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HEAD OF PAID SERVICE'S OFFICE
HEAD OF PAID SERVICE
Richard Holmes

11 September 2018

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 19 SEPTEMBER 2018 at 7.30 pm.**

in the Council Chamber, Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully



Head of Paid Service

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor B E Harker

VICE-CHAIRMAN

Councillor Miss M R Lewis

COUNCILLORS

Miss A M Beale

A T Cain

I E Dobson

Mrs B D Harker

M S Heard

M R Pearlman

S J Savage

Mrs N G F Shaughnessy

Rev. A E J Shrimpton

Ex-officio non-voting Members: Councillor Mrs P A Channer, CC

Please note: Limited hard copies of this agenda and its related papers will be available at the meeting. Electronic copies are available via the Council's website.

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AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 19 SEPTEMBER 2018

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 14)

To confirm the Minutes of the meeting of the Committee held on 22 August 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. **HOUSE/MAL/18/00819 - 4 Longship Way, Maldon** (Pages 15 - 24)

To consider the report of the Director of Strategy, Performance and Governance (copy enclosed, Members' Update to be circulated)*.

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

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** – Appeals Lodged and Appeal Decisions
-

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 Item No. 5.
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

* 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.

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Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

Meetings held in the Council Chamber are being monitored and recorded by CCTV.

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)

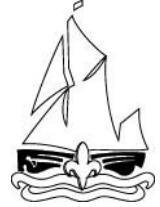
ii) Essex County Council

- 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
CENTRAL AREA PLANNING COMMITTEE
22 AUGUST 2018**

PRESENT

Chairman	Councillor B E Harker
Vice-Chairman	Councillor Miss M R Lewis
Councillors	Miss A M Beale, A T Cain, I E Dobson, Mrs B D Harker, M S Heard, M R Pearlman, S J Savage, Mrs N G F Shaughnessy and Mrs P A Channer, CC
Ex-Officio Non-Voting Member	Mrs P A Channer, CC

358. CHAIRMAN'S NOTICES

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

359. APOLOGIES FOR ABSENCE

There was none.

360. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 25 July 2018 be approved and confirmed.

361. DISCLOSURE OF INTEREST

Councillor I E Dobson disclosed a pecuniary interest in Item 7, FUL/MAL/18/00706 – 6 Emperor Close, Heybridge as he was the applicant, and declared that he would leave the Chamber for this item.

All Members disclosed a non-pecuniary interest in Item 7, FUL/MAL/18/00706 – 6 Emperor Close, Heybridge as they all knew the applicant, Councillor Dobson.

Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she was a Member of Essex County Council, a consultee on planning application matters with respect generally to highways, matters of access and education primarily.

362. FUL/MAL/18/00407 - LAND ADJACENT BLACKWATER RETAIL PARK, THE CAUSEWAY, MALDON, ESSEX

Application Number	FUL/MAL/18/00407
Location	Land Adjacent Blackwater Retail Park, The Causeway, Maldon, Essex.
Proposal	Erection of 60 bedroom hotel incorporating A3 cafe to ground floor together with associated surface parking and servicing area.
Applicant	Aquila EHS Ltd
Agent	None
Target Decision Date	31.07.2018
Case Officer	Kathryn Mathews
Parish	Maldon North
Reason for Referral to the Committee / Council	Major Application

Following the Officer's presentation Ms Judy Lee, of The Maldon Society, an Objector, and Mr Trevor Hollinger, the Applicant, addressed the Committee.

A discussion ensued and Members agreed that there was a need for a hotel within the district. Whilst a number of members raised concerns regarding the design of the development, it was agreed that the location would limit the incongruous impact on the street scene.

The Chairman put the Officers recommendation to a vote and the Committee agreed to approve the application in accordance with the Officers recommendation.

RESOLVED that the 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 accordance with the following approved plans and documents:
Ecologia Phase 2 Site Investigation Report 24/2/16
Remediation Strategy dated March 2016
Ecologia letter dated 09/07/2018
Technical Note: Flood Risk 5/4/18
Flood Risk Assessment 19/8/14
17025/TP/001A
17025/TP/002A
17025/TP/003C
17025/TP/004D
17025/TP/005G
17025/TP/006E
17025/TP/007A
17025/TP/008D
17025/TP/009B

- 3 No development shall take place above slab level until samples of all materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to the Local Planning Authority for approval in writing. The development shall be carried out in accordance with the approved materials.
- 4 Deliveries to and collections from the hotel and café shall only be undertaken between 06:00 hours and 23:00 hours on Monday to Saturdays and between 07:30 hours and 19:00 hours on Sundays and Public Holidays.
- 5 The café use of the building hereby permitted shall not commence until a scheme for the ventilation of the building and the treatment of all smells and fumes (including the details of the attenuation of all equipment) has been submitted to and approved in writing by the local planning authority. The works as approved shall be installed and operational prior to the commencement of the use of the building and retained as such thereafter.
- 6 No external plant or machinery shall be used unless and until details of the equipment have first been submitted to and approved by the local planning authority. Any measures required by the local planning authority to reduce noise from the plant or equipment shall be completed prior to the plant being brought into use and retained as such thereafter.
- 7 There shall be no external illumination of the site unless details (including the luminance and spread of light and the design and specification of the light fittings) have first been submitted to and approved in writing by the local planning authority. All illumination within the site shall be retained in accordance with the approved details.
- 8 Prior to the first occupation of the development the access arrangements, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The access, parking and turning areas shall be retained, as approved, in perpetuity for their intended purpose.
- 9 Details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers shall be submitted to and approved in writing prior to their installation. The means of enclosure shall be installed as approved prior to the beneficial occupation of the development and be retained as such thereafter.
- 10 No works or development shall take place above slab level, until full details of both hard and soft landscape works (to include the car parking and servicing area proposed) 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 The refuse and recycling storage proposed shall be provided prior to the first occupation of the development and retained for such purposes at all times thereafter.
- 12 The development shall not be occupied until a Flood Warning and Evacuation Plan has been submitted to and approved by the Local Planning Authority. The Flood Warning and Evacuation Plan shall be made available for inspection by all occupiers and customers to the site and shall be displayed in a visible location all times thereafter.
- 13 No development shall take place above slab level until details of flood resilience/resistance measures to be incorporated into the development have been submitted to and approved in writing by the local planning authority. The details submitted shall demonstrate that the building is structurally resilient to withstand the pressures and forces (hydrostatic and hydrodynamic) associated with flood water. The development shall be completed in accordance with the approved details and retained as such thereafter.
- 14 The finished ground and finished floor levels of the development in relation to the levels of the surrounding area shall be as shown on the approved drawings.
- 15 Notwithstanding the submitted drawings, provision for the parking of 12 bicycles shall be made prior to the commencement of the beneficial use of the building in accordance with details which shall have been submitted to and gained the prior written approval of the local planning authority. The approved facility shall be secure, convenient, covered, maintained free from obstruction and retained thereafter.
- 16 Prior to the first occupation of the building hereby permitted, the first, second and third floor windows in the north elevation shall be glazed with opaque glass and of a non- openable design except for a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

- 17 The development hereby permitted shall not commence until the measures as set out in the Ecologia Phase 2 Site Investigation Report 24/2/16, Remediation Strategy dated March 2016 and Ecologia letter dated 09/07/2018, have been implemented.
- 18 No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved Remediation Strategy dated March 2016 and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.
- 19 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.
- 20 No drainage systems for the infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 21 No development shall take place until details of the Sustainable Urban Drainage System (SuDS) to serve the development have been 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, and retained as such thereafter.
- 22 Foul water from the development shall be disposed of via the mains sewer as proposed unless alternative details have been submitted to and approved in writing by the local planning authority prior to the commencement of the development. The development shall be completed in accord with the approved details prior to the first occupation of the building hereby approved.
- 23 The use hereby permitted shall not commence unless and until the plant room proposed has been provided with sound insulation against internally generated noise in accordance with a scheme which shall have first been submitted to and approved in writing by the local planning authority. The scheme as approved shall be retained as such thereafter.

- 24 The development hereby approved shall not be occupied until a Strategic Landscaping and Public Realm Strategy for the Causeway Corridor has been commissioned in accordance with details which shall have been submitted to and gained the prior approval in writing of the local planning authority.

363. FUL/MAL/1800683 - SCHOOL HALL, MALDON COURT PREPARATORY SCHOOL, 10 SILVER STREET, MALDON, ESSEX

Application Number	FUL/MAL/18/00683
Location	School Hall Maldon Court Preparatory School 10 Silver Street Maldon Essex
Proposal	Demolition of existing timber framed school hall and adjacent PE shed and erection of new timber framed building for After school care / storage.
Applicant	Mr Stephen Guest - Cromwell Hall (Maldon) Limited
Agent	N / A
Target Decision Date	9 August 2018 EOT 23 August 2018
Case Officer	Yee Cheung
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Pearlman on the grounds that the development would impact trees and the conservation area.

Following the Officer's presentation, Ms July Lee, The Maldon Society, an Objector, addressed the Committee.

A discussion ensued where Members commented on the design of the school hall and raised concerns over the proposed removal and replacement of trees.

It was noted that the school was a business, and the design fitted the purpose of the building's intended use. Whilst the replacement of the trees was approved, Members requested that Condition 4 be reworded to ensure that replacement trees were in keeping with the conservation area and a native specimen.

The Chairman put the Officers recommendation to a vote and the Committee agreed to approve the application in accordance with the Officers recommendation.

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

1. The development hereby permitted shall begin no later than three years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents: 01; 02; 03 REV 01; 04 Rev 1; 05; 06 REV 01; and 07 REV 01

- 3 The external surfaces of the development hereby approved shall be constructed of the materials specified on Plan No: 06 Rev 01 dated 02.06.2018 and to be retained as such thereafter.
4. No 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 native species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme of the two trees shown in the area edged in blue on Plan No: 03 Rev 01 dated 02.06.2018 . 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 No development shall take place, and no works shall be undertaken to any existing tree or hedge within or around the site, until a tree and hedge survey and associated proposals have been submitted to and been approved in writing by the Local Planning Authority. The submission shall include the following:
- a) details of all existing trees and hedges, and an assessment of the relevant arboricultural implications upon such planting of the proposed development;
 - b) details of any works to any existing tree or hedge that would be necessary to implement the proposal, and;
 - c) full details of temporary tree and hedge protection arrangements for retained trees and hedges throughout the duration of the works.
- 6 The tree and hedge proposals to be agreed pursuant to Condition 5 shall be implemented in accordance with the details as approved, and the temporary measures to be approved for protection of existing trees and hedges shall be implemented before any equipment, machinery or materials are brought onto the site for the purposes of the works, and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

Councillor Dobson left the Chamber and did not return to the meeting.

364. LDP/MAL/18/00706 - 6 EMPEROR CLOSE, HEYBRIDGE

Application Number	LDP/MAL/18/00706
Location	6 Emperor Close, Heybridge
Proposal	Claim for lawful development certificate for demolition of a single storey rear projection walling and roof and erection of a glazed single storey orangery extension.
Applicant	Mr & Mrs Ian Dobson
Agent	Chris Cumbers
Target Decision Date	29/08/2018
Case Officer	Louise Staplehurst
Parish	Heybridge West
Reason for Referral to the Committee / Council	Councillor / Member of Staff

Following the Officers presentation, Members briefly discussed the application.

The Chairman put the Officer's recommendation approve the application to a vote, and this was duly carried.

RESOLVED that the application be **APPROVED** in accordance with the Officers recommendation.

There being no further items of business the Chairman closed the meeting at 8.11 pm.

B E HARKER
CHAIRMAN



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

to
CENTRAL AREA PLANNING COMMITTEE
19 September 2018

Application Number	HOUSE/MAL/18/00819
Location	4 Longship Way, Maldon
Proposal	Section 73A application for the erection of a single storey extension to the rear of a dwellinghouse
Applicant	Mr Adam Peach
Agent	Mr Henry Palin
Target Decision Date	11.09.2018
Case Officer	Louise Staplehurst
Parish	Maldon West
Reason for Referral to the Committee / Council	Member Call In – Councillor Savage Reason: <ul style="list-style-type: none">- This application is challenging the Planning process- S73A functions of Local Authority not to be responsible of an executive of the authority- Public interest- Request of Maldon Town Council

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

4 Longship Way
Maldon 18/00819/HOUSE



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Maldon District Council 100018588 2014



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Scale:	1:1,173
Organisation:	Maldon District Council
Department:	Department
Comments:	Central Committee
Date:	07/09/2018
MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The application site is located east of Longship Way, within the settlement boundary of Maldon. The site is occupied by a dwelling, link attached to its neighbour by the garage. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 Retrospective planning permission is sought for a single storey rear extension, to replace a single storey rear conservatory. It should be noted that the application is retrospective in nature. The planning history of the site is discussed further below.
- 3.1.3 The extension measures 7.4 metres wide, 3.4 metres deep, 2.5 metres to the eaves and 3.7 metres high overall. There are also three roof lights.
- 3.1.4 In terms of materials, the walls are made of brick, the roof uses concrete tiles and the windows and doors are white UPVC.
- 3.1.5 The application follows a previously refused planning application for a single storey rear extension, rear dormer and front dormer. The two reasons for refusal were:
1. *'The proposed development by way of its scale, bulk, design and materials would result in an incongruous form of development that would fail to make a positive contribution to the locality and cause an unacceptable degree of harm to the character and appearance of the dwelling and the locality, contrary to policies S1, BE1 and BE6 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and core planning principles and guidance contained in the National Planning Policy Framework.'*
 2. *'The proposed development would result in a level of private amenity space that would not meet the needs of the future occupiers of this proposed family dwelling, contrary to the requirements set out by policy BE1 of the Replacement Local Plan and D1 of the Local Development Plan and would result in an under provision of private amenity space for a dwelling of this size.'*
- 3.1.6 Furthermore, it must be noted that the site has been subject to enforcement investigations, leading to the serving of an Enforcement Notice, and a subsequent enforcement appeal relating to the rear extension and a rear dormer. The Inspector concluded that *'no undue harm is caused to the living conditions of current and future occupiers of the site by reason of adequacy of private amenity space'*. However the Inspector also concluded that *'the development causes undue harm to the character and appearance of the host dwelling and surrounding area. The harm to the character and appearance outweighs the absence of harm by reason of the private amenity space and planning permission should not be granted'* and therefore the Appeal was dismissed. Of particular relevance to this appeal is paragraph 22 which states *'the single storey rear extension adds bulk to the property. It creates an overly dominant appearance which together with the rear dormer is not subservient to the host dwelling'*.

- 3.1.7 It is noted that the Enforcement process allows for the ability to under-enforce. During an enforcement appeal process, the Inspector has the ability to approve part of or all of the development. In this instance, if the Inspector had considered that the rear extension was an acceptable addition in itself, the appeal could have been upheld in relation to this single aspect of the unauthorised development. However, the Inspector did not consider that the extension was an acceptable addition by itself and therefore the Inspector's decision was to uphold the Enforcement Notice, relating to both the rear extension and the rear dormer.

3.2 Conclusion

- 3.2.1 The proposal is not considered to unacceptably impact on residential amenity, parking or amenity space. However, the rear extension, by reason of its scale, bulk and design, causes harm to the visual amenity of the existing dwelling and surrounding area. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan (LDP) and guidance contained within the National Planning Policy Framework (NPPF). It is not considered that there have been any demonstrable alterations to the development or new material considerations that overcome the Council's previous concerns of the reasons behind the Inspector's decision to dismiss the enforcement appeal.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2018 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-design places

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 (MDDG)

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.

- 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 NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

“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, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:-

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).

- 5.2.5 The rear extension is of a typical style for a residential dwelling. However, it is considered to add considerable bulk to the dwelling which is located on a relatively small sized plot. The rear garden extends a total of 10 metres and the extension

projects out 3.4 metres from the rear elevation, thereby taking up a significant proportion of the plot. It also extends the entire width of the dwelling which results in a dominant addition, which has an unacceptable visual impact. Therefore the rear extension is considered to cause detrimental harm to the visual amenity of the existing site and the surrounding area to an extent that justifies the refusal of the application.

- 5.2.6 It is noted that the extension is 0.4 metres deeper than what could be built under permitted development, however this difference is not considered to be so insignificant that it justifies the approval of the application. Under the Enforcement Appeal decision, the Inspector considered the fallback position of permitted development, as well as taking into account the conservatory demolished to facilitate the rear extension, and concluded that '*the difference is not so insignificant as to be de-minimus*'. Therefore the 'fallback' position should be attributed minimal weight in the determination of this application.
- 5.2.7 It is noted that the planning statement submitted with the application, suggests that the extension could be built under prior approval, as no neighbours had reportedly objected at the time of writing the planning statement. However, prior approval would have needed to have been sought prior to the commencement of the development. As prior approval was not sought, and this application is retrospective, this is not applicable.
- 5.2.8 The planning statement also states that the extension conforms to permitted development requirements, except for the distance being less than 7 metres from the rear fence. However, this is only a requirement for extensions of more than one storey and therefore it is not applicable in this instance.
- 5.2.9 Furthermore, this was an argument put forward at the time of the appeal and was subsequently dismissed by the Inspector. Under permitted development, a rear extension cannot exceed 3 metres in depth, for a dwelling that is not detached. The dwelling on the application site is attached to both neighbours via a garage at ground floor level, which means it is not considered to be a detached dwelling. In the enforcement appeal decision, relating to this site, the Inspector provides the definition of 'detached dwellinghouse', as written in the Town and Country Planning (General Permitted Development) Order 2015 (as amended); '*a dwellinghouse which does not share a party wall with a neighbouring dwelling*'. In this instance, as the dwelling on the application site is attached to both neighbours by a garage on either side, even though the link is only partial, the dwelling cannot be described as a detached dwelling. Therefore, the 3.4 metre extension does not fall within permitted development.
- 5.2.10 Overall, the proposed rear extension, by reason of its scale and bulk, is considered to cause an unacceptable visual impact and therefore the proposal is contrary to policies D1 and H4 of the LDP.

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. This is supported by section C07 of the MDDG (2017).

- 5.3.2 The neighbouring dwelling to the north, No.2 Longship Way adjoins the application site via a garage. The extension is located 2.7 metres from the shared boundary. The neighbouring dwelling is set back 3.4 metres from the garage and therefore the rear extension is not visible from the neighbouring dwelling. There are also no windows on the elevation facing the neighbour. Therefore, the rear extension does not detrimentally impact on the residential amenity of the neighbouring occupier to an extent that justifies the refusal of the application.
- 5.3.3 The neighbouring dwelling to the south, No.6 Longship Way adjoins the application site via a garage. The neighbouring dwelling is located 0.8 metres from the shared boundary. Due to there being no windows on the elevation facing the neighbour, the extension is not considered to cause overlooking to an extent that justifies the refusal of the application. The extension projects out 2.6 metres further than the neighbouring garage and is therefore partially shielded from view at ground floor level. Due to this, and the single storey nature of the extension, it is not considered to cause overshadowing to an extent that justifies the refusal of the application.
- 5.3.4 The neighbouring dwelling to the west, No.24 Hemmings Court, is located 7.8 metres from the extension. This neighbour is set further forward in their plot and is orientated at a 90 degree angle to the dwelling at the application site and therefore the extension faces onto their rear garden. Due to the distance between the extension and the dwelling, and single storey nature of the development, it is not considered to cause overshadowing or overlooking to an extent that would justify the refusal of the application.
- 5.3.5 All other dwellings are located at a distance where the extension would not impact on their residential amenity.
- 5.3.6 It is consequently considered that the proposed development will not cause overlooking or have a harmful impact on the amenities of neighbouring residents and would therefore be in accordance with this aspect of policy D1 of the LDP.
- 5.3.7 It must also be noted that the enforcement appeal process allows for the Inspector to dismiss an appeal for other reasons than those specifically appealed against. The Inspector had the ability to refuse the development in relation to the impact on the residential amenity of neighbouring occupiers, if this had been deemed appropriate. However this was not considered to be a reason which would justify the refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment requiring developments to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the 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 and cycle routes.

- 5.4.2 The rear extension does not add any bedrooms, nor does it reduce the amount of parking available at the site. Therefore, there is no objection to the proposal in terms of car parking as it complies with this aspect of policy D1 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 100 square metres.
- 5.5.2 The garden measures 74 square metres. It is noted that one of the reasons for refusal on application HOUSE/MAL/17/00309 was regarding the resulting level of private amenity space. However under the Enforcement Appeal, the Inspector determined that the remaining level of amenity space '*is adequate for occupiers to enjoy quiet recreation*' and therefore the rear amenity space does not cause undue harm to the living conditions of current or future occupiers.
- 5.5.3 Furthermore, although this is under the standard, there are gardens in the surrounding area also under the suggested standard and taking this and the planning history of the site into consideration, this is not considered to be so harmful as to justify the refusal of the application.

6. ANY RELEVANT SITE HISTORY

- **MAL/946/75** – Residential development – Approved
- **MAL/1132/78** – 286 units – Approved
- **HOUSE /MAL/17/00309** - Proposed single storey extension to the rear of dwelling house and conversion of roof loft space including the formation of dormer to rear elevation and small sloping dormer to front. – Refused
- **LDE/MAL/18/00818** - Claim for lawful development certificate for a dormer and existing use of roof space into master bedroom. – Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal in accordance with the determination of the Planning Inspectorate.	Comments noted.

7.2 Representations received from Interested Parties

7.2.1 2 letters of objection have been received at the time of writing this report.

Objecting Comment	Officer Response
The bulk, scale, size, design and style, will result in an unacceptable feature in its setting which detracts from the appearance and is harmful to the dwelling and the locality.	See section 5.2
It affects the residential amenity and privacy of neighbouring dwellings.	See section 5.3
It is affecting the sale of surrounding dwellings.	This is not a material planning consideration.

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

8. REASON FOR REFUSAL

1. The rear extension, by reasons of its scale and design, is considered to be an incongruous and dominant addition which would cause harm to the existing dwelling on the site and the surrounding area. The proposal is therefore contrary to the guidance contained within the NPPF and policies D1 and H4 of the Maldon District LDP.

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