

AGENDA
COVID-19 INTERIM MEASURES GROUP
WEDNESDAY 20 MAY 2020

1. **20/00364/HOUSE - 8 The Cobbins, Burnham-on-Crouch, Essex, CM0 8QL**
(Pages 5 - 16)

To consider the report of the Director of Service Delivery, (copy enclosed)

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- Essex Design Guide 1997 (Note: superseded by Maldon District Design Guide 2018)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.

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**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
20 MAY 2020**

Application Number	20/00364/HOUSE
Location	8 The Cobbins, Burnham-On-Crouch, Essex CM0 8QL
Proposal	Proposed part single, part 2 storey side / rear extensions. Including roof alterations to proposed attached garage with planning approval ref HOUSE/MAL/19/01092.
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson - Ashley Robinson Property Designs
Target Decision Date	28.05.2020
Case Officer	Annie Keen
Parish	Burnham-on-Crouch North
Reason for Referral to the Committee / Council	Member Call In - Councillor W Stamp Reason: H4 and S6

1. RECOMMENDATION


REFUSE for the reason as detailed in Section 9 of this report.

2. SITE MAP

Please see overleaf.

8 The Cobbins, Burnham-on-Crouch
20/0364/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	24/04/2020
	MSA Number:	100018588

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3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of The Cobbins, Burnham-on-Crouch within a cul-de-sac of four dwellings. The application site is within the settlement boundary of Burnham-on-Crouch.
- 3.1.2 The building on-site is a large detached dwelling which fronts onto The Cobbins with views of the dwelling from Southminster Road to the west being obscured by a small landscape buffer. The surrounding area, which is residential, is characterised by large detached dwellings of a similar size, positioned away from the boundaries of their plots. The dwelling on-site is constructed of red brick with an integral garage and front dormer. The Cobbins is notably characterised by a generally consistent building design and typology.
- 3.1.3 Planning permission is sought for the construction of a two-storey side extension with a gable style roof and single storey rear extension with a mono-pitched roof. Planning permission is also sought for alterations to the roof of the proposed garage, which was approved under application 19/01092/HOUSE. It is proposed the development will be used as an annex.
- 3.1.4 The proposed two storey side extension would measure 5 metres in width and 5.5 metres in depth with an eave's height of 5 metres and an overall roof height of 7.9 metres. Effectively the proposed two storey extension would extend the roof line of the existing building by 5 metres.
- 3.1.5 The proposed rear extension would measure 11.3 metres in width and 1.6 metres in depth with an eave's height of 2.4 metres and a maximum height of 3.6 metres.
- 3.1.6 The proposed alteration to the roof of the proposed garage (previously approved) would adjoin the proposed side extension, measuring 4.7 metres in height to the top of the ridge.
- 3.1.7 The proposed finished materials would be facing brick work and plain concrete roofing tiles to match the existing dwelling with the first floor finished in cream weatherboarding with white uPVC windows, doors, soffits and fascias and black uPVC rainwater goods.
- 3.1.8 This application follows withdrawn application 18/01428/HOUSE which proposed a two-storey side extension arranged perpendicular to the main house and approved application 19/01092/HOUSE for the conversion of the existing garage to be used as an annex, a first-floor rear extension above the garage (to comprise bedroom and shower facilities at both ground floor and roof) and a detached double garage.

3.2 Conclusion

- 3.2.1 The proposed development, due to its design, scale and bulk would appear dominant within the site and would not be subservient to the host dwelling due to its height and appearance. The wall dormers, due to their design and siting, would appear incongruous in comparison to the existing which sit lower on the roof slope.

Furthermore, the alterations to the proposed garage roof would result in a mass of built form on the site, linking the garage with the host dwelling. The development would therefore detrimentally impact upon the appearance of the site and the streetscene, contrary to policies D1 and H4 of the Maldon District Local Development Plan (MDLDP), the Special Housing Needs SPD and the guidance contained within the 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 (NPPF) 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
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD (MDDG)
- Maldon District Vehicle Parking Standards SPD (VPS)
- Special Housing Needs SPD
- Burnham-on-Crouch Neighbourhood Development Plan

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Local Development Plan (LDP) unless material

considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

- 5.1.2 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.
- 5.1.3 The substantive element of the proposal relates to the creation of annex accommodation, with a single storey extension to the rear of the dwelling. The plans show the annex would be two storey and would include a kitchenette, toilet and living area at ground floor level and a bedroom, bathroom and study at first floor. The ground and first floor would be connected by an internal lift and the annex would have its own entrance.
- 5.1.4 It is conventional expectation that annex accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annex.
- 5.1.5 In addition to the above, the Specialist Needs Housing SPD, which was adopted in September 2018, states that proposals for annex accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:
- 1) Be subservient/subordinate to the main dwelling;
 - 2) Have a functional link with the main dwelling (i.e. the occupants' dependant relative(s) or be employed at the main dwelling);
 - 3) Be in the same ownership as the main dwelling;
 - 4) Be within the curtilage of the main dwelling and share its vehicular access;
 - 5) Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
 - 6) Have no separate boundary or sub-division of garden areas between the annex and the main dwelling; and
 - 7) Have adequate parking and amenity facilities to meet the needs of those living in the annex and the main dwelling.
- 5.1.6 Criteria 1 will be assessed in the design section below. In regard to criteria 2, it is suggested within the application form an elderly family member of the occupiers of the dwelling would inhabit the annex and therefore criteria 2 is satisfied. The annex would be within the same ownership as the main dwelling and therefore this accords with criteria 3. The annex would be located within the residential curtilage of the dwelling, form a two-storey side extension and would share its vehicle access, in accordance with criteria 4. The annex will remain as part of the main dwelling and therefore has the potential to be used as part of the main dwelling in the future, complying with criteria 5. The proposal would comply with criteria 6 as the annex would adjoin the main dwelling and there would be no separate boundary. The provision of parking and amenity space would be shared with the main dwelling; however, concern is raised regarding the ability for division of the site and therefore if the application was to succeed a condition could be imposed to ensure the dwelling and the annex would remain as one planning unit.

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:

“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”.

5.2.3 This principle has been reflected to the approved 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;

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 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.

5.2.6 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 and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.

5.2.7 The site consists of a two-storey detached dwelling with an integrated garage. Planning permission was granted on 17 January 2020 under application 19/01092/HOUSE for conversion of the integral garage and construction of a first-

floor extension, and a replacement double garage. This approved application, if built out, would result in the creation of an annex to the north of the site.

- 5.2.8 The proposed development would consist of a two-storey side extension with a single storey rear extension, creating a living area, kitchenette and toilet at ground floor and a study, bedroom and bathroom at first floor. The single storey rear element would create an enclosed veranda which would enable access from the ground floor of the extension to the existing dwelling. Access would be gained to the first floor by a lift and the development would have its own entrance. Alterations to the roof of the garage, approved under application 19/01092/HOUSE, would result in the garage joining the front elevation of the proposed side extension.
- 5.2.9 The proposed side extension would project to the south of the dwelling with a pitched roof design and wall dormers. The ridge of the proposed extension would be built off and extend the ridge of the host dwelling by 4.6 metres. Given that this addition would extend the form, mass and scale of the 2 storey element of the existing house by approximately a half, the extension would fail to be subordinate to the host dwelling, create a building form out of proportion with its original design conventions and consequently appear over dominant within the site, contrary to good design principles (Maldon Design Guide), and further, a requirement of annexes stated in criteria 1 of the Special Housing Needs SPD outlined in section 5.1 above. In addition, the proposed dormers would sit higher than the existing wall dormers to the front and rear roof slopes creating an incongruous form of development.
- 5.2.10 The proposed single storey rear extension would create a link at ground floor level between the existing dwelling and the proposed annex. No objections are raised regarding the design or scale of the rear extension.
- 5.2.11 The proposed double garage approved under application 19/01092/HOUSE, would occupy an area of garden to the south east of the dwelling. Its principle is therefore established. However, when taken together with the proposed two storey extension, the proposed alterations, which would conjoin the garage to the said extension would significantly increase the built form on the site through a substantive increase in footprint and result in a mass of built form to the south of the plot. It is noted that the surrounding area is characterised by large dwellings which maintain a distance from the boundaries of their plots, the proposed development would therefore, from the streetscene, appear to uncharacteristically fill the width of the plot to the detriment of the character and appearance of the site and streetscene.
- 5.2.12 The proposed materials are considered in keeping with the existing dwelling and therefore no objections are raised in terms of materials.
- 5.2.13 It is noted reference is made within the supporting statement submitted with the application to a side extension at No.17, granted under application 13/00055/HOUSE. This development is significantly smaller in scale than the proposed development and therefore a comparison cannot be made. Furthermore, this application was approved prior to the adoption of the MDLDP and MDDG and therefore would have been assessed against a different criterion. Furthermore, the NPPF promotes high quality design and at chapter 12 (NPPF Feb 2019) states ‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve’.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 in the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The proposed development would be situated 10 metres from the boundary shared with the dwelling to the north of the site, No.10 The Cobbins and situated 22.9 metres from that same dwelling. Due to the position of the development it is considered the proposed extensions would not detrimentally impact upon the neighbouring occupiers by way of overlooking, overshadowing or by being unduly overbearing.
- 5.3.3 The proposed development would be situated 1.2 metres from the boundary shared with No.6 The Cobbins and 12.5 metres from that same dwelling. Whilst the proposed garage would be close to the boundary, this was approved under application 19/01092/HOUSE and therefore only the alteration to the roof is being assessed. It is therefore considered the proposed development, due to the separation distance, would not detrimentally impact upon the neighbouring occupiers by way of overshadowing or being unduly overbearing. Whilst there is a window to the front elevation of the two-storey side extension, the plans state this window would be obscure glazed and non-openable above 1.7 metres. It is therefore considered the proposed development would not result in overlooking of the neighbouring dwelling.
- 5.3.4 The proposed development would be situated 2 metres from the boundary shared with No.4 The Cobbins and 11.3 metres from that same dwelling. Due to the position of the development, it is considered the development would not result in overlooking or overshadowing of the neighbouring occupiers or be unduly overbearing.
- 5.3.5 The proposed development would be situated 4.4 metres from the boundary shared with the neighbouring dwelling to the south, No.2 The Cobbins and 16 metres from that same dwelling. Due to the separation distance, it is considered the development would not result in overshadowing of the neighbouring occupiers or appear overly dominant. Furthermore, the plans show there would not be any windows in the southern elevation of the two-storey extension. Whilst a window is proposed in the southern elevation of the single storey rear extension, due to its single storey nature and separation distance, it is considered, this would not result in overlooking of the neighbouring occupiers.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. 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. The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as

minimum 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 Whilst the proposed development would increase the number of bedrooms on-site, adding an additional bedroom at first floor, there would be parking provision for two vehicles to the front of the dwelling and two parking spaces within the garage approved under application 19/01092/HOUSE, therefore adequate levels of parking would be available on-site. It is therefore considered; the proposed development would be in accordance with the Maldon District Vehicle Parking Standards SPD and policy T2 of the LDP.

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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The dwelling sits on a large site measuring in excess of the required 100m² amenity space specified within the MDDG. Whilst the proposed development would result in some loss of amenity space due to the location of the proposed development, the garden would remain in excess of the required size and therefore the proposed development is in accordance with policy D1 of the LDP.

6. OTHER MATTERS

- 6.1 The planning statement submitted with the application draws attention to the need for an annex for the applicant's father due to deterioration in health. Further information from the applicant's doctor states the applicant's father's care requirements are likely to escalate in time and he is no longer able to maintain his own home or cook for himself. Whilst this is acknowledged, the proposed need would not outweigh the identified harm and conflict with policy set out under section 5.2 above.

7. ANY RELEVANT SITE HISTORY

- **18/01428/HOUSE** - Proposed front and side extension comprising double garage, and annex with 2No. pitched roof dormers – Withdrawn
- **19/00116/HOUSE** - Proposed detached double garage with room within roof with 2 No. pitched roof dormers. – Refused
- **19/00762/HOUSE** - Conversion of the existing double garage into residential accommodation and a first-floor extension over flat roof section of the existing garage to provide an extension to the existing first floor bedroom, a pitched roof over the existing flat roof front dormer and a replacement detached double garage. – Refused

- **19/01092/HOUSE** - Conversion of the existing double garage into residential accommodation, first floor extension, alterations to roof of existing dormer and a replacement detached double garage. - Approved

8. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

8.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support this application Cllr W. Stamp to call this application in.	Noted

8.2 **Representations received from Interested Parties**

- 8.2.1 **3** letters were received **objecting** to the application and summarised as set out in the table below:

Comment	Officer Response
The site notice was tampered with and neighbour notification letters were not sent out.	A site notice was erected at the entrance to the cul-de-sac outside No.12 The Cobbins, this notice was replaced due to reports of the notice being tampered with. The Council is not obligated to also send individual neighbour letters.
The development would reduce the level of spaciousness between the dwellings and impact on the estates low density character.	Comment noted
The building would be substantial and could be used as an independent dwelling.	Comment noted
Due to its scale, bulk and having its own front door the extension would look out of character and overbearing.	Comment noted
It would over look No's 2, 4 and 6.	Please see section 5.3
An annex has already been approved under application 19/01092/HOUSE, converting the existing garage with bedroom for Mrs Lambert mother and a bedroom, bathroom and dressing area for Mr Lambert's father.	Comment noted

Comment	Officer Response
The houses of the mews are served by a narrow road and there is limited parking with no space for additional cars and driveway expansion is not possible.	Comment noted
Too large, dominant and not in keeping with the area, close to neighbouring dwellings and a similar extension was refused last year.	Comment noted
An increase in the size of the house would increase noise levels.	Comment noted
There are 2 people currently living in and 5 bedroomed house, we have been advised the house would be split into two resulting in insufficient parking, compromising on safety and interrupting the spaciousness of the estate and set a precedent for future development.	Comments noted

9. **REASON FOR REFUSAL**

1. The proposed development, by reason of its overall design and appearance, scale, bulk and position within the site, is considered to be a dominant addition resulting in a lack of subservience to the host dwelling. The development would therefore be harmful to the character and appearance of the existing dwelling and the streetscene, contrary to policies D1 and H4 of the Maldon District Local Development Plan, the Special Housing Needs SPD, Maldon District Design Guide, and the guidance contained within the National Planning Policy Framework 2019.

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