommodation, gives the appearance of two dwellings on this site. The proposed extension and additional accommodation would exacerbate this. Whilst consideration is given to the applicant's needs, the proposal must be assessed on the lifetime of the development. Therefore, the separation of the two buildings alongside the proposed generous level of accommodation is not considered to represent an ancillary form of accommodation that would have a functional relationship to the main dwelling.
- 5.1.8 Therefore, whilst it is noted that the proposal is for the extension of an existing annexe that is currently used ancillary to the main dwelling house, given the proposed scale of the annexe building and the dwelling -house it is considered that the proposed extension to the existing annexe would render the building too large to have a fully functional and ancillary relationship with the existing dwelling. Furthermore, due to the scale and bulk of the proposal, it is considered to result in an overly large and dominant form of development to the detriment of the host dwelling, existing building and the character and appearance of the surrounding countryside, contrary to policies, S1, S8, D1 and H4 of the Local Development Plan.

## **5.2 Design and Impact on the Character of the Area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.
- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The basis of emerging policy D1 of the Local Plan ensures that all development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.
- 5.2.4 The NPPF states that:
- “The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.
- “permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.”
- 5.2.5 Policy H4 of the LDP also states that development which includes the alteration, extension and/or the addition to a building must:

- 1) Maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area;
  - 2) Be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and
  - 3) Not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 Similar support for high quality design and the appropriate layout scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.7 In addition Policy S8 of the LDP states that the countryside will be protected for its intrinsic character and beauty. Planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon.
- 5.2.8 The accommodation as existing provides a kitchen, living room, bathroom and two bedrooms. The additional accommodation and alterations would provide a dining room, dressing room, second bathroom and two additional bedrooms.
- 5.2.9 The existing annexe building is located to the north of the application site. The southeast boundary of the annexe is located adjacent to an unmade track which separates the host dwelling from the annexe. The surrounding area is rural in nature; it is mostly made up of undeveloped land, with only three residential properties within the vicinity of the site.
- 5.2.10 The proposed single storey extension would project from the southwest boundary of the application site and would have a ridge height that is 0.5m lower in height than the existing building. The proposed hipped roof is considered to be out of keeping with the existing gable roof styles on both the annexe and the host dwelling. However, given the lower ridge height of the proposal, it is not considered that the differing roof profiles will result in material harm to the existing building or the host dwelling.
- 5.2.11 The proposed scale and bulk of the extension is considered to be excessive as the floor area of the proposed extension would be approximately 53.1m<sup>2</sup>, in comparison to the floor area of the original annexe which was approximately 61.3m<sup>2</sup>. Furthermore, the original annexe has been previously extended by 19m<sup>2</sup> under application 13/00200/HOUSE. The 19m<sup>2</sup> from the previous extension, and the proposed additional 53m<sup>2</sup> as part of this application will result in the dwelling being extended by a total of 72m<sup>2</sup>. Consequently, the combined floor area of the additions have a floor area greater than that of the original annexe. Therefore, the proposal is considered to result in an overly large and unbalanced form of development which will result in a structure that appears as a separate dwellinghouse rather than a subservient, ancillary annexe.
- 5.2.12 The increased scale and bulk of the proposal, as a result of the additions and changes to the existing annexe, are considered to be an over development of the site which fails to protect the intrinsic character and beauty of the countryside. This is further exacerbated by the bulk of the development being situated in a prominent position upon entering the site, which is considered to have a dominant and urbanising effect on the site and the surrounding area. Therefore, the additional built form in this location and this scale is considered to result in an urbanisation of the countryside contrary to policies D1, H4 and S8 of the Local Development Plan.
- 5.2.13 The existing dwelling has floor area of approximately 142m<sup>2</sup> in comparison to the resulting floor space of the annexe which would be 133m<sup>2</sup>. The disproportionate scale and bulk of the proposal in relation to the existing dwelling exacerbates the visual impact of the proposal on the annexe and the host dwelling, and results in a structure that represents an individual

dwellinghouse. Consequently the proposal is considered to have an excessive and dominating impact on the host dwelling, contrary to policies S1 and D1 of the Local Development Plan. Furthermore, the increase in built form intensifies the level of development within the countryside, which is exuberated by the bulk of the development being situated at the entrance of the site, contrary to policy S8.

- 5.2.14 Due to the scale and bulk of the proposal, it is considered that the development will result in an overly large and unbalanced form of development which fails to act as a subservient addition to the host dwelling and will visually appear as two separate dwellinghouses. Furthermore, the proposal will increase the level of built form within the countryside and will be highly visible upon entering the site. Therefore, the proposal is considered to be contrary to policies S1, S8 and D1 of the Local Development Plan.

### **5.3 Impact on Designated Heritage Assets**

- 5.3.1 The proposed development is located 102m from Down Westwick a Grade II listed building. Given the separation distance between the proposal and the listed building and the presence of the existing annexe it is not considered that the proposal will have any impact on the special character and appearance or the significance of the listed building.

### **5.4 Impact on Residential Amenity**

- 5.4.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.4.2 The application site is located in a rural locality. The proposed annexe extension would be located 1m from the boundary with The Bungalow, Waterside Road. A brickwall separates the boundary between the two sites. Given the presence of the existing extension and the single storey nature of the proposal it is not considered the proposal will have an overbearing impact on the neighbouring occupiers. Furthermore, there are no windows proposed on the northwestern elevation.
- 5.4.3 Therefore, it is not considered the development would have a detrimental impact on the amenity of the neighbouring properties by way of loss of light, overlooking or forming an unneighbourly development. In this respect, the proposal would be in accordance with policy D1 of the LDP.

### **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy T2 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006).
- 5.5.2 The proposed development would result in the creation of two additional bedrooms, resulting in four bedroom annexe and three bedrooms within the host dwelling. The recommended parking provision for a property with four or more bedrooms is three off street car parking spaces.
- 5.5.3 The provision of on-site vehicle parking spaces will remain unaltered. There is sufficient parking to park three or more vehicles on the area to the northeast of the annexe and the garage and hard standing to the northeast of the host dwelling. Therefore, there are no concerns raised in relation to parking provision.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the LDP requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>. This is supported by section C07 of the Maldon District Design Guide (2017).
- 5.6.2 The existing private amenity space on the site is in excess of the standard contained within the Design Guides, and although the proposed development would result in a loss of some of the private amenity space of site, the remaining space would still be larger than the standard. Therefore, there is no objection to the proposal in relation to amenity space.

## **6. ANY RELEVANT SITE HISTORY**

- **HOUSE/MAL/13/00200** - Single storey extension to annexe. Approved
- **FUL/MAL/08/00349** - First floor extension to the host dwelling. Approved, however, there is no evidence that the planning permission was ever implemented and has now expired.

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

- 7.1.1 None received at the time of writing this report

### **7.2 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection – subject to conditions regarding surface water drainage and foul drainage	Whilst regard has been given to the conditions requested by Environmental Health. It is considered due to the scale of the development the proposed conditions in relation to foul water and surface water runoff are not considered to be reasonable, relevant to the development and necessary. Therefore, they do not pass the 6 tests for conditions and are not considered applicable to this application.



## **8. REASON FOR REFUSAL**

1. Given the physical separation between the annexe and the host dwelling, the size of the resultant building and the quantum of residential accommodation proposed, the development is considered to represent a separate dwelling unit lacking in a functional relationship with the host dwelling. Moreover, the proposed extension by reason of its design, scale and appearance is considered to result in an overly large addition, causing harm to the character and appearance of the main dwelling and the intrinsic character and a beauty of the surrounding countryside. The proposal is therefore, contrary to the requirements of policies S1, S8, D1 and H4 of the approved Local Development Plan and the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/17/01428</b>
<b>Location</b>	River Lodge, 120 Imperial Avenue, Mayland
<b>Proposal</b>	Front extension comprising entrance, gym/garage with mezzanine study.
<b>Applicant</b>	Mr Tony Holt
<b>Agent</b>	Cliff Cole – Cliff Cole Architects Ltd
<b>Target Decision Date</b>	15/02/2018
<b>Case Officer</b>	Louise Staplehurst, TEL: 01621 875706
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**River Lodge - 120 Imperial Avenue**  
**Mayland HOUSE/MAL/17/01428**



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 Maldon District Council 100018588 2014

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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 31/01/2018

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located south of Imperial Avenue, within the settlement boundary of Mayland. The site comprises a two storey dwelling and the private garden of the dwelling lies to the rear of the property on the southern side.
- 3.1.2 The proposal involves the erection of a front extension comprising an entrance, gym/garage and mezzanine study. The proposed extension will measure 7.1 metres wide, 9.7 metres deep with an eaves height of 2.4 metres to the front elevation, a maximum eaves height of 4 metres on the internal elevation and an overall height of 5.8 metres. There will be a new entrance, garage doors and windows on the east elevation and two roof lights on the front elevation. There will be no windows on the west elevation but there will be three roof lights.

#### **3.2 Conclusion**

- 3.2.1 The proposal involves the erection of a front extension comprising an entrance, gym/garage and mezzanine study. It is not considered to detrimentally impact on the amenity of neighbouring occupiers, car parking provision or private amenity space. However the development, by reason of its size and bulk, is considered to cause material harm to the appearance and character of the existing dwelling and the locality, and results in an overdevelopment and visual dominance of the site to an extent that is contrary to policies D1 and H4 of the Local Development Plan (LDP).

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 56-68 Requiring Good Design

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- D1 Design Quality and Built Environment
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

#### **4.3 Relevant Planning Guidance / Documents:**

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

## **5. MAIN CONSIDERATION**

### **5.1 Principle of Development**

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the LDP. Other material planning considerations are discussed below.

### **5.2 Design and impact on the character and appearance of the area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (MDDG)(2017).
- 5.2.2 The proposal involves the erection of a front extension comprising an entrance, gym, garage and mezzanine study as described above.
- 5.2.3 The proposal is a front extension and therefore it will be highly visible within the streetscene. The original dwelling measures 14.1 metres wide and 12.5 metres deep and therefore the proposed extension is considered to be an unusually large addition as it will measure over half the width and depth of the original dwellinghouse. This will result in a form of development that appears to be a dominant addition which would result in an overdevelopment of the site. Due to there being no windows on the northern or western elevation, the development is considered to have limited visual interest and to be an overbearing feature on the site. The development is positioned far forward in the plot, towards the front boundary and therefore is highly visible; the development would appear as an incongruous feature within the streetscene. The development is out of character with the prevailing pattern of development along Imperial Avenue. It is noted that No. 81 Imperial Avenue has a detached double garage to the front of the site, however this is an exception in the streetscene and is smaller in nature than the proposed development. This was approved in 2002 and policies have since changed. However a subservient detached garage is materially different in terms of visual impact in comparison to the extensive prominent and dominant extension hereby proposed.
- 5.2.4 In terms of materials, the doors will be UPVC with glazing bars, the roof will be made of red/brown tiles, the walls will be white render, the windows will be UPVC with glazing bars and the guttering will be black plastic. All these materials match the existing dwelling and therefore there is no objection in terms of materials.
- 5.2.5 The proposal, by reason of its size, design, bulk and positioning, is considered to cause material harm to the appearance and character of the existing dwelling and locality, and results in an overdevelopment of the site to an extent that is contrary to policies D1 and H4 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. The neighbouring property to the east, No. 118 Imperial Avenue, is located 3.7 metres from the shared boundary and 13.2 metres from the proposed development. Due to the distance between the neighbouring property and the proposed development, it is not considered to cause overlooking or overshadowing to an extent to justify the refusal of the application.
- 5.3.2 The neighbouring property to the west, No. 122 Imperial Avenue, is located 5.6 metres from the shared boundary and 7.7 metres from the proposed development. It appears from the plans submitted that there are no windows on the western elevation of the proposed development. Although this will create a dominant form of development along the boundary with the neighbouring property, due to the distance from the neighbouring dwelling, it is not considered to cause overlooking or overshadowing to an extent that would justify the refusal of the application.
- 5.3.3 It is consequently considered that the proposed development will not cause overlooking, overshadowing or have a harmful impact on the amenities of neighbouring residents to an extent that would justify the refusal of the application and would therefore be in accordance with that aspect of policy D1 of the LDP.

### **5.4 Access, Parking and Highway Safety**

- 5.4.1 According to the Maldon District Vehicle Parking Standards SPD, a four bedroom dwelling should have a maximum of three car parking spaces. There is currently provision for at least 4 spaces. Although the front extension will reduce the amount of space at the front of the dwelling, there will still be three parking spaces available. It should also be noted that the Highways Authority has no objections to this application and therefore it is in compliance with this aspect of policy D1 and T2 of the LDP.

### **5.5 Amenity Space**

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>. The current garden size is approximately 600m<sup>2</sup> which is significantly above the minimum requirement for a dwelling of this size. The proposed development would not increase the number of bedrooms within the site and will not impact on private amenity space. Therefore the proposal is not considered to have a detrimental impact on amenity.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/04/01249** – Single storey side extension to dwelling – Approved (28.01.2005)
- **FUL/MAL/06/00379** – First floor front extension, single storey side and rear extensions. Detached double garage on site frontage. – Refused (26.05.2006)
- **FUL/MAL/06/00702** – Alterations and extensions to existing dwelling – Approved (04.08.2006)

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	The proposal is not in keeping with neighbouring properties. It reduces off road parking spaces and alters the original footprint. It also reduces available light and has an impact on neighbouring properties.	Comments noted.

### **7.2 External Consultees**

<b>Name of External Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
The Highway Authority	No objection.	Noted.

### **7.3 Representations received from Interested Parties**

7.3.1 No letters of objection have been received at the time of writing this report.

7.3.2 No letters of support have been received at the time of writing this report.

## **8. REASON FOR REFUSAL**

1. The proposed front extension by virtue of its scale, bulk, positioning and design would result in a prominent and visually dominant form of development which is out of keeping with the prevailing pattern of development in the surrounding area. It will result in material harm to the existing dwelling on the site and the streetscene and therefore the proposal would be contrary to policies D1 and H4 of the LDP and Government advice contained in the NPPF.





**REPORT of the  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01440</b>
<b>Location</b>	Waterside Holiday Park Main Road St Lawrence Essex CM0 7LY
<b>Proposal</b>	Variation of occupancy condition on planning permission MAL/652/80 (Change of use to static caravan site for holiday purposes) granted on appeal APP/5217/C/81/2488.
<b>Applicant</b>	Mr. E English
<b>Agent</b>	Mr. Mark Jackson - Mark Jackson Planning
<b>Target Decision Date</b>	15.02.2018
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>ST. LAWRENCE</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

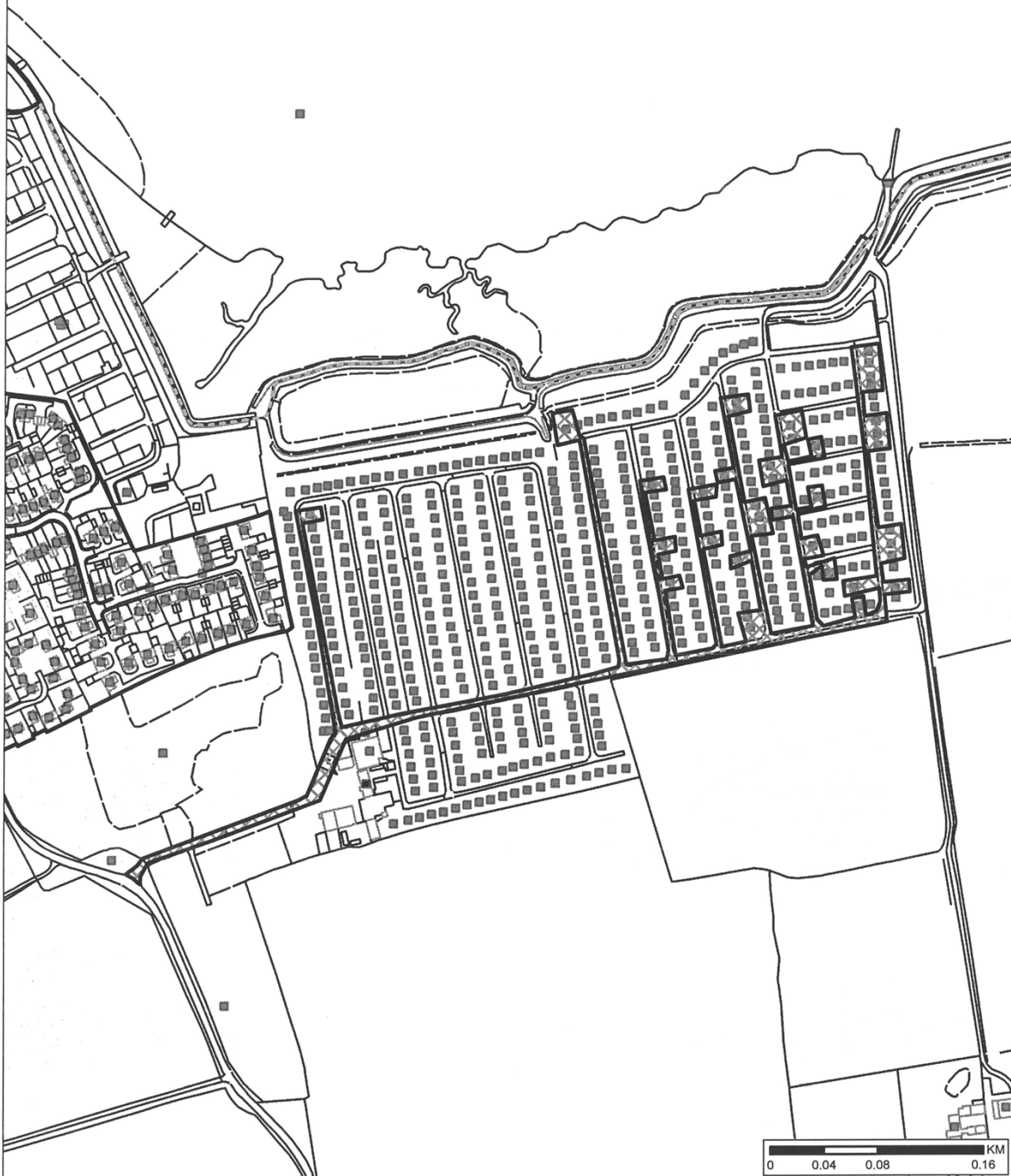
**1. RECOMMENDATION**

**APPROVE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**Waterside Holiday Park - Main Road**  
**St Lawrence FUL/MAL/17/01440**



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Scale: 1:4,000

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 31/01/2018

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1. Proposal / brief overview, including any relevant background information**

- 3.1.1. The application has been submitted to the Local Planning Authority under S.73 of the Town and Country Planning Act 1990 to vary the condition imposed to planning permission MAL/652/80. With the variation of the condition permission is sought for the continuation of use of the land as a caravan site with an extended occupancy season of nine months instead of seven months. The current restriction on the application site is for the use to be allowed between 1<sup>st</sup> April and 31<sup>st</sup> October inclusive (seven months) while the proposal is to allow the use between 1<sup>st</sup> March and 30<sup>th</sup> November inclusive (nine months).
- 3.1.2. The application site comprises thirty-eight (38) plots occupied by static caravans within the land known as Waterside Holiday Park, a caravan site off of Main Road in St. Lawrence. The application site lies outside of any defined development boundaries, within a flood risk zone. It should be noted that part of the land known as Waterside Holiday Park was granted permission under S.73 of the Act in 2003 to be used for nine months 1<sup>st</sup> March and 30<sup>th</sup> November inclusive. Within the planning statement it is claimed that the application has been submitted to bring the application site in line with the limitations imposed on other parts of the caravan park.

#### **3.2. Conclusion**

- 3.2.1. As the application relates solely to the extension of the occupancy period for plots within an existing and established caravan park and the extended period would not fall within the core months for the overwintering bird season, it is considered that the proposal is acceptable and in line with policies S1, S7, S8, D1, D2, D5, E5, H4, N2, T1 and T2 of the Local Development Plan (LDP) as well as guidance contained within the National Planning Policy Framework (NPPF).

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1. National Planning Policy Framework 2012 including paragraphs:**

- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 28 Supporting a prosperous rural economy
- 93 - 108 Meeting the challenge of climate change flooding and coastal change
- 109 - 125 Conserving and enhancing the natural environment
- 186 - 187 Decision-taking
- 196 - 198 Determining applications

**4.2. Maldon District Local Development Plan approved by the Secretary of State:**

- S1 Sustainable Development
- S7 Prosperous Rural Communities
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- D5 Flood Risk and Coastal Change
- E5 Tourism
- N2 Natural Environment and Biodiversity.
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

**4.3. Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

**5. MAIN CONSIDERATIONS**

**5.1. Principle of Development**

- 5.1.1. The Waterside Holiday Park is a well-established tourist facility on the south bank of the Blackwater River. Like other caravan parks close to the coast the site is subject to restrictions on the use of the park accommodation during the winter months. Policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted. In this instance, the proposal is for the extension of the occupancy period for the caravans by two months but outside of the core overwintering period for birds. Therefore, any adverse effects are not anticipated to arise from the proposal. This matter will be further discussed in the following sections of the report.
- 5.1.2. Furthermore, policy E5 of the LDP states that the Council will support developments which contribute positively to the growth of local tourism in a sustainable manner and realise opportunities that arise from the District's landscape, heritage and built environment. It is considered that the principle of the proposal would be in line with policy E5 as the extension of the occupancy period would contribute to the local tourism.
- 5.1.3. In terms of flooding, the proposal would not result in any additional risk. As such, the proposal is considered acceptable in principle. Other material planning considerations will be discussed in the following sections of this report.

## **5.2. Design and Impact on the Character of the Area**

- 5.2.1. The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development. These principles have been incorporated into policy D1 of the LDP.
- 5.2.2. The proposal will extend the occupancy period for some plots located within an established and existing caravan park. Therefore, the proposal would not alter the character and appearance of the area in any material way. On this basis the impact of the proposal upon the character and appearance of the area is acceptable.

## **5.3. Impact on Residential Amenity**

- 5.3.1. The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2. The nature of the proposal is such that it would not alter the relationship of the plots with their neighbouring plots and as such there would be no detrimental impact upon the amenity of the neighbouring users.

## **5.4. Access, Parking and Highway Safety**

- 5.4.1. Policy T2 pursues to create and maintain an accessible environment. The proposal would not alter the highway access or parking arrangements. Furthermore, as this is an established use on the land, the extension of the occupancy period for thirty-eight plots is not considered to create any significant additional traffic. On this basis, the proposal is considered acceptable in terms of access, parking and highway safety.

## **5.5. Private Amenity Space**

- 5.5.1. Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. The proposal would not alter the physical dimensions of the plots or the caravans occupying them. As such there are no objections in terms of private amenity space. In any case, the land is a caravan site and sitting conditions to allow sufficient space between the caravans are imposed through the licensing control.

## **5.6. Flood Risk**

- 5.6.1. The application site is located within Flood Zone 3a, defined by PPG as having a high probability of flooding. Policy D5 of the LDP, in line with national policy, provides local flood risk considerations and seeks to direct development to the lower risk flood zones.
- 5.6.2. The proposed variation of the occupancy period would not alter the classification of the use in relation to its vulnerability to flooding as per the relevant classification table contained in the PPG. According to the submitted flood risk assessment the site

is at risk of flooding but this risk would not change whatever the outcome of this application. Nevertheless, if the site is to have the occupancy period extended to cover more of the calendar year then the risk of caravans being occupied during a tidal flood is greater. Therefore, in line with the provisions of S.73 of the Act appropriately worded condition could be imposed as mitigation against this higher probability.

- 5.6.3. In light of the above, and subject to conditions, the proposed development is not considered to give rise to any demonstrable increase in flood risk on the site or elsewhere.

## **5.7. Ecology**

- 5.7.1. The application site is within close proximity to an internationally designated site (Natura 2000 site, Blackwater Estuary Special Protection Area (SPA), Blackwater Estuary Ramsar site 1), and therefore, the proposal has the potential to affect the ecology features of the designated site. Internationally designated sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The designated site is also notified at a national level as the Blackwater Estuary Site of Special Scientific Interest (SSSI).
- 5.7.2. As stated previously, policy N2 of the LDP states that where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted. The application was submitted without any bespoke ecology appraisal to support the case that the proposal would not cause any significant harm to the designated sites. Instead the supporting statement relies on the assessment for the permission allowing a nine-month occupancy period for the south-western part of the caravan park.
- 5.7.3. The occupancy season is sought to be extended in order to include March and November. The over-wintering season for birds is broadly taken to be October to March inclusive. The core winter period, though, is December to February inclusive. The site is sensitive in this area due to the presence of significant numbers of wintering birds associated with the Blackwater Estuary SSSI, SPA, and Ramsar site, which use the area for both foraging and roosting at St. Lawrence Bay, and which are vulnerable to disturbance by people and dogs.
- 5.7.4. In this instance it is not considered that the proposal would cause a detrimental effect to the designated site due to the avoidance of the core winter months (December – February inclusive), the availability of alternative high tide roosting habitat at Highfield Farm, and the fact that 318 of the plots on the caravan park already have equivalent permission. Natural England has been consulted on the matter and raise no objections.
- 5.7.5. The nine month occupancy is also consistent with other permissions for similar uses in the District, i.e. the St. Lawrence Bay caravan park (FUL/MAL/12/00594). It should be noted that in 2003 the south-western part of the caravan site was granted planning permission under the provisions of S.73 premised on a suite of mitigation measures such as access restrictions from the Park to the sea wall etc. Similar conditions could be imposed with this permission.

- 5.7.6. In this instance, the proposal for the extension of the occupancy period for thirty-eight plots by two months but outside of the core overwintering period for birds is not considered to be detrimental to the ecology interest of the adjacent designated area as any adverse effects are not anticipated to arise from the proposal in line with policy N2 of the LDP.

## 6. ANY RELEVANT SITE HISTORY

- **LDP/17/01472** – Claim for lawful development certificate for proposed use for the siting of caravans all year round occupation - PENDING
- **FUL/MAL/17/01285** – Variation of occupancy condition on planning permission MAL/652/80 (Change of use to static caravan site for holiday purposes) granted on appeal APP/5217/C/81/2488. – WITHDRAWN [26.01.2018]
- **FUL/MAL/15/00389** – Continuation of use without compliance with occupancy conditions attached to 0653/80 and 0532/86 to allow the occupancy of the caravans/mobile homes for 10 months per year (only to be occupied during the months of March to December inclusive). – REFUSED [29.11.2016]
- **FUL/MAL/15/00175** – Variation of condition 3, 4 & 5 of approved application FUL/MAL/03/00112 to allow 5 caravans to be used all year as staff accommodation. – REFUSED [13.01.2016]
- **FUL/MAL/06/00190** – Variation of condition 3 (FUL/MAL/03/00112) to allow use of 2 no. caravans for Wardens accommodation at the Waterside Leisure Park – REFUSED [26.04.2006]
- **FUL/MAL/05/01295** – Non-compliance with condition 3 (Restruction on occupancy of caravans between 1 December to 28 February) of planning permission FUL/MAL/03/00112 to enable the use of 4 No. caravans for residential staff accommodation – REFUSED [12.01.2006]
- **FUL/MAL/05/00044** – Use of 6 caravans for residential staff accommodation (Variation of Condition 3 of planning permission FUL/MAL/03/00112] – REFUSED [04.03.2005]
- **FUL/MAL/03/00442** – Retention of consent: FUL/MAL/03/00112 but without compliance with condition No. 3 attached, to allow the occupancy of 10 No. caravans for 12 months per year for residential staff accommodation. – REFUSED [03.06.2003]
- **FUL/MAL/03/00112** – Continuation of use without compliance with occupancy conditions attached to 0652/80 and 0532/86 to allow the occupancy of the caravans/mobile homes for 9 months per year. (only to be occupied during the months of March to November inclusive) – APPROVED [01.04.2003]
- **FUL/MAL/FUL** – Continuation of use without compliance with occupancy conditions attached to 652/80 and 532/86 to allow the occupancy of the caravans/mobile homes for 9 months per year. (Only to be occupied during the months of March to November inclusive) – REFUSED [22.08.2001]
- **FUL/MAL/00/00757** – Retention of consent ref: FUL/MAL/97/0636 without compliance with condition 9 to allow an extra year to monitor the impact of

the extended occupancy period on the nearby SSSI – APPROVED [26.10.2000]

- **FUL/MAL/00/00307** – Retention of consent ref: MAL/97/0636 without compliance with condition 9 - to allow permanent extension of occupancy period from 7 to 9 months – REFUSED [29.06.2000]
- **FUL/MAL/97/00805** – Retention of consent FUL/MAL/97/0636 without compliance with temporary occupancy condition to allow site to open 9 months per year – REFUSED [08.01.1998]
- **MAL/532/86** – Application for variation of the existing condition attached to the planning permission ref: MAL/652/80 so that caravans are permitted to be stationary on the land all the year around, subject to occupancy of the caravans being prohibited for the use of human habitation between 1 November in any one calendar year and 31 March in the next following year – APPROVED [10/09/1986]
- **MAL/652/80** - Change of use to static caravan site for holiday purposes – REFUSED – APPEAL ALLOWED APP/5217/C/81/2488 [06.06.1983]

## 7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### 7.1. **Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
St. Lawrence Parish Council	No response has been received	

### 7.2. **Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Environment Agency	No objection – The proposal would not alter the vulnerability of the use and will not increase the flood risk on site or elsewhere	Noted
Highways Authority	No objection	Noted
Natural England	No objection – The extended occupancy period will not detrimentally affect the protected designated site bearing in mind the small number of pitches, the existing permission for the majority of the plots on part of the caravan park and the	Noted



<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
	proposed period being outside of core winter months.	

### 7.3. Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions about holiday use only	Noted

### 7.4. Representations received from Interested Parties

7.4.1 No representations were received for this application

## 8 **PROPOSED CONDITIONS**

- At any one time, no more than 38 caravans (as defined by the Caravans Act 1960 as amended or any subsequent application) shall be stationed anywhere within the application site edged red on the accompanying **LP/17/0511/01**.  
REASON: To ensure that no overdevelopment of the site occurs in the interest of the visual amenity of the area, the amenity of the occupiers and the protection of the natural environment in line with policies D1 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
- The caravan site shall be occupied for holiday purposes only. No caravan shall be occupied for residential purposes or as a sole or main residence of any person.  
REASON: To ensure that the use of the site is appropriate to the risk of flooding and in the interest of protecting the natural environment in line with policies D1, D5 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
- The occupation of the caravans on site is permitted only between 1<sup>st</sup> of March and 30<sup>th</sup> November in any one calendar year. No caravan shall be occupied between 1<sup>st</sup> December in one calendar year and the last day of February in the following year.  
REASON: To ensure that the use of the site is appropriate to the risk of flooding and in the interest of protecting the natural environment in line with policies D1, D5 and N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.

4. The measures proposed within the Flood Risk Assessment under reference 1929/RE/11-17/01, submitted as part of this application, must be implemented in full. These measures include the caravans to be anchored into the ground, a Water Entry Strategy to be implemented, the occupiers to register with the Environment Agency's Flood Warnings Direct and prepare a Family Flood Plan and the occupiers evacuate the site during the early warning stages.  
REASON: To ensure that appropriate measures are in place to mitigate against the risk of flooding in line with policy D5 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.
5. The slipway of the caravan site shall only be used between the dates of 1<sup>st</sup> of April and 31<sup>st</sup> of October in any one calendar year.  
REASON: To safeguard the habitat adjacent to the site in line with policy N2 of the Local Development Plan as well as guidance contained within the National Planning Policy Framework.

### **INFORMATIVES**

1. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority, all details shall be agreed before the commencement of works.
2. The applicant may need an environmental permit for flood risk activities if they want to do work in, under, over or within 8 metres (m) from a fluvial main river and from any flood defence structure or culvert or 16m from a tidal main river and from any flood defence structure or culvert. The Blackwater, is designated a 'main river'. Application forms and further information can be found at: <https://www.gov.uk/guidance/flood-risk-activities-environmental-permits>. Anyone carrying out these activities without a permit where one is required is breaking the law.



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01460</b>
<b>Location</b>	Land Adjacent 104 Imperial Avenue, Mayland
<b>Proposal</b>	Proposed 3 bed dwelling house - chalet style
<b>Applicant</b>	Mr & Mrs Sharman
<b>Agent</b>	Greg Wiffen - Planman
<b>Target Decision Date</b>	14.02.2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

# **Land Adjacent 104 Imperial Avenue** **Mayland FUL/MAL/17/01460**



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 31/01/2018

MSA Number: 100018588

### **3. SUMMARY**

#### **Application Site**

- 3.1.1 The application site is on the eastern side of George Cardnell Way. The site forms part of the rear garden of 104 Imperial Avenue. There is an existing outbuilding located at the far east of the site and a garage to the west. To the south is a detached two storey dwelling and to the east is the rear garden of No. 100 Imperial Avenue. The street is mainly characterised by detached chalet bungalows. However, there are single storey and two storey dwellings located within the street.

#### **3.2 Proposal**

- 3.2.1 It is proposed to demolish the existing garage located in the rear garden of 104 Imperial Avenue and construct a 3 bedroom, chalet style property. The main part of the dwelling would measure 10.9 m in depth, 6.8m in width, with a pitched roof built to an eaves height of 2.5m and a maximum height of 6.5m. To the rear would be a smaller gable projection that would measure 4.4m in width and 3.5m in depth and built to a height of 5.3m. The proposal would include 2 velux windows within the roof slope of the southern elevation.
- 3.2.2 The application form states that the dwelling will have walls constructed from brick and render. The windows and doors will be UPVC and the roof will consist of slate tiles. However, drawing No. TS 3, appears to show that the top part of the dwelling will entail some form of cladding which will be addressed later in the report.

#### **3.3 Conclusion**

- 3.3.1 The proposed development is considered to assimilate into the streetscene to an acceptable degree, it would not significantly impact the neighbouring occupiers to such a degree as to warrant a reason for refusal and the site provides adequate parking provision and amenity space, in accordance with policies S1, S8, D1, H4 and T2.

### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- **Para 14** – Presumption in favour of sustainable development
- **Para 47** – Boost the supply of high quality homes
- **Paras 56-66** -- Requiring good design

#### **4.2 Maldon District Local Development Plan 2017:**

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- T1 Sustainable Transport

- T2 Accessibility
- Maldon District Design Guide

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The Council is now in a position where it can demonstrate an up-to-date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three dimensions to sustainable development as defined in the National Planning Policy Framework (NPPF). They are the economic, social and environmental roles. The Local Development Plan (LDP) through the preamble to Policy S1, reiterates the requirements of the NPPF.
- 5.1.3 The proposed dwellings would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Mayland is recognized as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is also noted, that the principle of constructing a dwelling in this location was approved in outline under application OUT/MAL/05/00812 in September 2005. Whilst this application was assessed against the Adopted Local Plan and the Replacement Local Plan which have now been superseded, the premise of the policies remain and so this is given some weight. Therefore, the principle of constructing a dwelling within this locality is considered acceptable.

### **5.2 Housing Need**

- 5.2.1 The proposal would provide one, new 3 bedroom dwelling. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. The proposed 3 bedroom dwelling will therefore not make a significant contribution to the District’s Housing Need. However, it will result in the contribution of one dwelling.

### **5.3 Design and Impact on the Character of the Area**

- 5.3.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised

principles of good design seek to create a high quality built environment for all types of development. This is supported by policies D1 and H4 of the Maldon District LDP and the Maldon District Design Guide (MDDG).

- 5.3.2 Policy D1 of the LDP states that all development must, amongst other things, respect and enhance the character and local context and make a positive contribution in terms of: (b) Height, size, scale, form, massing and proportion; (d) Layout, orientation, and density; (2) Provide sufficient and useable private and public amenity spaces; (4) Protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.3 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.
- 5.3.4 The proposed dwelling would front George Cardnell Way, a residential street which is mainly made up of chalet style dwellings of differing designs. However, the property to the south of the application site is a two storey detached dwelling. Properties within the street are generally constructed from brick and tile cladding.
- 5.3.5 The main part of the dwelling would measure 10.9 m in depth, 6.8m in width with a pitched roof built to an eaves height of 2.5m and a maximum height of 6.5m. To the rear would be a smaller gable projection that would measure 4.4m in width and 3.5m in depth and built to a height of 5.3m. The proposal would include 2 velux windows within the roof slope of the southern elevation and high level glazing within the apex of both the front and rear gables.
- 5.3.6 The application form states that the dwelling be constructed from brick and render. The windows and doors will be UPVC and the roof will consist of slate tiles. However, drawing No. TS 3, appears to show that the top part of the dwelling will entail some form of cladding. The ridge heights are fairly consistent along the road, and the roof styles are generally gabled. The boundary treatments within the road vary from hedges, to low brick walls and high fencing where rear gardens are sited adjacent to the highway.
- 5.3.7 The application site has a maximum width of 9m. Site widths along Cardnell Way range from around 7m to 13m. The siting and layout of the proposed development consists of the subdivision of the existing site from east to east with the proposed dwelling located in-line with the existing linear pattern of development, fronting George Cardnell Way. Whilst the proposed dwelling would be situated close to both the northern (1m) and southern (1.2m) boundaries, given the distances between properties, some of which are semi-detached, and plot sizes along Cardnell Way it is considered that the proposal will follow the development pattern within the streetscene. Furthermore, it is not considered that the siting and layout of the proposed development appears out of keeping or cramped when viewing the site from public vistas.
- 5.3.8 In terms of design, the proposed dwelling is considered to be of adequate architectural merit, traditional in appearance and symmetrical when viewed from the front. The principle elevation of the property makes reference to the front elevations of properties Tamarisk and Romas. Whilst it is noted that the proposed first floor

glazing within the apex of the front gable is a more modern feature in comparison to the neighbouring properties, the window itself is considered to be an interesting architectural addition to the dwelling which will add character and makes suitable reference to the fenestration patterns of other dwellings within the vicinity of the site.

- 5.3.9 In terms of scale and bulk, the proposed dwelling would have a ridge height 0.28m taller than the dwellings located opposite the site at Tamarisk and Romas, which the proposal appears to have been modelled against. No.104, Imperial Avenue is situated to the north of the site and No.6 George Cardnell Way is to the south of the site. Whilst it is noted that the proposal will be 1.9m greater in height than No.104, it is lower in height than No.6. Furthermore, the dwellings within the street consist of different heights with some two storey and some single storey dwellings. Therefore, the height of the proposal is considered to be in keeping with the surrounding area to an acceptable degree.
- 5.3.10 In terms of width, the proposed dwelling is comparable, just slightly smaller than Tamarisk and Romas and 1m narrower than No.6. Furthermore, whilst the single storey rear element projects 1m further than the rear elevation of no. 101, given the modest projection and height of 2.5m to the eaves and the gable style roof, which projects away from the boundary with No. 101, the depth is considered acceptable.
- 5.3.11 Whilst it is noted that a pinch point will be created at the rear of the dwelling where the site steps in, which is not considered good design practice, given the siting of this element to the rear of the dwelling where views from the public realm would be limited, it is not considered that this would warrant a reason for refusal.
- 5.3.12 In regards to the proposed materials, the use of brick and render is considered acceptable as both materials are present within the streetscene. Currently weatherboard is not found within the streetscene, except 104 Imperial Avenue, which has its side elevation fronting George Cardnell Way. Therefore, the use of weatherboard would not be considered an out of keeping material within the streetscene, subject to its type and colour. However, due to the lack of clarity regarding the materials to be used, a condition should be applied requesting the details of materials prior to the commencement of the development.
- 5.3.13 Therefore, for the above reasons, the proposed development is considered to assimilate into the streetscene to an acceptable level in compliance with policies D1 and H4.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account overlooking, loss of daylight to the main windows of the neighbouring dwelling and domination to the detriment of the neighbouring occupiers. This is supported by the MDDG.
- 5.4.2 The application site has four adjacent neighbouring properties. To the north of the application site is 104 and 102 Imperial Avenue, to the east is No. 100 Imperial Avenue and to the south is No. 6 George Cardnell Way.



- 5.4.3 The proposed dwelling would be located 1m from the shared boundary with No.104 Imperial Avenue and a minimum of 6.6m from the existing dwelling. The proposed dwelling would not have any first floor windows located on the northern elevation and so there are no concerns in regards to overlooking. Furthermore, given that the dwelling would be located to the rear of No.104, the orientation of the dwellings and the distance between the two properties, it is not considered that the proposal will be overbearing, or will result in a substantial loss of light. Although it is a close relationship, it is noted that this is not materially different to the relationship that was shown in approved application OUT/MAL/05/00812.
- 5.4.4 The proposed dwelling would be located 2.8m from the boundary with No.102 Imperial Avenue. The lower, rear projection would be adjacent to the shared boundary with the main part of the dwelling located further to the west. Given that this element is located around 13.1m from the neighbouring dwelling and there are no first floor windows proposed within this elevation, it is not considered that the proposal will result in any material harm by resulting in loss of privacy or by being overbearing. Whilst the proposed dwelling would be visible from within that property and cause some enclosure to the site, it is considered that the separation distance and the scale is adequate to ensure that the proposed dwelling is not overbearing.
- 5.4.5 No. 100, Imperial Avenue is situated to the rear of the development site and would be located 16m from the proposed dwelling. There is a window proposed at a height of 5.6m within the rear gable, a ground floor window and French doors, which will have views of two first floor windows of No. 100. However, the proposed window at first floor is to be obscure glazed, which could be secured via a condition, should the application be approved. This would mitigate any unacceptable levels of overlooking.
- 5.4.6 The proposal is located 1.3m from the boundary that is shared with No.6 George Cardnell Way. It is noted that objections have been received from the occupier of No.6 in regards to the development being overbearing and resulting in a loss of light and privacy to No.6. In terms of overlooking there are two velux windows proposed within the roof slope of the dwelling and two ground floor windows on the southern elevation. As there are no first floor windows situated on the northern elevation of No.6, the proposed roof lights are situated within the roof pitch and will not have readily available views into neighbouring sites and any ground floor windows are screened by 1.8m closeboard fencing, it is not considered that the proposal will result in any loss of privacy. However, as the rooflights would serve a bathroom and the landing is not habitable, a condition requiring obscure glazing is considered appropriate to mitigate against the harm.
- 5.4.7 The proposed dwelling would be located 4.2m from the existing dwelling at No.6 and would project 1m beyond the rear of the property. Given the limited height of the property, and that the bulk of the development will be situated away from the boundary due to the pitch roof of the property, it is not considered that there will be an overbearing impact on the neighbouring occupiers. Furthermore, given the orientation of the dwellings, it is not considered there will be a substantial reduction in light as the sun rises to the rear of the properties and sets at the front. It is also noted that the objector raises concerns over the possibility of future development on the site. However, the Council must assess the impacts of the development on its existing merits and cannot speculate the impacts of any future proposals.

- 5.4.8 Objections have also been received from Tamarisk George Cardnell Way, which is situated opposite the site frontage. The objections relate to a loss of privacy, mainly due to the siting of the first floor window on the western elevation. Given that the proposed dwelling and neighbouring property will have a separation distance of 21m and that they both look upon the public highway, it is not considered that the dwelling will result in an unacceptable level of overlooking or loss of privacy. Furthermore, it is common for properties to be sited opposite one another within a streetscene as demonstrated by the other properties within George Cardnell Way.
- 5.4.9 For the reasons discussed, it is not considered that the proposed development will result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 Policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.5.2 The proposed development would result in an additional vehicular access onto George Cardnell Way; the existing access serving no. 104 Imperial Avenue would remain in situ. The Highway Authority has been consulted and raised no objection to the proposal in terms of highway safety, subject to conditions.
- 5.5.3 The recommended parking provision standard for a three bedroom dwelling is a maximum of two car parking spaces. There is an area to the front of the proposed dwelling measuring a maximum of 9.2m by 6m which could accommodate two cars, in accordance with the recommended standard.
- 5.5.4 The proposed development would result in the division of the existing plot which accommodates no. 104 and removal of the existing garage which serves this property. However, there is currently no access from the highway to this garage and so it is not considered that there will be a reduction in parking provision within the site. Furthermore, there is still an area to the front of the site which could accommodate in excess of two vehicles.
- 5.5.5 Whilst objector comments regarding access to Tamarisk, the increase in on street parking and concerns regarding the mobile library have been noted. It is considered that the proposal will provide sufficient parking for the proposed development and will not result in any harm in regards to highway safety.
- 5.5.6 The Highways Authority have requested a condition, should the application be approved, that cycle parking is provided on the site, in accordance with Maldon District Council's adopted vehicle parking standards. A shed/ bike store is shown at the rear of the site which would meet this requirement.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms. This is supported by section C07 of the MDDG (2017).
- 5.6.2 The proposed development would result in the division of the plot which accommodates no. 104; this would result in the loss of part of the private rear amenity space. However, the remaining space to the rear of the dwelling would measure 127sq.m, which is in excess of the recommended standard.
- 5.6.3 The rear amenity space to serve the proposed dwelling would measure 113.8sq.m. This is in excess of the recommended standard and therefore, no concerns are raised in relation to private amenity space.
- 5.6.4 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the LPA.

## **6. ANY RELEVANT SITE HISTORY**

- **OUT/MAL/04/00793**–Refused Erection of 3 no dwellings with garages
- **OUT/MAL/05/00812** – Approved. Demolition of existing dwelling and outline proposal for the erection of two new dwellings (Erection of 1no. 2 bedroom house and 1 no. 4 bedroom house) with siting not reserved for later submission.
- **OUT/MAL/05/00812** – Approved. Demolition of existing dwelling and outline proposal for the erection of two new dwellings (Erection of 1no. 2 bedroom house and 1 no. 4 bedroom house) with siting not reserved for later submission.
- **HOUSE/MAL/13/00210** – Approved. Proposed single-storey side/rear extension to existing bungalow, demolition of flat-roofed rear part and other cosmetic alterations including partly weather-board cladding

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	<ul style="list-style-type: none"><li>• Object: The proposal is an overdevelopment of the site</li><li>• The proposal will have a negative impact on the neighbouring properties</li><li>• The proposal would provide inadequate parking</li><li>• The proposal is out of</li></ul>	These matters are addressed above.

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
	keeping with street scene	

## 7.2 Statutory Consultees and Other Organisations

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection subject to conditions	Noted

## 7.3 Internal Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No objection subject to conditions	Noted

## 7.4 Representations received from Interested Parties

7.4.1 Letters were receiving objecting to the application from the following and the reasons for objection are summarised as set out in the table below:

- Colin Bates, Tamarisk, 11 George Cardnell Way, Maylandsea
- Linda Ruffle, 6 George Cardnell Way, Maylandsea

<b>Objection Comment</b>	<b>Officer Response</b>
Unrestricted access to 11 George Cardnell Way would be interrupted by the siting of a new access directly opposite.	Please see section 5.5
Views from No. 11 will be interrupted	Whilst this is noted, views are not a planning consideration and therefore cannot be assessed as part of this application.
Overlooking into the bedroom of No.11 from the proposed first floor window	Please see section 5.4
Off street parking will be reduced	Please see section 5.5
The market value of No.11 will be reduced as a result of the development	Property prices are not a planning consideration and therefore, cannot be assessed as part of this application.
The driveway will be located where the	Please see section 5.5.

mobile library stops	
Building work will impact on the neighbouring occupier's quality of life.	An informative can be applied to the decision notice advising of acceptable working hours.
Sole reason for the development is for private financial gain.	This is not a planning consideration and therefore, cannot be considered as part of this application.
The single storey projection is imposing and will reduce light to No.6.	Please see section 5.4
Velux windows will overlook No.6 and reduce privacy	Please see section 5.4
Insufficient parking provided on site	Please see section 5.5
The proposal is too close to No.6. If a dormer were constructed under permitted development in the future, the occupier's privacy would be further reduced.	Please see section 5.4
The proposal would result in over development of the site.	Please see section 5.3

8. **PROPOSED CONDITIONS**

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) of The Town & Country Planning Act 1990 (as amended).
2. The development shall be carried out in accordance with the following approved plans and documents: Drawing Nos TS 2, TS 3, TS 4  
REASON: To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.
3. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
4. No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be constructed prior to the first use/occupation of the development to which it relates and be retained as such thereafter.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

5. No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the local planning authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first occupation of the development hereby permitted and retained and maintained as such thereafter.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
6. Prior to the first occupation of the building hereby permitted, the first floor window in the eastern elevation and the south facing roof lights shall be glazed with opaque glass and of a non- openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.  
REASON: To protect the amenity of the occupiers in accordance policy D1 of the Submitted Local Development Plan.
7. Prior to occupation of the proposed dwelling, the vehicular access on George Cardnell Way shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall not be less than 3 metres and no more than 6 metres, and shall be provided with an appropriate dropped kerb vehicular crossing of the footway.  
REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
9. Prior to the commencement of the development details shall be submitted to and approved in writing by the local planning authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.  
REASON: To reduce the risk of flooding or the presence of ice on the highway and in the interests of highway safety.
10. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be formed in the rear gable wall of the at first floor level of the dwellings hereby permitted without planning permission having been obtained from the local planning authority.  
REASON: In the interests of the residential amenity of adjacent properties and in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
11. No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
12. Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in

writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development. The scheme shall ensure that for a minimum:-

- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
- 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 11/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

13. Prior to the commencement of the development details of the foul drainage scheme to serve the development shall be submitted to and agreed in writing by the local planning authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON: To ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

### **INFORMATIVE**

The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:

- a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
- b) No dust emissions should leave the boundary of the site;
- c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
- d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

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**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
12 FEBRUARY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00006</b>
<b>Location</b>	7 Cedar Grove, Burnham-on-Crouch
<b>Proposal</b>	Proposed dormer with hipped roof and Velux window to front, removal of chimney stack and relocation of front entrance.
<b>Applicant</b>	Ms Angelique Bell
<b>Agent</b>	Mr Alan Green – A9 Architecture
<b>Target Decision Date</b>	28/02/2018
<b>Case Officer</b>	Louise Staplehurst, TEL: 01621 875706
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

**REFUSE** for the reasons as detailed in Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**7 Cedar Grove**  
**Burnham On Crouch HOUSE/MAL/18/00006**



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: South East Area Committee

Date: 31/01/2018

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is in a residential location within the settlement boundary of Burnham-on-Crouch. The application site is located within a cul-de-sac made up of semi-detached dwellings. The site relates to a semi-detached two storey dwelling with detached garage located to the side. The application site and adjoining property are symmetrical in nature.
- 3.1.2 The proposal seeks planning permission to construct a dormer window to the front of the dwelling, install a Velux window on the front elevation, remove the chimney stack and relocate the main entrance to the front elevation. The proposed dormer will measure 1.9 metres wide, 2.3 metres deep and 2.6 metres high.
- 3.1.3 Two applications for similar proposals have been refused on the site. The first refusal was under application HOUSE/MAL/16/01415 which was for a front dormer, relocation of front entrance and internal reconfigurations. This application was also dismissed at appeal. The dormer measured 2.3 metres wide, 2.4 metres deep and 2.7 metres high. The reason for refusal was as follows:

*“The proposed development by reason of its siting would result in a prominent form of development, out of character with the prevailing pattern of development within the vicinity of the site to the detriment of the dwelling and the character and appearance of the area, in particular the dormer window to the front elevation, and is contrary to adopted Maldon District Replacement Local Plan policies BE1 and BE6 and policy D1 of the submitted Local Development Plan and Government guidance contained within the National Planning Policy Framework.”*

- 3.1.4 The second refusal was under application HOUSE/MAL/17/00825 which was for a dormer, Velux window on front elevation and porch infill/relocation of entrance door. The dormer measured the same as the current proposal. The reason for refusal was as follows:

*“The proposed front dormer by reason of its siting and design would result in a prominent form of development, out of character with the prevailing pattern of development within the vicinity thereby having an adverse effect on the host dwelling and the character and appearance of the area, the proposal is therefore contrary to policy D1 of the Local Development Plan and Government guidance contained within the National Planning Policy Framework.”*

#### **3.2 Conclusion**

- 3.2.1 The proposal has not addressed the reasons for refusal in the previous application. The proposed front dormer, by reason of its siting and design, would result in a prominent form of development, out of character with the prevailing pattern of development within the surrounding area, and therefore would detrimentally impact on the character and appearance of the existing dwelling and the locality, contrary to policy D1 of the Local Development Plan ( LDP).

#### **4. MAIN RELEVANT POLICIES**

Members' attention is drawn to the list of background papers attached to the agenda.

##### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 56-68 Requiring Good Design

##### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- D1 Design Quality and Built Environment
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

##### **4.3 Burnham-on-Crouch Neighbourhood Plan**

- HO.4 Housing Design Principles

##### **4.4 Relevant Planning Guidance / Documents:**

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

#### **5. MAIN CONSIDERATION**

##### **5.1 Principle of Development**

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the LDP. Other material planning considerations are discussed below.

##### **5.2 Design and impact on the character and appearance of the area**

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (MDDG) (2017).
- 5.2.2 The relocation of the front entrance would square off the front elevation and therefore it is considered that due to the varying styles of the ground floor frontages within the streetscene, the proposed relocation of the door would not have a detrimental impact on the character and appearance of the streetscene.

- 5.2.3 If undertaken in isolation, the removal of the chimney stack would not require planning permission. Moreover, it is noted that the proposed roof light on the front elevation could be installed under permitted development rights and therefore there is no objection to this part of the proposal.
- 5.2.4 The proposal also includes the construction of a dormer to the front elevation of the dwelling. The first application for a similar proposal at this site, with a slightly larger dormer, was refused and subsequently dismissed at appeal and it is noted that the inspector stated the proposed front dormer “*would appear as an incongruous addition that would unbalance the roofslope to the detriment of the character and appearance of the existing dwelling. In such a prominent position, this would be to the detriment of the character and appearance of the surrounding streetscene*”.
- 5.2.5 Front dormer windows are not present with this part of Cedar Grove and are not a common feature of the surrounding area. The Planning Inspector made it clear that he was aware of dormer windows existing within Beech Close and Maple Way and also a permission to install two dormer windows at 4 Cedar Grove. However, it was determined that none of those dormers are identical to the development that was proposed at the application site and therefore the application should be determined on its own merits. The reduced size of the dormer window is not considered to have addressed the concerns that were raised by the Planning Inspector and it is noted that the dormer is identical in nature as was previously refused under the terms of application HOUSE/MAL/17/00825. It is therefore considered that it remains the case that the dormer would be an incongruous addition that would detract from the character of the surrounding area and unbalance the symmetry of the roofspace that is shared with the neighbouring property.
- 5.2.6 It is considered that the revised proposed development, by means of its style and design, including its scale and siting, has not overcome the previous reasons for refusal nor the comments made by the inspector from the appeal in 2016. Therefore the proposed dormer window would result in a prominent feature that is out of keeping with the host dwelling and would have a detrimental impact on the character and appearance of the street scene, and therefore, is contrary to policy D1 of the LDP and guidance within the NPPF. Furthermore, there are not considered to be any changes in policy or new material conditions that would outweigh the material consideration that is the recently refused identical form of development or the previous appeal decision.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. The application site is a semi-detached dwelling and therefore adjoins No. 5 Cedar Grove to the north. The proposed front dormer would be located 0.6 metres from the adjoining property. There will be no window on the elevation facing the neighbouring property. Due to its size and location, the proposal is not considered to give rise to any loss of privacy or overlooking.
- 5.3.2 Due to the distance of the property from neighbouring properties, the development is not considered to cause overlooking or overshadowing to an extent that would justify

the refusal of the application. This is consistent with the conclusions previously reached by the Local Planning Authority (LPA) and the Planning Inspectorate.

- 5.3.3 It is consequently considered that the proposed development will not cause overlooking, overshadowing or have a harmful impact of the amenities of neighbouring residents to an extent that would justify the refusal of the application and would therefore be in accordance with policy D1 of the LDP.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 According to the Maldon District Vehicle Parking Standards SPD, a three bedroom dwelling should have a maximum of two car parking spaces. There is currently provision for 2 spaces on the driveway, as well as a space in the garage. Although the proposal will add an extra bedroom to the property, there will still be adequate parking at the site and therefore it is in compliance with policy D1 and T2 of the LDP.

#### **5.5 Amenity Space**

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m<sup>2</sup>. The current garden size is approximately 100m<sup>2</sup> which is acceptable for a dwelling of this size. The proposed development will add one more bedrooms however it will not reduce the amount of amenity space. Therefore the proposal is not considered to have a detrimental impact on amenity.

### **6. ANY RELEVANT SITE HISTORY**

- **HOUSE/MAL/16/01415** – Proposed relocation of front entrance. Proposed internal re-configurations. Proposed pitched roof dormer to front elevation. – Refused and appeal dismissed – (09.02.2017)
- **LDP/MAL/16/01416** – Claim for lawful development certificate for proposed increase of existing flat roof rear dormer – Approved – (09.02.2017)
- **HOUSE/MAL/17/00825** – Proposed hipped roof dormer and Velux window to front elevation. Porch infill and relocation of entrance door –Refused – (26.09.2017)

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

- 7.1 The consultation expiry date is Friday 2<sup>nd</sup> February. Any comments received after writing this report will be summarized within the members update.

#### **7.2 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	Recommend granting permission as it is a compliant application.	Comments noted.

#### **7.3 Representations received from Interested Parties**

- 7.3.1 No letters of objection have been received at the time of writing this report.

7.3.2 No letters of support have been received at the time of writing this report.

**8. REASON FOR REFUSAL**

1. The proposed front dormer by reason of its siting and design would result in a prominent form of development, out of character with the prevailing pattern of development within the vicinity thereby having an adverse effect on the host dwelling and the character and appearance of the area, the proposal is therefore contrary to policy D1 of the Local Development Plan and Government guidance contained within the National Planning Policy Framework.

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