

# Unrestricted Document Pack

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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE'S OFFICE  
DIRECTOR OF STRATEGY, PERFORMANCE  
AND GOVERNANCE  
Paul Dodson

14 January 2020

Dear Councillor

You are summoned to attend the meeting of the;

**CENTRAL AREA PLANNING COMMITTEE**

on **WEDNESDAY 22 JANUARY 2020 at 7.30 pm.**

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

A copy of the agenda is attached.

Yours faithfully

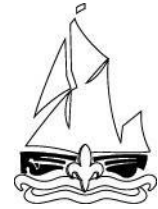


Director of Strategy, Performance and Governance

|                      |               |   |
|----------------------|---------------|---|
| COMMITTEE MEMBERSHIP | CHAIRMAN      | Councillor M S Heard  |
|                      | VICE-CHAIRMAN | Councillor S P Nunn   |
|                      | COUNCILLORS   | Miss A M Beale<br>M R Edwards<br>B E Harker<br>K M H Lagan<br>C Mayes<br>C Morris<br>N G F Shaughnessy<br>Mrs J C Stilts<br>C Swain |

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 22 JANUARY 2020**

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 9 - 20)

To confirm the Minutes of the meeting of the Committee held on 11 December 2019, (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. **19/01204/FUL - Land adjacent 53 Orchard Road, Maldon** (Pages 21 - 34)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)\*.

6. **19/01206/HOUSE - 7 Victoria Road, Maldon, Essex, CM9 5HE** (Pages 35 - 44)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)\*.

7. **19/01242/HOUSE - 56 Viking Road, Maldon, Essex, CM9 6JR** (Pages 45 - 54)

To consider the report of the Director of Service Delivery, (copy enclosed, Members' Update to be circulated)\*.

8. **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 – 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 Items No. 5 – 7.
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. 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, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

### **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)

### **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
- 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 (as amended)
- The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
- Growth and Infrastructure Act 2013
- Housing and Planning Act 2016
- Neighbourhood Planning Act 2017
- The Town and Country Planning (Brownfield Land Register) Regulations 2017

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

- i) Government policy and guidance
- National Planning Policy Framework (NPPF) - 2018
  - Planning Practice Guidance (PPG)
  - Planning policy for Traveller sites - 2015
  - Relevant government circulars
  - Relevant Ministerial Statements (as referred to in the report)
  - Essex and South Suffolk Shoreline Management Plan – October 2010
- ii) Essex County Council
- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)
  - Essex and Southend on Sea Waste Local Plan 2017
  - Essex Minerals Local Plan 2014
- iii) Maldon District Council
- Five Year Housing Land Supply Statement 2017 / 18
  - Maldon District Design Guide – 2017
  - Maldon and Heybridge Central Area Masterplan - 2017
  - 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 (adapted as Supplementary Planning Document (SPD) 2018)
  - Vehicle Parking Standards SPD - 2018
  - Renewable and Low Carbon Technologies SPD – 2018
  - Maldon District Specialist Housing SPD – 2018
  - Affordable Housing and Viability SPD – 2018
  - 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 SPD - 2010
  - Heybridge Basin Village Design Statement – 2007
  - Wickham Bishops Village Design Statement – 2011
  - Woodham Walter Village Design Statement – 2011
  - Althorne Village Design Statement
  - Woodham Walter Village Design Statement
  - Various Conservation Area Appraisals

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  
11 DECEMBER 2019**

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**PRESENT**

Chairman                      Councillor M S Heard

Vice-Chairman              Councillor S P Nunn

Councillors                  M R Edwards, B E Harker, K M H Lagan, C Mayes, C Morris,  
N G F Shaughnessy, Mrs J C Stilts and C Swain

**1. CHAIRMAN'S NOTICES**

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

**2. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor Miss A M Beale.

**3. MINUTES OF THE LAST MEETING**

**RESOLVED**

- (i) That the Minutes of the meeting of the Committee held on 13 November 2019 be received.

**Minute No. 5 – FUL/MAL/19/00730 – The Queen Victoria, Spital Road, Maldon, Essex, CM9 6ED**

Councillor C Mayes advised that the Committee at its last meeting had resolved to approve this application not subject conditions. She commented that therefore the resolution relating to this Minute needed amending. In response the Chairman suggested that the words “subject to conditions” be removed from the Minute. This was duly agreed.

**RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on 13 November 2019 be confirmed.

#### 4. DISCLOSURE OF INTEREST

Councillor S Nunn disclosed:

- a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as he was one of the Ward Members and knew the applicant.
- a pecuniary interest in Agenda Item 7 - FUL/MAL/19/01055 and LBC/MAL/19/01056 – Beeleigh Abbey, Abbey Turning, Maldon as he had been a paid guide at the Abbey for a number of years, knew the applicant and had occasionally performed consultancy work for the Abbey. He advised that he would leave the meeting for this item of business.
- in respect of Agenda Items 8 - FUL/MAL/19/01060 and 9 – FUL/MAL/19/01061 Anchor Guest House, 7-9 Church Street, Maldon, Essex he declared a non-pecuniary interest as a Ward Member.
- a non-pecuniary interest in Agenda Item 10 - WTO/MAL/19/01071 – 34 Highlands Drive, Maldon as a Ward Member and he had been contacted by an objector and supporter.

At this point the Chairman advised that Agenda Items 8 - FUL/MAL/19/01060 and 9 – FUL/MAL/19/01061 Anchor Guest House, 7-9 Church Street, Maldon, Essex had been withdrawn, as set out in the Members' Update.

Councillor N G F Shaughnessy declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she knew the applicant and had eaten in the restaurant.

Councillor C Mayes declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she was a Ward Member, knew the applicant and had eaten there. She also declared a non-pecuniary interest in Agenda Item 10 - WTO/MAL/19/01071 – 34 Highlands Drive, Maldon as she knew the applicant.

Councillor J Stilts declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as she had eaten at the establishment.

Councillor M S Heard declared a non-pecuniary interest in Agenda Item 5 – FUL/MAL/19/00730 The Queen Victoria Public House, Spital Road, Maldon as he had spoken to the applicant about the planning process prior to this meeting.

#### 5. FUL/MAL/19/00730 - QUEEN VICTORIA PUBLIC HOUSE, SPITAL ROAD, MALDON

|                           |  |
|---------------------------|--|
| <b>Application Number</b> | <b>FUL/MAL/19/00730</b>  |
| <b>Location</b>           | The Queen Victoria Public House, Spital Road, Maldon   |
| <b>Proposal</b>           | Single-storey side and rear extension with first floor rear extension and amendments to boundary treatments and parking provision. |



|   |   |
|---|---|
| <b>Applicant</b>                                      | Mr John Hubbard   |
| <b>Agent</b>  | Mr Matthew Chorley - Alderton Associates  |
| <b>Target Decision Date</b>                           | 15.11.2019  |
| <b>Case Officer</b>                                   | Nicola Ward   |
| <b>Parish</b>   | <b>MALDON</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In – Councillor C Mayes.<br>Reason: Public interest, An increase in parking provision, Provision of disabled parking and access through the venue site, Local amenity value |

Following the Officers' presentation, Mr Burrell (speaking on behalf of the applicant) and Mr Harvey a supporter, addressed the Committee.

Councillor C Mayes, a Ward Member advised that she had concerns relating to proposed conditions 4, 5, 7 and 8 and in response, the Lead Specialist Place outlined to Members the reasons for each of these conditions.

Councillor Mayes proposed that suggested condition 4 be amended to refer to car parking spaces being 2.9 x 5m. This proposal was not seconded.

Councillor S P Nunn, the other Ward Member, proposed that the Committee accept conditions 1, 2, 3 and 6 and then consider conditions 4, 5, 7 and 8 in turn separately. This proposal was duly seconded.

The Chairman agreed to discuss each of the proposed conditions (as set out in the report) where Members had concern.

Condition 4:

During the following debate, concerns were raised by Members relating to the proposed car parking spaces and cycle storage. In response to a question regarding use of Essex Parking Standards, the Lead Specialist Place advised that this document had not been adopted by Maldon District Council as the Council had adopted its own parking standards. Should Members be mindful not to agree the Council's adopted standards he would advise that condition be amended to refer to the sizes of car parking spaces rather than a document not adopted by this Council.

Councillor Mayes the proposed that condition 4 be amended to read as follows:

A scheme detailing the onsite parking provision shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall meet the sizes of 2.9 x 5m and 3.6 x 6m for disabled parking spaces. The spaces shall be laid out and ready for use, prior to the first use of the development hereby approved and shall be retained perpetuity.

This was duly seconded and agreed.

Condition 5:

Councillor Mayes highlighted concern regarding the toilets and the need for new facilities to be operational on completion. She made a suggested amendment to condition 5 and in response to this and concerns raised regarding the toilets being required, the Lead Specialist Place advised that this condition could be reworded to facilitate the use of the toilets. This was duly agreed.

Condition 7:

There was some discussion around condition 7 and following a suggested change to the wording of the condition Members were advised by the Lead Specialist Place that this condition had been raised by the Highways Authority and he would therefore suggest it was left as proposed by Officers. Following further discussion, the Committee voted on whether to remove this condition and it was agreed to leave the suggested condition as worded by Officers.

Councillor Nunn then proposed that the conditions set out in the report, subject to the amendments discussed above be agreed. This was duly seconded and agreed.

**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 approved drawings: 2003/301, 2003/302, 2003/101, 2003/102, 2003/201 Rev P and A2003/206.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
4. A scheme detailing the onsite parking provision shall be submitted to and approved in writing by the Local Planning Authority. The spaces shall meet the the sizes of 2.9 x 5m and 3.6 x 6m for disabled parking spaces. The spaces shall be laid out and ready for use, prior to the first use of the development hereby approved and shall be retained perpetuity.
5. Notwithstanding the use of toilets hereby approved, the development shall not be occupied until facilities for the secure storage of cycles have been provided in accordance with details to be submitted to and approved in writing by the Local Planning Authority and they shall be retained in perpetuity.
6. No unbound material shall be used in the surface treatment of the car parking areas.
7. All loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic shall be undertaken within the application site, clear of the public highway.
8. No extraction or ventilation equipment shall be installed or fitted to any part of the building except in accordance with a scheme to be submitted to and approved in writing by the local planning authority. The scheme as approved and installed shall be retained as such thereafter.

At this point in the meeting the Chairman introduced Mr Mitchel Kitts, Development Management Team Leader to the Committee and welcomed him to the meeting.

**6. FUL/MAL/19/00978 - LAND NORTH OF WHITE HOUSE, WYCKE HILL, MALDON**

|                           |   |
|---------------------------|---|
| <b>Application Number</b> | <b>OUT/MAL/19/00978</b>                       |
| <b>Location</b>           | Land North Of White House, Wycke Hill, Maldon |

|   |   |
|---|---|
| <b>Proposal</b>                                       | Outline planning application for the subdivision of the existing residential garden, and the erection of a detached one storey two bedroom dwelling, with all matters reserved for subsequent approval. |
| <b>Applicant</b>                                      | Mr Ward   |
| <b>Agent</b>  | Ms Codey - Herts Planning Ltd   |
| <b>Target Decision Date</b>                           | 05.12.2019  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | Maldon West   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor Mayes due to density of outline planning; infill planning; location onto busy main road; safety; Policies: D1 (3.2) H4 (5.3)  |

The Officer advised that a further letter of support had been received in relation to this application.

Following the Officers' presentation Mr Ward, the applicant, addressed the Committee.

Councillor N G F Shaughnessy proposed that the application be refused for the reasons set out in the report. This was duly seconded and upon a vote being taken agreed.

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

- 1 The application site is located outside the defined development boundaries of Maldon and within the countryside. The proposal would be contrary to the Council's spatial strategy of focusing new development within settlement boundaries. The proposed development would diminish the verdant character of the area which, given the site's prominent location, would harm the character and appearance of the area, contrary to the NPPF, NPPG and Maldon District Approved Local Development Plan Policies D1, H4, S1 and S8, and Maldon District Design Guide (2017).
- 2 The occupiers of the proposed residential dwelling would be subjected to undue noise disturbance from the adjacent highway and, therefore, the living conditions for future occupants of the dwelling proposed would not be acceptable. The proposal is therefore contrary to the National Planning Policy Framework which seeks to ensure a high standard of amenity for existing and future users of places, NPPG, Policies D1 and D2 of the approved Local Development Plan and the Maldon District Design Guide (2017).
- 3 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

In accordance with his earlier declaration Councillor S P Nunn left the meeting at this point.

**7. FUL/MAL/19/01055 AND LBC/MAL/19/01056 - BEELEIGH ABBEY, ABBEY TURNING, MALDON**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/19/01055 AND LBC/19/01056</b>  |
| <b>Location</b>                                       | Beeleigh Abbey Abbey Turning, Maldon  |
| <b>Proposal</b>                                       | Erection of proposed one and two-storey outbuilding to provide a private library and kitchenette, with single storey link. Repairs and minor remodelling of an existing timber-framed range. Associated drainage connections and hard and soft landscaping.                           |
| <b>Applicant</b>                                      | Mr & Mrs Foyle  |
| <b>Agent</b>  | Mr Jonathon Green – Laurie Wood Associates  |
| <b>Target Decision Date</b>                           | 16.12.2019  |
| <b>Case Officer</b>                                   | Louise Staplehurst  |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor Mayes<br>Reason:<br><ul style="list-style-type: none"> <li>- Policies D1, S5, S3, D3, D4, N2 .</li> <li>- The size of the building and its facilities seem excessive and inappropriate for the location and importance of the heritage asset.</li> </ul> |

It was noted from the Members’ Update that a consultation response had been received from Maldon Town Council.

There was some discussion regarding the application and concern raised regarding the size of the development and deferring determination of the application for a site visit.

Councillor K M H Lagan referred to Historic England and the Council’s Conservation Officer not raising concerns regarding the application and therefore proposed that the application be approved as set out in the report. This proposal was duly seconded.

Following further discussion Councillor C Morris proposed that the application be deferred for a site visit.

The Chairman advised that the Committee needed to consider and vote on the first proposition in the name of Councillor Lagan to approve the application if this was lost they would then consider the proposal in the name of Councillor Morris. The Chairman put the proposal of approval to the Committee and upon a vote being taken this was agreed.

**FUL/MAL/19/01055:**

**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 approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C.

- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved 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 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, 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.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved 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.
- 6 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 by the local planning authority prior to first use/occupation of the development hereby approved. 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.
- 7 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
  - ii. Means of enclosure;
  - iii. Car parking layouts;
  - iv. Other vehicle and pedestrian access and circulation areas;
  - v. Hard surfacing materials;
  - vi. Minor artefacts and structures (e.g furniture, play equipment, refuse or other storage units, signs, lighting);
  - vii. Proposed and existing functional services above and below ground (e.g drainage power, communications cables, pipelines etc, indicating lines, manholes, supports);
  - viii. Retained historic landscape features and proposals for restoration, where relevant.

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise 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.

The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved and retained and maintained as such thereafter.

- 8 No development shall commence until fencing/ground protection to protect the trees to be retained has been erected in accordance with BS5837:2012, as per the submitted Tree Protection Method Statement and the Arboricultural Report. The

protective fencing shall be erected before the commencement of any clearing, demolition and building operations and shall be retained until all equipment, machinery and surplus materials have been removed from the site.

Within the fenced protection zone nothing shall be stored or placed, no fires lit, no vehicle shall gain access, ground levels shall not be altered, no excavation shall be made, and no structure shall be erected.

- 9 The development hereby approved shall not commence until written evidence of contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist has been submitted to and agreed in writing by the Local Planning Authority. Subsequently the development shall be undertaken in accordance with this supervision schedule.
- 10 No development works shall occur above ground level until details of the surface water and foul drainage scheme 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.
- 11 The rainwater goods shall be made of metal finished black.
- 12 The development hereby permitted shall only be used for purposes ancillary to the dwelling known as Beeleigh Abbey and shall not at any time be used as annexe accommodation or as a separate residential unit.

**LBC/MAL/19/01056:**

**RESOLVED** that **LISTED BUILDING CONSENT** be **GRANTED** 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 approved shall be carried out in accordance with the following approved plans and documents: 258-01 Rev E, 258-101 Rev B, 258-103 Rev B, 258-104 Rev B, 258-106 Rev B, 258-107 Rev C, 258-109 Rev C, 258-110 Rev C, 258-111 Rev A, 258-105 Rev C, 258-102 Rev A, 258-106 Rev C
- 3 Prior to their use in the development hereby approved, samples of the cladding, bricks and roof tiles to be used in the development hereby approved 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 The western mono-pitched roof shall be finished in standing seam metal, written details for which, including photos and details of joint profiles, 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.
- 5 Prior to their installation, the specifications of the proposed rooflights, windows and doors to be used in the development hereby approved 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.
- 6 No development, including 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 have 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.

7 The rainwater goods shall be made of metal finished black.

8 Once the relevant part of the timber-framed structure to the stable range has been exposed, the method and degree of alteration to this timer-framed structure and the existing horse trough shall be submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved details.

Councillor Nunn returned to the chamber at this point.

**8. FUL/MAL//19/01060 - ANCHOR GUEST HOUSE, 7-9 CHURCH STREET, MALDON**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>FUL/MAL/19/001060</b>  |
| <b>Location</b>                                       | Anchor Guest House, 7 -9 Church Street, Maldon, Essex   |
| <b>Proposal</b>                                       | Alteration of existing property and conversion of ground floor guest house accommodation to form one two bedroom flat and one studio flat. Existing first floor flat and existing attached cottage to be retained as independent dwellings.   |
| <b>Applicant</b>                                      | Mr Stuart Ringer  |
| <b>Agent</b>  | Ms Codey - Herts Planning Ltd   |
| <b>Target Decision Date</b>                           | 13.12.2019  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON WEST</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor C Mayes due to H4 (5.2) too much within a small development site<br>H4 (5.28) alterations are not well designed to allow for good quality high street based housing and are out side the current LDP requirements<br>D1 (3.6) new development - SPD - although within the curtilage of the High Street minimum parking should be afforded to avoid impacting on neighbours or existing parking arrangements. (2 bed flat - 1 space; 1 bed flat - 1 space; 1 studio flat - 1 space; 2 bed cottage - 1 space) These should also be allocated spaces<br>D1 Poor design with flat roof retained and rear entrances not addressed for good quality access and living for couples or single people.<br>D3 (3.28) within the conservation area improvement to all aspects of development including quality layout design, inside and out; good access; sympathetic materials |

It was noted from the Members' Update that this application had been **WITHDRAWN**.

In response to a question regarding withdrawing an application the Lead Specialist Place provided the Committee with further clarification on this.

9. **FUL/MAL/19/01061 - ANCHOR GUEST HOUSE, 7-9 CHURCH STREET, MALDON**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>FUL/MAL/19/001061</b>   |
| <b>Location</b>                                       | Anchor Guest House, 7 -9 Church Street, Maldon, Essex  |
| <b>Proposal</b>                                       | Alteration of existing property and change of use of ground floor guest house accommodation to form a five bedroom "house in multiple occupation". Existing first floor flat and existing attached cottage to be retained as independent dwellings.  |
| <b>Applicant</b>                                      | Mr Stuart Ringer   |
| <b>Agent</b>  | Mr Robert Ward-Booth - Ward-Booth Partnership  |
| <b>Target Decision Date</b>                           | 13.12.2019   |
| <b>Case Officer</b>                                   | Kathryn Mathews  |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in – Councillor C Mayes for the following reasons: D4 (5.2) Volume of residential units too high on site therefore not providing a good quality of life<br>H4 (5.28) minimal design inside - not quality living. HMO's are not on the list of development needs.<br>D1 (3.6) insufficient given potential number of residents<br>SPD - potential to have five families (9 people) plus flat (2 persons) and existing cottage (2 persons) (9 spaces + 1 space + 1 space = 11 spaces. Only 4 available and not allocated)<br>D1 poor design inside and out - flat roof retained and rear entrances not designed to provide a quality living environment for residents.<br>D3 (3.28) within conservation area the poor/no design layout overall is lacking.<br>HMO requirements are demanding and quality is paramount to avoid longer term issues that could cause the EHO issues. |

It was noted from the Members' Update that this application had been **WITHDRAWN**.

10. **WTPO/MAL/19/01071 - 34 HIGHLANDS DRIVE, MALDON**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>WTPO/MAL/19/01071</b>   |
| <b>Location</b>                                       | 34 Highlands Drive, Maldon                                       |
| <b>Proposal</b>                                       | Fell oak tree and treat stump to prevent regrowth and replace.   |
| <b>Applicant</b>                                      | Miss Abrams  |
| <b>Agent</b>  | Dr Jon Heuch   |
| <b>Target Decision Date</b>                           | 03.12.2019   |
| <b>Case Officer</b>                                   | Louise Staplehurst   |
| <b>Parish</b>   | <b>MALDON NORTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor C Mayes<br>Reason: Policy N1 and N2 |

It was noted from the Members' Update that additional comments had been received from the Agent, along with consultation responses from Maldon Town Council and the



Council's Tree Consultant. Four further letters of objection and one letter of comment had also been received.

Following the Officers' presentation Mr Southgate, an objector and Mr Paddon, a supporter, addressed the Committee.

Councillor C Mayes, a Ward Member, commented that there appeared to be no guarantee that the proposed removal would solve the problems being experienced. In response to questions, the Lead Specialist Place advised that the report highlighted that not all options had been explored. Councillor Mayes then proposed that the application be refused in accordance with the Officers recommendation. This proposal was duly seconded.

Councillor C Morris proposed that the application be deferred until all information had been received to allow a decision to be made. This proposal was not seconded. The Lead Specialist Place advised that the level of additional information required was extensive and refusing the application would allow the applicant with the opportunity to resubmit the application with the additional information required.

The Chairman then put the proposal in the name of Councillor Mayes to refuse the application and following a vote being taken this was agreed.

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

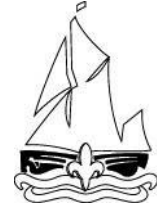
- 1 The Oak tree positively benefits the character and appearance of the area and provides significant amenity value. It is felt that insufficient evidence has been provided to demonstrate that the tree is definitely causing the harm to the dwelling. The submitted information also does not consider other works which may be undertaken in order to prevent damage to the dwelling and the loss of the TPO Oak tree. Therefore, it is not considered that satisfactory information has been submitted that would justify the loss of the tree. The removal of the Oak tree would be detrimentally harmful to the character and appearance of the area and therefore the proposed works are unacceptable.

At this point the Chairman thanked Members and Officers and wished all present a very Merry Christmas.

There being no further items of business the Chairman closed the meeting at 8.50 pm.

M S HEARD  
CHAIRMAN

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 JANUARY 2020**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>19/01204/FUL</b>   |
| <b>Location</b>                                       | Land adjacent 53 Orchard Road<br>Maldon   |
| <b>Proposal</b>                                       | Construction of a pair of semi-detached dwellings, off street parking provision and ancillary works |
| <b>Applicant</b>                                      | Mr Tony Church  |
| <b>Agent</b>  | Mr Derek Lawrence - Lawrence Planning Limited   |
| <b>Target Decision Date</b>                           | 31.01.2020  |
| <b>Case Officer</b>                                   | Kathryn Mathews   |
| <b>Parish</b>   | <b>MALDON WEST</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call-in: Councillor C Mayes<br>Reason: Policy D1, H1, H4, S1                                 |

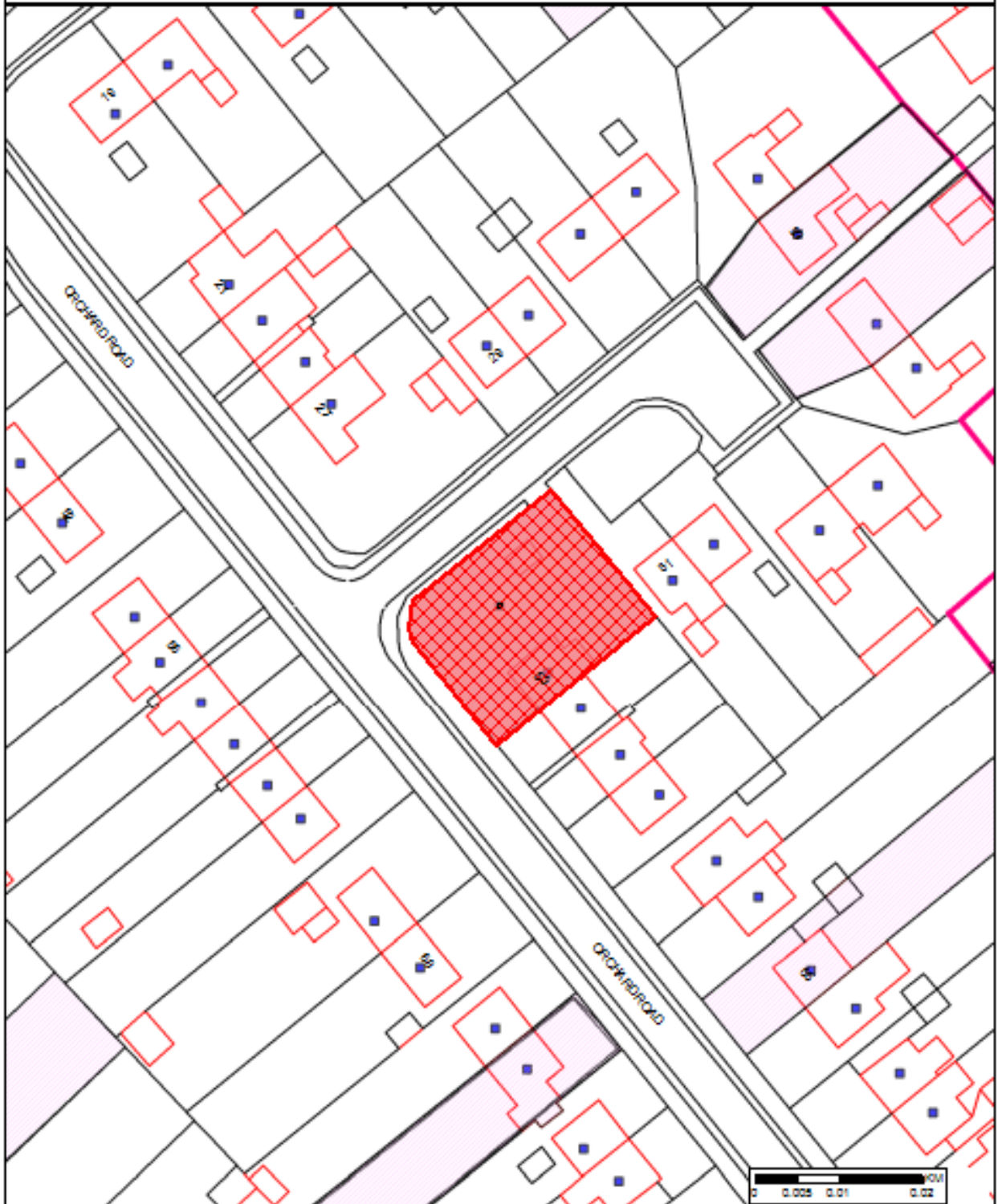
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see overleaf.

**Land adjacent to 53 Orchard Road, Maldon**  
19/01204/FUL



|   |               |                         |
|---|---------------|-------------------------|
|  <p><b>Copyright</b><br/>For reference purposes only.<br/>No further copies may be made.<br/>This map is reproduced from Ordnance Survey<br/>material with the permission of Ordnance Survey on<br/>behalf of the Controller of Her Majesty's Stationary<br/>Office © Crown copyright.<br/>Unauthorized reproduction infringes Crown copyright<br/>and may lead to prosecution or civil proceedings.<br/>Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p> | Scale:        | 1:625                   |
|   | Organisation: | Maldon District Council |
|   | Department:   | Department              |
|   | Comments:     | Central Area Committee  |
|   | Date:         | 05/01/2020              |
|   | MSA Number:   | 100018588               |

### **3. SUMMARY**

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

- 3.1.1 The site is in a residential area which consists of predominantly two storey semi-detached or terraced dwellings. The application site is located on the inside of a right-angled bend in Orchard Road and currently accommodates an end-of-terrace dwelling (53 Orchard Road) and its curtilage. The north-western boundary of the site abuts part of Orchard Road which is a cul-de-sac serving 29-51 Orchard Road. Vehicular access to the site is in the northern corner of the site, to the rear of the dwelling.
- 3.1.2 The proposal is to construct two semi-detached dwellings to the side/north-west of the existing dwelling, along with two parking spaces for the existing dwelling and two parking spaces for one of the proposed dwellings along the site's frontage. Two parking spaces for the second dwelling proposed would be provided to the rear within part of the existing driveway.
- 3.1.3 Both new dwellings proposed would have two bedrooms and have a footprint measuring 8.7m in depth and 5.2m in width, with a height of 6.9m. The materials to be used to finish the external surfaces of the dwellings would consist of red multi facing brickwork for the walls and brown Marley concrete roof tiles for the roofs.
- 3.1.4 The site has been the subject of two previous applications for a pair of semi-detached dwellings which have been refused (see below). The applicant's agent has explained that the scheme has been amended since the most recent refusal through a change in the design of the roof proposed from hipped to gable and as fenestration has been added to match the existing dwelling. The agent goes on to state that boundary treatment adjacent to the highway and also to the return frontage to the cul-de-sac would be provided by 1m high picket fencing (although the submitted drawing still refers to a 1.8m high fence and gate along the north-western boundary of the site) and that there would also be soft landscaping adjacent to the highway to reinforce and enhance existing planting.

#### **3.2 Conclusion**

- 3.2.1 The proposed development would be within the development boundary for Maldon, in a residential area and would make a small, positive contribution to the housing stock in the District. The development would also not cause harm to the amenity of the occupiers of existing residential properties and a refusal of planning permission based on concerns relating to parking provision, highway safety or access would not be justified. However, the development would cause harm to the character and appearance of the area and, in the absence of a Unilateral Undertaking which secures a financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS), the development would have an adverse impact on nature conservation interests. It is recommended that planning permission is refused on this basis.

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

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

#### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 117-118 Making effective use of land
- 124-132 Achieving well-designed places

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Green Infrastructure Network
- N2 Natural Environment, Geodiversity and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

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

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

## **5. MAIN CONSIDERATIONS**

**5.1** The main issues which require consideration as part of the determination of this planning application are the principle of the development, the impact on the character and appearance of the area, any impact on the amenity of the occupiers of neighbouring residential properties, the quality of life for the occupiers of the existing and proposed dwellings, highways/parking considerations and nature conservation.

### **5.2 Principle of Development**

5.2.1 Policy S1 refers to the NPPF's presumption in favour of sustainable development and makes specific reference to the local economy, housing growth, effective use of land, prioritising development on previously developed land, design, the environment, sustainable communities, the effects of climate change, avoiding flood risk areas, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.

- 5.2.2 As the site is located within the development boundary for Maldon and within an existing residential area, it is considered that the principle of residential development would normally be acceptable, subject to an assessment of the proposal as set out below.
- 5.2.3 The proposal would contribute towards the District's housing supply, but this would only weigh slightly in favour of the proposal as the District can demonstrate a deliverable 5-year housing land supply and the proposal is only for two dwellings. However, the National Planning Policy Framework (NPPF) seeks to boost significantly the supply of housing, and it is acknowledged that the Council's housing requirement is not a ceiling to development.
- 5.2.4 The Council encourages, in policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council's updated Strategic Housing Market Assessment (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. As the units would be two-bedroomed, this would contribute positively to the identified housing need and be responsive to local circumstances.
- 5.2.5 It is also acknowledged that the site is in a sustainable location in terms of accessibility, being within walking distance of Maldon town centre and so close to services and facilities including medical services, education, employment and shops, offered within the urban area of Maldon. This would weigh in favour of the proposal.

### **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, 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.
- 5.3.2 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 any local design standards or style guides in plans or supplementary planning documents”.*
- 5.3.3 This principle has been reflected in the approved Local Development Plan (LDP). 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.

5.3.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (MDDG) (2017).

5.3.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area.

5.3.6 The application site is located in a visually prominent location, on the inside of a right-angled bend in Orchard Road. The proposed dwellings would be located within what is currently the side garden of 53 Orchard Road. Whilst the proposed dwellings would be in-line with the front elevation of the existing dwelling, the proposed building would be wholly forward of the front elevation of the existing dwelling to the north-east and only around 2.3m from the side boundary of the site with Orchard Road. The part of the site within which the proposed dwellings would be constructed is currently an open area of residential garden with soft landscaping, and there is a similar open area on the opposite side of Orchard Road adjacent to no.27 Orchard Road.

5.3.7 Whilst the proposed dwellings would be greater in height than the existing dwelling at 53 Orchard Road, this would only be around 0.6m and would be comparable to the existing staggered line of ridge heights up/down this part of Orchard Road. The fenestration proposed has been amended since the previous refusal and, whilst not identical to the existing dwellings, is not now so different to result in harm being caused to the character and appearance of the area. The external materials proposed would be in-keeping with the existing dwellings in the vicinity of the site.

5.3.8 However, there would be a 1.8m high close boarded fence along a significant length of the site's boundary with Orchard Road and the majority of the site's south-western frontage would become car parking to serve the existing and one of the proposed dwellings. The design of the proposed dwellings, as a result of the form and detailing of the roof, would also be at odds with the existing dwellings within the vicinity of the site. The roof proposed would have gabled rather than hipped ends unlike the previously refused scheme which would reflect the roof forms of the existing dwellings in the vicinity of the site but, due to the depth of the dwellings, the roof pitch would be noticeably less slack than the neighbouring, existing dwellings.



- 5.3.9 Reference is made in the supporting letter to comparable developments at 27 and 44 Wentworth Meadows and 28 Highlands Drive but there is no record of planning permission having been granted for additional dwellings at these properties since at least 1993.
- 5.3.10 As a result of the above, it is considered that the development proposed would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the LDP, the NPPF and the MDDG.

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

- 5.4.1 Policy D1 requires that all development must protect the amenity of surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. Policy H4 also requires that regard is had to the impact of a proposal on the amenity of neighbours.
- 5.4.2 As a result of the size, height and design of the dwellings proposed and the layout of the site, it is considered that the proposal would not result in material harm being caused to the occupiers of the existing, neighbouring residential properties due to privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.4.3 The proposed bedroom windows on the rear elevation of the properties would be around 9m from the neighbouring property to the north-east but would only overlook their front garden area and be at an angle from this neighbouring property's front elevation so as not to result in a material loss of privacy. The rear elevation of the proposed dwellings would be in line with the rear elevation of the existing dwelling and, therefore, should not cause harm to the occupiers of the existing dwelling at 53 Orchard Road, by reason of dominance, loss of outlook, loss of daylight or loss of sunlight. There would be the potential for a loss of privacy as a result of the two-bedroom windows proposed at first floor level on the side elevation of the unit closest to Orchard Road as these windows would be close enough to provide opportunities to overlook the garden of the property on the opposite side of Orchard Road (no.27). However, these windows are not the only windows serving these bedrooms and, therefore, this issue could be addressed through the imposition of a condition requiring them, along with the bathroom window proposed, to be fixed closed and obscure glazed below eyelevel.
- 5.4.4 Based on the above, no objection to the proposal is raised because of its impact on the amenity of the occupiers of any existing dwellings.

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

- 5.5.1 Policy T2 of the LDP seeks to ensure that appropriate off-street parking is provided in conjunction with new development. Likewise, policy D1 seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards.
- 5.5.2 The adopted parking standards for residential dwellings is a minimum of 2 spaces for two/three-bedroom dwellings. Cycle parking would also need to be provided at a rate

of two spaces per two-bedroom dwelling to comply with the adopted standard. The submitted site plan suggests that the existing dwelling and the two proposed dwellings would each be provided with two off-street parking spaces, all of which would be of dimensions which would comply with the minimum recommended in the adopted parking standards of 5.5m x 2.9m. Provision for cycle storage would be made for the existing and proposed dwellings in the form of a shed for each property.

- 5.5.3 The creation of two driveways along the south-western boundary of the site (a total width of 11.5m) would reduce the level of on-street parking currently available within Orchard Road, which would be undesirable, and has been a concern raised as part of the objections received. However, it is not considered that this issue, on its own, would be sufficient to justify a refusal of planning permission in this case due to the nature and scale of the development proposed, particularly during the construction period which would be temporary. A Construction Method Statement could be required by condition to minimise adverse impacts during the construction period.
- 5.5.4 The proposal also includes the creation of vehicular accesses along the south-western boundary of the site to provide access to parking for the existing and one of the proposed dwellings. No response has been received from the Highways Officer at the time of writing this report but no objection was raised to a very similar proposal, subject to the imposition of conditions, in response to the previous application reference 19/00825/FUL. Any comments received will be provided to Members as part of a Members' Update, if received.
- 5.5.5 On the basis of the above and in the absence of an objection from the Highways Officer, no objection to the proposal is raised in relation to parking, highway safety or access.

## **5.6 Quality of Life**

- 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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.6.2 The proposed rear garden areas for the existing and the proposed dwellings would comply with the recommended minimum standard of 50sq.m. for smaller dwellings. On this basis, no objection to the proposal is raised in relation to the quality of life for the occupiers of the existing or proposed dwellings.

## **5.7 Nature Conservation**

- 5.7.1 Policy S1 includes a requirement to conserve and enhance the natural environment, by providing protection and increasing local biodiversity and geodiversity, and effective management of the District's green infrastructure network.
- 5.7.2 Policy D1 requires that, amongst other things, all development must respect and enhance the character and local context and make a positive contribution in terms of the natural environment particularly in relation to designated and non-designated sites of biodiversity/geodiversity value (criterion f).

- 5.7.3 Policy N1 states that open spaces and areas of significant biodiversity or historic interest will be protected. There will be a presumption against any development which may lead to the loss, degradation, fragmentation and/or isolation of existing or proposed green infrastructure.
- 5.7.4 Policy N2 states that, any development which could have an adverse impact on sites with designated features, priority habitats and/or protected or priority species, either individually or cumulatively, will require an assessment as required by the relevant legislation or national planning guidance. Where any potential adverse effects to the conservation value or biodiversity value of designated sites are identified, the proposal will not normally be permitted.
- 5.7.5 In terms of off-site impacts, Natural England have advised that this development falls within the 'Zone of Influence' (ZoI) for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area and of this scale is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. The Essex Coast RAMS is a large-scale strategic project which involves a number of Essex authorities, including Maldon District Council (MDC), working together to mitigate the effects arising from new residential development. Once adopted, the RAMS will comprise a package of strategic measures to address such effects, which will be costed and funded through developer contributions. Natural England advise that MDC must undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 5.7.6 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within MDC are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary SPA and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'zones of influence' of these sites cover the whole of the Maldon District.
- 5.7.7 Natural England anticipate that, in the context of the local planning authority's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these zones of influence constitute a likely significant effect on the sensitive interest features of these designated site through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses in Multiply Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.
- 5.7.8 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations

Assessment (HRA) – Natural England has provided an HRA record template for use where recreational disturbance is the only HRA issue.

- 5.7.9 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England does not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS and has currently been set at £122.30 per dwelling.
- 5.7.10 To accord with Natural England’s requirements, an Essex Coast RAMS HRA Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes

HRA Stage 2: Appropriate Assessment- Test 2 – the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No.

Summary of Appropriate Assessment – as a competent authority, the local planning authority concludes that the project will have a likely significant effect on the sensitive interest features of the European designated sites without mitigation and that, therefore, a financial contribution is necessary, in this case.

- 5.7.11 The applicant’s agent has advised that their client would be willing to make such a financial contribution. However, a signed Unilateral Undertaking has not been received to secure the financial contribution required and, therefore, it is recommended below that planning permission is refused for this reasons as the likely impact of the development of the scale proposed, in this location would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

**6. ANY RELEVANT SITE HISTORY**

- **19/00825/FUL** - Construction of a pair of 2 bedroom semi-detached dwellings, off street parking provision and ancillary works – Refused 23.09.2019

This proposal was refused planning permission for the following reason:-

1. The development proposed is located within a visually prominent location and, as a result of the size, height and design of the dwellings proposed, would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.
- **19/00425/FUL** - Construction of a pair of 2 bedroom semi-detached dwellings, off street parking provision and ancillary works – Refused 28.06.2019

This proposal was refused for the following reasons:

- 1 The development proposed is located within a visually prominent location and, as a result of the size, height and design of the dwellings proposed, would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.
- 2 The development would not provide two off-street parking spaces of sufficient size for the existing dwelling and one of the dwellings proposed and no cycle parking spaces are proposed. The development would, therefore, fail to accommodate the demand for car parking which, in turn, will lead to cars parking off-site in adjoining streets causing conditions of obstruction, congestion and danger to residents and other road users, contrary to Policies T2 and D1 of the Maldon District Approved Local Development Plan.

## **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> |
|--------------------------------------|---------------------|-------------------------|
| Maldon Town Council                  | Recommends approval | Noted.                  |

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

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>  | <b>Officer Response</b>         |
|---|---|---------------------------------|
| Essex County Council<br>Highways Officer                | No response received but, in relation to the previous proposal reference 19/00825/FUL, no objection was raised subject to conditions: 1. the vehicular access for plots 53, 51a and 51b to be | Refer to section 5.5 of report. |

| <b>Name of Statutory Consultee / Other Organisation</b> | <b>Comment</b>   | <b>Officer Response</b> |
|---|--|-------------------------|
|   | <p>constructed at right angles to the highway boundary and to the existing carriageway 2. The width of the access for plots 53 and 51b to be no wider than 9m and the width of the access for plot 51a is no wider than 4m at their junction with the highway and provided with an appropriate dropped kerb vehicular crossing of the highway verge and carriageway. 3. Any new or proposed boundary hedge is a minimum of 1m back from the highway boundary and 1m behind any visibility splays which shall be maintained clear of the limits of the highway or visibility splays thereafter.</p> <p>Further conditions are also recommended relating to the provision of the vehicular and cycle parking spaces proposed, no discharge of surface water from the development onto the Highway, no unbound material being used in the surface treatment of the car parking areas and all loading / unloading / reception and storage of building materials and the manoeuvring of all vehicles, including construction traffic being undertaken within the application site, clear of the public highway. An informative is also recommended.</p> |                         |

| Name of Statutory Consultee / Other Organisation | Comment                    | Officer Response   |
|--|----------------------------|--|
| Cadent Gas                                       | Recommends an informative. | Noted – an informative can be added if planning permission were to be granted. |

### 7.3 Internal Consultees

None.

### 7.4 Representations received from Interested Parties

7.4.1 **Five** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

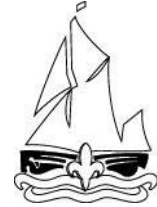
| Objection Comment   | Officer Response  |
|---|---|
| Would add to existing on-street parking problems, particularly at the beginning and end of the school day, which restrict the width of the road and footpath and causes damage to the highway verges. Access for refuse and emergency vehicles would be further restricted. Highway safety issues during construction period. | Noted – refer to section 5.5 of report                    |
| Insufficient parking provided for dwellings proposed. Development too dense which will alter visual appearance of street and be out of keeping.   | Noted – refer to sections 5.3 and 5.5 of report           |
| Current broadband would not support additional demand   | This is not a reason for refusal which could be sustained |

## 8. PROPOSED REASONS FOR REFUSAL,

- 1 The development proposed is located within a visually prominent location and, as a result of the size and design of the dwellings proposed, would be visually incongruous within the street scene to the detriment of the character and appearance of the area, contrary to Policies D1 and H4 of the Maldon District Approved Local Development Plan, the NPPF and the Maldon District Design Guide.
- 2 In the absence of a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development would have an adverse impact on the European designated nature conservation sites, contrary to Policies S1, D1, N1 and N2 of the Maldon District Local Development Plan and the NPPF.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 JANUARY 2020**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>19/01206/HOUSE</b>   |
| <b>Location</b>                                       | 7 Victoria Road, Maldon   |
| <b>Proposal</b>                                       | Replacement of existing timber windows with UPVC double glazed windows  |
| <b>Applicant</b>                                      | Mr Lonergan   |
| <b>Agent</b>  | Mr Lonergan - Paul Lonergan Architects  |
| <b>Target Decision Date</b>                           | 13.01.2020 - EOT requested for 23.01.2020   |
| <b>Case Officer</b>                                   | Hayleigh Parker-Haines  |
| <b>Parish</b>   | <b>MALDON NORTH</b>   |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor Mayes<br>Reason: Policies D1, D2, D3, S1, H4 of the Local Development Plan (LDP) |

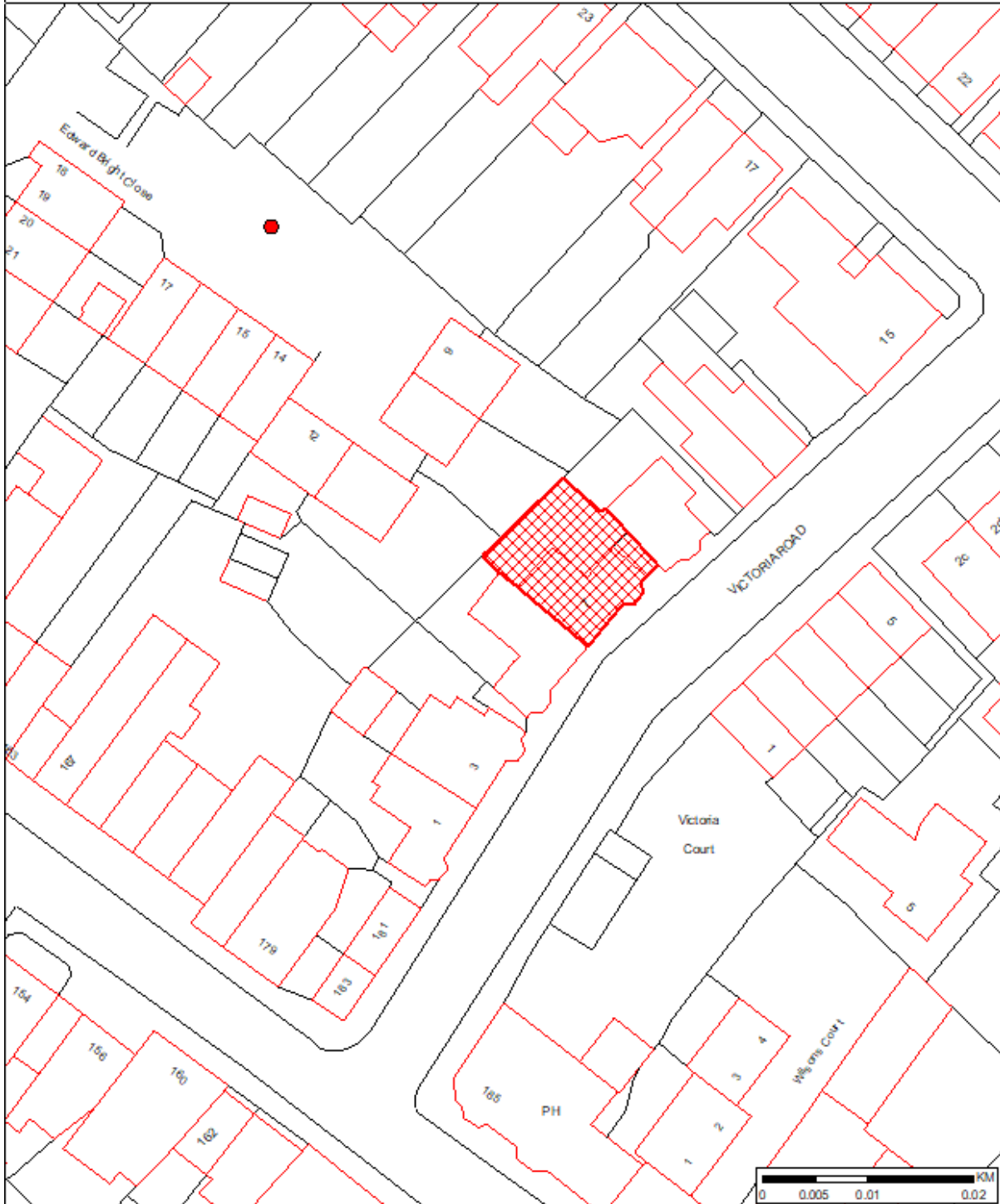
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

**19/01206/HOUSE**  
7 Victoria Road



### **3. SUMMARY**

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

- 3.1.1 The application site is located on the northern side of Victoria Road and falls within the settlement boundary and conservation area of Maldon. The application site is also covered by an Article 4 direction which prohibits the replacement of windows and doors in an elevation of any dwellinghouse fronting a highway or open space without gaining planning permission, this is in place to maintain the original style and materials of front windows and doors. The site is occupied by a two-storey semi-detached dwellinghouse.
- 3.1.2 Planning permission is sought for the replacement of all the existing timber framed windows with UPVC windows.

#### **3.2 Conclusion**

- 3.2.1 The proposed development, due to the use of UPVC, is considered to detrimentally impact upon the character and appearance of the building, the streetscene and the conservation area. It is therefore considered the proposal would be contrary to policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the Maldon District Design Guide (MDDG) and 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 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 54-57 Planning conditions and obligations
- 117-123 Making effective use of land
- 124-132 Achieving well-designed places
- 184-202 Conserving and enhancing the historic environment

#### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD
- Maldon District Vehicle Parking Standards SPD

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The principle of altering the external appearance of an existing building is considered acceptable in line with policies S1 and H4 of the approved LDP

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

- 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 in creating better places to live 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;

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

- 5.2.5 In accordance with section 69 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the Conservation Areas and the features of special architectural or historic interest appearance within them. The Council is required to grant permission that is considered to be of good quality design and that will preserve or enhance the character and appearance of the Conservation Area. Furthermore, in accordance with section 66(1) of this Act, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.
- 5.2.6 In addition, policy D3 is also applicable as the application site is within the Maldon Conservation Area and is part of a locally designated Historic Park and Gardens. This policy stipulates that development proposals that affect a heritage asset (whether designated or non-designated) and/or its setting will be required, amongst other aspects, to preserve or enhance its special character, appearance, setting including its streetscape and landscape value and any features and fabric of architectural or historic interest.
- 5.2.7 A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” The Planning (Listed Building and Conservation Areas) Act 1990. This special character will come from a range of factors including the design of the buildings as well as the materials used. The Council seeks to preserve and enhance the characteristics of the Conservation Area that makes a significant contribution to the area. Therefore, existing features of the area and its buildings; which contribute to the character and appearance should be retained and original external features of buildings should be repaired rather than replaced.
- 5.2.8 The proposed development would impact on the principle elevation of the host dwelling and therefore would be highly visible within the public realm and it is considered that the proposed development would have an impact on the special character and appearance of the site and the surrounding conservation area.
- 5.2.9 The properties in Victoria Road have many architectural details and the use of these embellishments emphasises the importance of the area within the locality. The windows are also important. They vary in size so that largest window is the bay window on the ground floor and they reduce in size on the upper floors. Although some of the windows of the buildings in the immediate vicinity have been replaced, several of the properties retain the original sliding sash windows which reinforces the value of the traditional features. Thus, overall, the fenestration is a vital part of the architectural style and design of the terrace and as such forms an important constituent element, which contributes to the overall character of the conservation area.
- 5.2.10 Clearly, by virtue of their location, the proposed windows are exposed to wider views and would form part of the general streetscene being readily visible from the public domain. Whilst the proposal is a facsimile of a traditional form of sash window, the encasement would be plastic with marginally larger frames and of a profile to accept double glazing. Said frames would have a more shiny and reflective finish when

compared to painted timber; and the modern window furniture that accompanies the design of proposal results in a greater deviation from the traditional form one would reasonably expect to see in a designated area. The nature of uPVC means that the frames would have a flat, uniform appearance and lack the finesse of the detailing found in timber windows. Further, because the windows are formed of standard components their section and detail, in terms of mouldings, are not a reflection of more traditional forms of design. Moreover, it appears that the glazing bars are stuck on and therefore would not divide the glazing into separate units, instead sitting on top of the glass. If they were stuck onto the external face of double-glazed unit, they would create a false vertical glazing strip, which would appear crude and flimsy. However, if inserted inside the glazed unit they would lack the depth and shading of traditional glazing bar profiles. Thus, overall the proposed windows would present as a visually jarring addition. This would emphasise the visual unsuitability of the material and the design of the windows within the building and the street scene within the conservation area.

- 5.2.11 Therefore, it is considered that the proposed UPVC windows would erode the traditional character and appearance of the host dwelling and whilst it is acknowledged that the proposed replacement windows seek to mimic the design and appearance of traditional timber sash windows, it is considered that the basic design, chunky detailing and materials would appear discordant with the existing character of the dwelling. Furthermore, the proposed replacement windows are considered to appear as heavier and discernibly different in material and character in comparison to the appearance of the timber sashes on this window and on other neighbouring dwellings. Therefore, it is not considered that the proposed development would preserve the special character and appearance of the Conservation Area.
- 5.2.12 Furthermore, Maldon District Council's Specialist in Conservation and Heritage has raised objections to the proposed replacement windows, informing that the proposal will cause less than substantial harm to the character and appearance of the site and the surrounding conservation area.
- 5.2.13 The NPPF requires great weight to be given to the conservation of designated heritage assets, which include conservation areas. It draws a distinction between substantial harm and less than substantial harm to such an asset. For the latter, which applies here, the test is that the harm should be weighed against public benefits, including securing the optimum viable use.
- 5.2.14 The proposal would provide limited public benefits including improved energy efficiency and the associated improvement to the living accommodation. The Framework states that local planning authorities should actively support energy efficiency improvements to existing buildings. However, the proposal would not provide enough benefit to outweigh the less than substantial harm that would be caused. The same benefits could be provided by windows that paid better attention to their aesthetic and historic context as shown on the neighbouring property at No.5 Victoria Road (19/00619/HOUSE). Therefore, the public benefit is limited and does not outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset, or the conflict the works would have with the objectives of Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Framework and saved Policies of the MDLDP (2017) as they relate to the quality of development and the preservation or enhancement of the character or appearance of

conservation areas.

- 5.2.15 Therefore, it is considered that the proposed development is contrary to policies D1, D3 and H4 of the LDP and Government Guidance.

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

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 The application site is bordered by five neighbouring properties, to the north west are No.6, No.8 and No.10 Quest Place, to the north is No. 9 Victoria Road and to the south is No.5 Victoria Road. Due to the nature of the proposed works and that no additional windows are proposed it is not considered that the proposed development would result in an unacceptable impact on any of the neighbouring occupiers.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, 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.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards are to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed development would not result in any additional bedrooms within the property or the existing access and parking provision provided on site. Therefore, there are no concerns in relation to parking and highway safety.

### **5.5 Private Amenity Space and Landscaping**

- 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.

In addition, the adopted Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.

5.5.2 The proposed development would not result in the loss of any private amenity space. Therefore, there are no concerns in relation to the private amenity space.

**6. ANY RELEVANT SITE HISTORY**

- **10/00744/TCA** – Removal of holly tree and replacement with several fruit trees – Allowed to proceed (4.10.2010)

**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> |
|--------------------------------------|----------------|-------------------------|
| Maldon Town Council                  | No response    | N/A                     |

**7.2 Internal Consultees**

| <b>Name of Internal Consultee</b>      | <b>Comment</b>   | <b>Officer Response</b> |
|--|--|-------------------------|
| Specialist – Conservation and Heritage | The replacement of the existing painted-timber windows with plastic windows would erode the traditional character and appearance of this prominent building, to the detriment of this part of the conservation area. It is considered that the proposed windows would appear as a crude imitation of traditional timber windows and that the proposed windows would appear discordant, heavy and discernibly different in material and character in comparison to the existing windows. The proposal will cause less than substantial harm to the significance of the conservation area. | Comments noted.         |



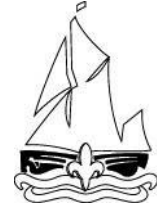
### **7.3 Representations received from Interested Parties**

7.3.1 No representations have been received at the time of writing the report.

### **8. REASON FOR REFUSAL**

- 1 The proposed development, due to the design and use of unsympathetic materials, would result in detrimental harm to the character and appearance of the building, the streetscene and the surrounding conservation area. The proposal would therefore be contrary to policies D1, D3 and H4 of the approved Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

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**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
22 JANUARY 2020**

|   |   |
|---|---|
| <b>Application Number</b>                             | <b>19/01242/HOUSE</b>   |
| <b>Location</b>                                       | 56 Viking Road, Maldon  |
| <b>Proposal</b>                                       | First floor extension and alterations.  |
| <b>Applicant</b>                                      | Mr Jalal Uddin  |
| <b>Agent</b>  | Mr Mark Crocker   |
| <b>Target Decision Date</b>                           | 24.01.2019  |
| <b>Case Officer</b>                                   | Louise Staplehurst  |
| <b>Parish</b>   | <b>MALDON WEST</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by Councillor C Mayes<br>Reason: Policies D1 and H4 of the Local Development Plan (LDP). |

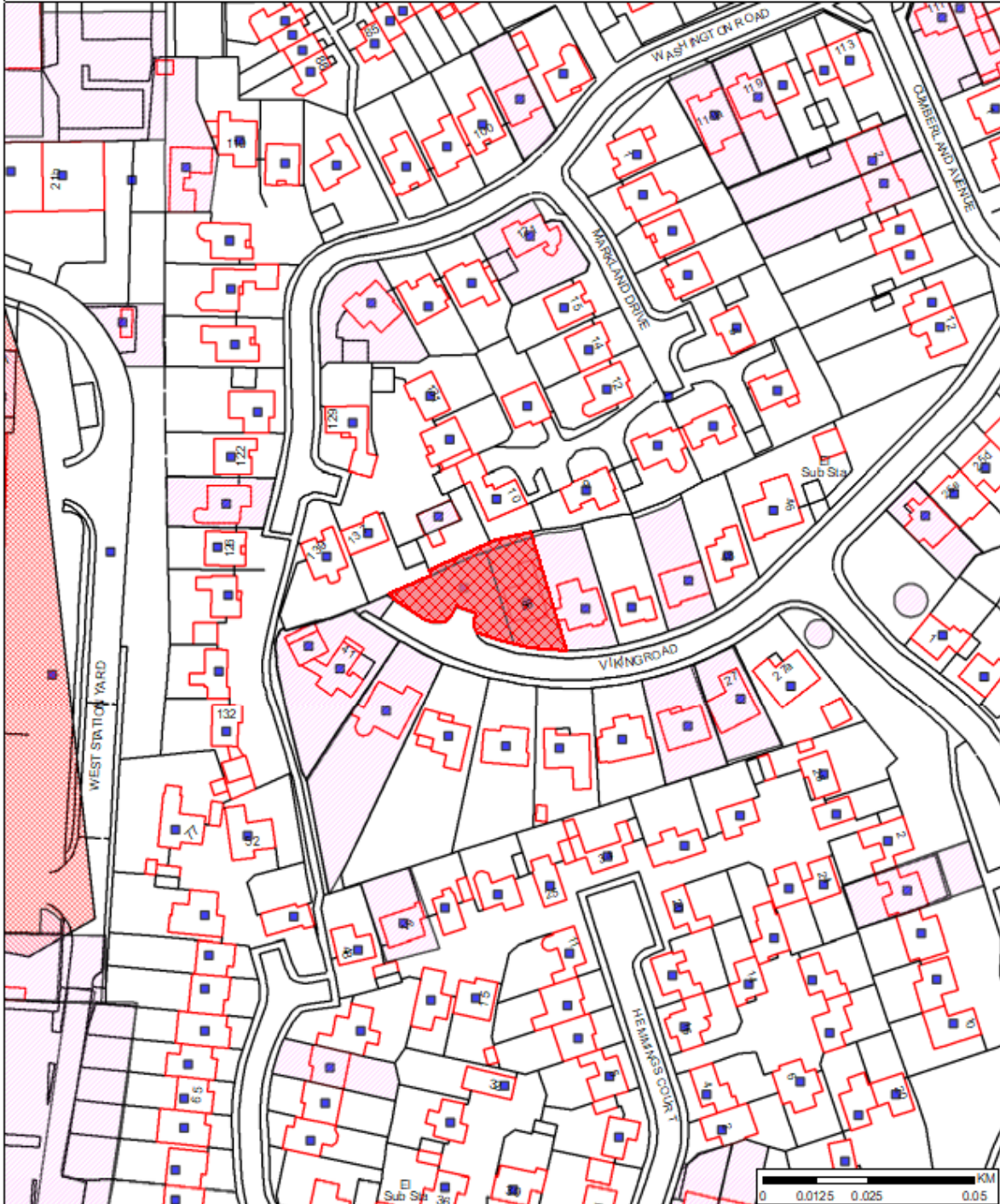
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**19/01242/HOUSE**  
**56 Viking Road, Maldon**



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 Maldon District Council | 100018588 2014

  
**MALDON DISTRICT COUNCIL**

[www.maldon.gov.uk](http://www.maldon.gov.uk)

|               |                         |
|---------------|-------------------------|
| Scale:        | 1:1,250                 |
| Organisation: | Maldon District Council |
| Department:   | Department              |
| Comments:     | Central Area Committee  |
| Date:         | 20/12/2019              |
| 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 northern side of Viking Road, within the settlement boundary of Maldon. The site is occupied by a two-storey detached dwelling, which has a single storey side, front and rear projection. The parking is located to the front of the dwelling on the site. The private amenity space is located to the north and west of the dwelling. The surrounding area is residential in nature with properties of a mixed design.

3.1.2 Planning permission is sought for a first-floor side and rear extension extending from the existing single storey side and rear projection. Alterations to the roof and materials are also proposed.

3.1.3 The proposed first floor extension will consist of a gable style projection to the side of the main dwelling and a gable projection extending from this side element to the rear. The side extension will measure 3 metres wide, 6.3 metres deep, 4.4 metres high to the eaves and 6.7 metres high overall. The rear element will measure 3.2 metres wide, 7.2 metres deep, 4.6 metres high to the eaves and 6.2 metres high overall. The extension will project 13.4 metres along the side of the dwelling in total.

3.1.4 The first-floor side extension will include a pitched roof dormer to the front. To accommodate this, the roof slope of the west side element of the extension will cut into the existing roofline.

3.1.5 The alterations to the roof consist of the roofline of the front porch changing from a flat roof to a mono-pitched roof, which will measure 2.6 metres high to the eaves and 3.6 metres high overall.

3.1.6 The materials will consist of white UPVC for the windows and doors, tiles for the roof and light grey cladding to the walls of the extension and to replace the existing render and tile hanging.

3.1.7 This is a re-submission of a previously refused application under the terms of 19/00576/HOUSE. The reasons for refusal were as follows:

- 1 *The proposed side and rear extension, by reason of its scale and design, is considered to be a large and bulky addition, which would result in a harmful impact on the character and appearance of the host dwelling and the surrounding area. Furthermore, the design would result in an awkward and contrived roofline to the front. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

- 2 *The proposed side and rear extension, due to its bulk and depth, is considered to have an overbearing impact on the neighbouring site to the east, No.54 Viking Road. The proposal would therefore result in an unneighbourly form of development, which would have a detrimental impact on the residential amenity of this neighbour and therefore the proposed extension would be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.8 It must be noted that no amendments have been made to this application since the previous application refused by the Council. A supporting statement has been submitted with the application which sets out why the applicant disagreed with the previous decision; this has been explained further in section 5.6 of the report.

### **3.2 Conclusion**

3.2.1 Whilst the proposed alterations to the front porch roof and the materials are considered to be acceptable, the proposed first floor side and rear extension is considered to be a large, bulky and contrived addition which would dominate the character and appearance of the host dwelling and would therefore significantly harm the visual amenity of the site and surrounding area. Furthermore, the proposed side and rear extension would result in a detrimental impact on the residential amenity of the neighbour to the east, No.54 Viking Road. No effort has been made to overcome the concerns raised in the previously refused application. The proposal is therefore contrary to policies H4 and D1 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF). There are not considered to be any new material considerations since the determination of the last application, which outweigh the conflict with national and local policies or the material consideration which is the last application.

## **4. MAIN RELEVANT POLICIES**

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

### **4.1 National Planning Policy Framework 2019 including paragraphs:**

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47 – 50 Determining applications
- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

### **4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:**

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

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

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)

### **5. MAIN CONSIDERATIONS**

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

5.1.1 The principle of altering and extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable, subject to the design and impacts assessed below, in line with policies S1 and H4 of the approved LDP, subject to the assessment below.

#### **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 NPPF states that:

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;

5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.

5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.

- 5.2.6 The application site is located towards the end of the northern side of the cul-de-sac of Viking Road. The surrounding area is residential in nature, with many of the dwellings within the surrounding area having two storey front and side projections.
- 5.2.7 The proposed side extension would measure 13.4 metres deep in total, projecting 4.7 metres past the main rear elevation of the dwelling. The total depth is considered to be overly large and would add a considerable bulk onto the side and rear of the dwelling. Although there is an existing single storey projection at the site, the first-floor extension is considered to result in a dominant and incongruous addition, which, by reason of its bulk and massing, along with its awkward design, is considered to harm the character and appearance of the host dwelling and the surrounding area. The proposed extension would dominate views of the rear elevation. Its appearance would be exacerbated by the lack of any windows to break up the expanse of wall to the rear. Whilst it is noted this is likely to have been done to avoid issues regarding overlooking, it results in the rear elevation appearing as a prominent and dominating feature, to the detriment of the character and appearance of the host dwelling.
- 5.2.8 The change of the front porch flat roof to a pitched roof would be in keeping with the style and pitch of the roof of the main dwelling and therefore there is no objection to this element of the proposal. However, it is noted that this feature would highlight the unbalanced appearance of the altered gable to the front elevation.
- 5.2.9 In terms of materials, it is proposed to use cladding at first floor level on the extension and to replace the existing render and hanging tiles. Whilst this would not match the materials used on the existing dwelling, it would be in keeping with the cladding used on other dwellings within the streetscene and therefore it would not be considered to cause detrimental harm to the character and appearance of the area.
- 5.2.10 The proposed materials and change of the porch roofline would not be considered to detrimentally harm the visual amenity of the site or the surrounding area. However, the proposed side and rear extension are considered to be a large and bulky addition which would harm the character and appearance of the existing dwelling and the surrounding area. The proposal would therefore be contrary to policies H4 and D1 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.
- 5.3.2 The neighbouring dwelling to the east, No.54 Viking Road, is located 1.8 metres from the shared boundary with the application site and 3.6 metres from the proposed first floor extension. This neighbour also has a shed which abuts the shared boundary. There will be two first floor windows on the side elevation of the proposed extension and a rooflight on the side roof slope, which are likely to result in a loss of privacy as they would directly face into the neighbouring dwelling and rear private amenity space. However, both windows serve bathrooms, and the rooflight is not the only window serving the bedroom, and therefore it would be considered reasonable and necessary to include a condition requiring these windows and the rooflight to be obscure glazed and non-opening below 1.7 metres above floor level, if this application



were to be approved. The proposed extension would project 7.1 metres further than the rear elevation of the neighbouring dwelling. Although there would be a separation distance of 3.6 metres between the extension and the neighbouring dwelling, due to its height and the significant depth, the extension is likely to impact on the light received within the neighbouring property. Furthermore, the proposed extension is considered to have a dominating and overbearing impact on the private amenity space of this neighbour. Although, there is an existing single storey extension which measures 13.4 metres along this shared boundary, it is considered that the added first floor level, which increases the height to 6.2 metres, would result in an unneighbourly and overbearing form of development, which would create the feeling of domination and enclosure along the shared boundary and within both the dwelling and the private amenity space.

- 5.3.3 The neighbouring dwelling to the north, No.10 Markland Drive, is located 12.1 metres from the proposed extension. It is noted this neighbour is set at a higher ground level than the application site. Due to the separation distance between these two properties, the proposal is not considered to be harmful in terms of a loss of light or domination. Furthermore, there are no windows on the northern elevation facing this neighbour and therefore the proposal would not result in a significant loss of privacy to this neighbour.
- 5.3.4 The neighbouring dwellings to the north west No.135-137 Washington Road, are located 17 metres and 30 metres from the dwelling on the application site respectively. There will be one window on the west elevation of the extension; however, this will not face directly towards these neighbouring dwellings. Due to this and the separation distance, the proposal is not considered to detrimentally harm the residential amenity of these neighbours to an extent that would justify the refusal of the application.
- 5.3.5 The alteration to the front porch roof is not considered to be a major alteration and will not significantly harm the residential amenity of any neighbouring occupiers.
- 5.3.6 All other dwellings are located at a distance where the proposal would not harm their residential amenity.
- 5.3.7 The proposed extension would be considered to be an unneighbourly form of development, in relation to the neighbour to the east, No.54 Viking Road, and therefore the proposal is considered to be contrary to this aspect of policy D1 of the LDP.

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

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, 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.

- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposal results in the dwelling increasing from a three-bedroom dwelling to a four bedroom dwelling. The proposed extension and alterations will not reduce the amount of parking on the driveway. However, the adopted parking standards require a three-bedroom dwelling to have two parking spaces and a four bedroom dwelling to have three parking spaces, measuring 2.9 metres wide by 5.5 metres deep.
- 5.4.4 It is noted that the block plan submitted shows there to be a driveway with an area capable of providing room for three spaces measuring 2.9 metres wide by 5.5 metres deep. However, the existing dropped kerb is located to the south east of the driveway and therefore, due to vehicle movements into and out of the driveway, there would only be provision for two usable parking spaces of the required dimensions.
- 5.4.5 Whilst it is noted that there would only be provision for two usable parking spaces at the site, which is a shortfall of one space, the site is located towards the end of a cul-de-sac where on-street parking occurs. If additional on-street parking were to occur as a result of the proposal, it is not considered that this would result in detrimental harm to highway safety and the free flow of traffic to an extent that would justify the refusal of the application.
- 5.4.6 The proposal, whilst contrary to policy T2, is not considered to result in a harmful impact in regard to parking or highway safety.

## **5.5 Private Amenity Space and Landscaping**

- 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. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.5.2 The proposal relates to an extension and alterations at first floor level and therefore there will be no loss of private amenity space as it will remain in excess of 370m<sup>2</sup>.
- 5.5.3 Therefore, the proposal is considered to be in accordance with this aspect of policy D1 of the LDP.

## **5.6 Other Material Considerations**

- 5.6.1 A supporting statement has been submitted with the application which sets out why the applicant disagrees with the previous decision.
- 5.6.2 The applicant has stated that the aim of the development is to provide additional residential accommodation for their family and that extending the property does not seem unreasonable. Whilst the Council is sympathetic to the needs of the occupiers, case law is clear that decision makers cannot take into account personal circumstances unless they are very special circumstances; it is not considered that this falls within this category. It is important to note that the principle of extending the dwelling to provide additional accommodation has not been objected to, providing the proposal is policy compliant in all other respects, particularly in relation to design and neighbouring amenity in this case. No effort has been made from the previous application to amend the design to overcome these concerns.
- 5.6.3 The applicant has also stated that the Planning Officers did not allow the previous application to go to committee as would have been the case prior to the removal of the parish trigger, as the town council supported the application. It is important to note that the previous application was not called-in and the mentioning of the parish trigger is not a relevant point. Furthermore, the Planning Committee is bound by the same policies as the Planning Officers.
- 5.6.4 The applicant considers that it would not be feasible to reduce the projection of the extension, however no other plans showing alternative designs have been submitted for the Council to assess or any reasonable argument behind this position.
- 5.6.5 The applicant has also stated that the proposed front elevation is not a problematic design and that there are other examples of this on other houses. However, no examples have been provided and no examples with a similar front roofline were seen in the surrounding area whilst undertaking a site visit; anything further albeit would be of no demonstrable weight in the determination of this application.
- 5.6.6 Finally, the applicant has stated that this application was submitted with the request for it to be called in to be heard at committee. Whilst it is noted that the previous decision was made at Officer level, it must be noted that the decision is that of the Council and should be attributed substantial weight when determining this application. Furthermore, the fact that an application is determined at Officer level or at Planning Committee should not be a material consideration of any demonstrable weight.

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

- **07/00967/FUL** – Two-storey residential house – Refused
- **19/00576/HOUSE** - First floor side/rear extension and external alterations including to roof and materials. – 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           | Support | Comments noted.  |

### 7.2 Representations received from Interested Parties

7.2.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

| Objection Comment  | Officer Response                         |
|--|--|
| Concerns are the same as with the previous application.  | Comments noted.                          |
| If the extension is built on the existing single storey rear extension, it will be overpowering and too large for the environment and have a very detrimental impact on the neighbour. No objection if it was just built to the side of the house rather than to the rear as well. | Comments noted. See Section 5.2 and 5.3. |
| The cover letter with the application says the applicant wants the application to go to committee to get a fair hearing and have the proposal accepted, but the Parish Council and Councillors were appointed to serve neighbours as well.   | Comments noted.                          |
| The height and bulk of the proposal is overwhelming and will dominate the neighbour's side and rear aspects.   | Comments noted. See Section 5.3.         |

## 8. REASONS FOR REFUSAL

- 1 The proposed side and rear extension, by reason of its scale and design, is considered to be a large and bulky addition, which would result in a harmful impact on the character and appearance of the host dwelling and the surrounding area. Furthermore, the design would result in an awkward and contrived roofline to the front. The proposal would therefore be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
- 2 The proposed side and rear extension, due to its bulk and depth, is considered to have an overbearing impact on the neighbouring site to the east, No.54 Viking Road. The proposal would therefore result in an unneighbourly form of development, which would have a detrimental impact on the residential amenity of this neighbour and therefore the proposed extension would be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.