

Unrestricted Document Pack

APOLOGIES Committee Services
Email: Committee.clerk@maldon.gov.uk

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

24 November 2020

Dear Councillor

You are summoned to attend the meeting of the;

CENTRAL AREA PLANNING COMMITTEE

on **WEDNESDAY 2 DECEMBER 2020** at **6.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor M R Edwards

VICE-CHAIRMAN

Councillor Mrs J C Stilts

COUNCILLORS

Miss A M Beale
M S Heard
K M H Lagan
C Mayes
C Morris
S P Nunn
N G F Shaughnessy
C Swain

Please note: Electronic copies of this agenda and its related papers
are available via the Council's website www.maldon.gov.uk.

THIS PAGE IS INTENTIONALLY BLANK



AGENDA
CENTRAL AREA PLANNING COMMITTEE
WEDNESDAY 2 DECEMBER 2020

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

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 7 - 10)

To confirm the Minutes of the meeting of the Committee held on 4 November 2020, (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. **20/00796/FUL - 119 High Street, Maldon** (Pages 11 - 26)

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

6. **20/00862/HOUSE and 20/00863/LBC - 7 All Saints London Road, Maldon, CM9 6HE** (Pages 27 - 38)

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

7. **20/01010/HOUSE - 98 Washington Road, Maldon, CM9 6AR** (Pages 39 - 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**

Reports for noting:

In accordance with the Council decision (Minute No. 542 refers), the following report is for noting and is available 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 participation. This will operate only in relation to the consideration and determination of planning applications under Agenda Item No. 5-7.
2. The Committee may consider representation from one objector, one supporter, a Parish / Town Council representative, and the applicant / agent. Please note that the opportunity to participate is afforded only to those having previously made written representation.
3. Anyone wishing to participate must register by completing the online form (link below) no later than noon on the working day before the Committee meeting www.maldon.gov.uk/publicparticipation. The first person to register in each category will be sent a Microsoft Teams invitation which will allow them to join the 'live' meeting to make their statement.
4. For further information please see the Council's website – www.maldon.gov.uk/committees

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

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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
4 NOVEMBER 2020**

PRESENT

Chairman	Councillor M S Heard
Vice-Chairman	Councillor S P Nunn
Councillors	Miss A M Beale, M R Edwards, K M H Lagan, C Mayes, C Morris, N G F Shaughnessy, Mrs J C Stilts and C Swain
In Attendance	Councillor Mrs P A Channer, CC

1. CHAIRMAN'S NOTICES

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues, together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of all Members present.

2. APOLOGIES FOR ABSENCE

There were none.

3. MINUTES OF THE LAST MEETING

RESOLVED that the Minutes of the meeting of the Committee held on 9 September 2020 be approved and confirmed.

4. DISCLOSURE OF INTEREST

In relation to Agenda Item 5 20/00824/HOUSE - 46 Wentworth Meadows, Maldon, Essex CM9 6EJ the following declarations were made:

- Councillors M S Heard, S P Nunn, Mrs J C Stilts, C Mayes and N G F Shaughnessy declared a non-pecuniary interest as they were acquainted to or knew the applicant.
- Councillor C Morris suggested that all Members have a non-pecuniary interest due to the applicant being a member of staff. The Chairman emphasised that it

was down to the individual to make that declaration. Councillor Morris then went on to declare that he had spoken to the applicant a couple of times.

- Councillor K M H Lagan declared a non-pecuniary interest as he was aware of the report writer from years ago when he trained at the same martial arts club.

5. 20/00824/HOUSE - 46 WENTWORTH MEADOWS, MALDON, ESSEX, CM9 6EJ

Application Number	20/00824/HOUSE
Location	46 Wentworth Meadows, Maldon, Essex, CM9 6EJ
Proposal	First floor extension over garage.
Applicant	Mr Jack Ellum
Agent	N/A
Target Decision Date	12.11.2020
Case Officer	Annie Keen
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff Member Call In – Councillor C Mayes Policy reasons – D1 and D3

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

Following the Officer's presentation Members were advised that one public participation submission had been received from the Applicant. In accordance with the public participation scheme this was duly read out. The Chairman then moved the Officers' recommendation of refusal. This was duly seconded.

A debate ensued as to the impact of the revised scheme on neighbouring properties and Members were reminded that Planning and Case law was clear that lack of objection to a planning application should not be a consideration for Members. Upon a vote being taken the Officer's recommendation was lost.

Councillor C Morris having supported the application during the earlier debate, proposed that the application be approved contrary to the Officer's recommendation. This was seconded by Councillor Miss A M Beale. Reasons for approval were discussed and it was duly agreed that previous reasons for refusal had been overcome and the revised application was consistent with policies D1 and H4 of the Local Development Plan (LDP).

The Chairman put the proposal to approve the application contrary to the Officer's recommendation to the Committee. Upon a vote being taken the application was approved.

RESOLVED that the application be **APPROVED** subject to conditions delegated to the Lead Specialist Place in consultation with the Chairman.

6. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT

As it was the last meeting before the Annual meeting of the Council the Chairman thanked Members for their attendance and patience during this difficult period. He also thanked Officers and the Committee Clerks for their hard work.

There being no further items of business the Chairman closed the meeting at 7.00 pm.

M S HEARD
CHAIRMAN

This page is intentionally left blank



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
2 DECEMBER 2020**

Application Number	20/00796/FUL
Location	119 High Street Maldon Essex
Proposal	Change of use of rear service building to C3 residential live/work unit including provision of secure bike storage and bin storage and replacement roof tiles, in association with shop 119 High Street, including minor internal alterations to shop to create separate toilet facility – Resubmission following a recent refusal reference: 20/00198/FUL
Applicant	Mr Jarman
Agent	Sharon Smith
Target Decision Date	20 October 2020
Case Officer	Kathryn Mathews
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Called in by Councillor C Mayes and Policies D1 and H4 were referenced in the Call-In.

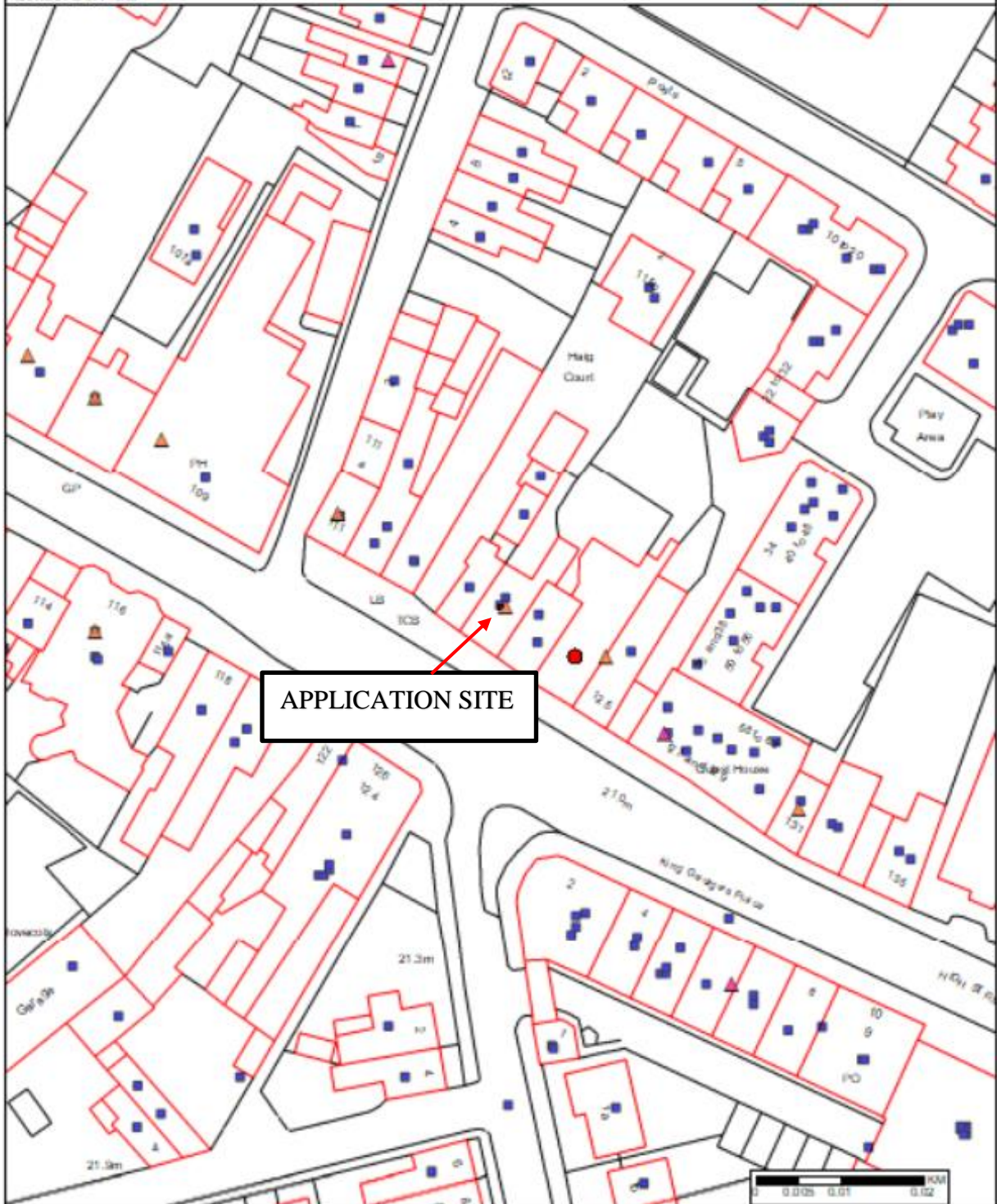
1. RECOMMENDATION


REFUSE for the reason(s) as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

119 High Street, Maldon
20/00796/FUL



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office. © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 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:	18/11/2020
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

Application Site

- 3.1.1 The application site is situated on the High Street. The property fronts the High Street and has access to the rear which is located adjacent to the neighbouring property (No.117 High Street). The property is a Grade II listed building, group listed with 117, 119a and 121 High Street and is located within the Maldon Conservation Area and in the Central Area Masterplan area. The property is located within the Primary Retail Frontages identified in the Local Development Plan (LDP).
- 3.1.2 In the application submission, it is stated that the property had operated approximately four years ago as a wet fishmonger (wholesale and retail) and a poulterers. Part of the site adjacent to the High Street (that proposed to be retained for retail use as part of the current application) is understood to be currently in use as a pet shop.
- 3.1.3 The rear of the building was used for fish preparation and as a wash down area associated with the wholesale and retail fish trade. Part of it was also used for the storage of produce and trade sales.
- 3.1.4 Planning permission was granted in 2019 for the re-development of detached buildings adjacent to the current application site for a one-bedroom dwellinghouse (application reference 18/01286/FUL). Further from the High Street and beyond the site, subject to planning permission reference 18/01286/FUL, is a property consisting of 2 no. two-bedroom flats (Haig Court) which also shares the vehicular access referred to above.
- 3.1.5 To the east of the application site is a vacant plot but which was the subject of planning permission for 'Mixed Use scheme comprising of 1 single storey retail and 5 residential units. Demolition of existing single storey outbuildings and extensions' (reference: 12/01071/FUL) which was allowed on appeal in August 2014. This planning permission does not appear to have been implemented and has therefore expired.

Proposal

- 3.1.6 Planning permission is sought for a change of use of the site to a live / work unit including provision of secure bike storage and bin storage as well as replacement windows and roof tiles. There would also be minor internal alterations to the remaining retail area to create a separate toilet facility. This application is a resubmission following the refusal of planning application 20/00198/FUL.
- 3.1.7 The proposed change of use to residential use relates to 30sq.m. of floorspace (part of which is within a single storey rear projection) to create a one-bedroom residential unit. Internally, a WC/shower room would be created using partitions within the single storey element.
- 3.1.8 The retained retail floorspace is stated as measuring 23.6sq.m. (including the proposed WC to the rear of the shop). The existing WC at ground floor level, to the

rear of the property, would be converted into a utility room and the door between the current entrance lobby and the shop would be sealed.

- 3.1.9 An outside courtyard area measuring 7.6sq.m. for the proposed residential unit is included within the application site boundary. No off-street parking is proposed for the future occupiers of the proposed conversion.
- 3.1.10 The proposal includes replacement of the existing windows to the rear of the property and replacement of the existing concrete tiles covering the roof of the single storey projection with clay tiles.
- 3.1.11 The entrance to the proposed residential unit would be from the rear of the building which would be a shared access with a first floor flat. There would be no internal connection between the proposed residential use and the remaining retail area. The applicant states that this is for security and privacy purposes. Paragraph 8.17 of the submitted Planning Statement states that a new retail user has taken over the shop and will also occupy the rear of the premises should planning permission be approved.
- 3.1.12 The application is accompanied by a Planning and Heritage Statement within which the following statements are made which are considered relevant to the assessment of the proposal:
- *‘The live/work unit offers opportunity for a small business operator to live on site reducing the need to travel to and from work.’*
 - *‘The internal materials comprise modern materials – plasterboard with wood chip lining paper and modern concrete/lino flooring. Plasterboard will be replaced and the walls replastered with a laminate wood floor proposed.’*
 - *‘The proposal it is considered will result in positive enhancement to the benefit of the historic setting.’*
 - *‘The proposed use offers the opportunity to create a small live/work unit in the town centre and where the loss of the store/wet room/cutting room has no significant adverse impact on the vitality and viability of the town centre.’*
 - *‘The proposal represents investment in a building where the previous type of use more generally no longer occurs in the retail market within town centres.’*
 - *‘Alternative retail/commercial uses would no doubt have a detrimental impact upon the character and form of the listed building should the extension building be incorporated into the main use.’*
- 3.1.13 This planning application is a resubmission following the refusal of planning application 20/00198/FUL. The reasons for refusal are set out below:
- 1 *‘The premises are within the Primary Retail Frontages identified in the Local Development Plan. The retail unit retained would be small in size and the application is not accompanied by any information to confirm that a retail unit of this size would be viable and that the proposal would not result in the loss of Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan and the NPPF.’*
 - 2 *‘The development would not provide sufficient cycle parking spaces and off-street parking spaces, failing 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.'

3.1.14 The current planning application seeks to address the above reasons for refusal.

3.2 Conclusion

3.2.1 The proposal is not considered to be acceptable in principle but would not cause harm to the character and appearance of the listed building, the conservation area, or heritage assets.

3.2.2 No objection is raised with respect to the development's impact on the amenity of residential neighbours. The quality of life for the occupiers of the proposed residential unit would not be unacceptable. Appropriate mitigation has been secured and therefore the development is not likely to have an adverse impact on the European designated sites.

3.2.3 However, whilst provision for cycle parking would be made for the occupiers of the residential unit proposed, objection is raised as a result of the lack of off-street parking.

3.2.4 The current application has, therefore, not fully addressed the two reasons planning permission was previously refused (reference 20/00198/FUL) and so is recommended for refusal.

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
- 170-183 Conserving and enhancing the natural environment

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

- S1 Sustainable Development
- S5 Maldon and Heybridge Central Area
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D2 Climate Change and Environmental Impact of New Development

- D3 Conservation and Heritage Assets
- E2 Retail Provision
- H2 Housing Mix
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (2017) (MDDG)
- Maldon Vehicle Parking Standards (2018) (VPS)
- Planning Practice Guidance (PPG)
- National Planning Policy Guidance (NPPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 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 area, the historic environment, local infrastructure and services, character and appearance, and minimising need to travel.
- 5.1.2 Policy S5 states that proposals for retail, office, housing, community, leisure, and other town centre uses will be supported where they contribute to the regeneration and diversification of Maldon Town Centre.
- 5.1.3 Policy E2 states that proposals for development of retail uses will be permitted within the defined Town Centre Areas where 1) the scale and type of development proposed is directly related to the role and function of the centre and its catchment; and 2) there would be no significantly adverse impact on the vitality and viability of the centre or other centres. With respect to Primary Retail Frontages, the Policy requires that ground floor retail units will be protected for A1 Retail Uses. Other types of uses will normally be resisted unless it can be demonstrated that they: 1) will not have a detrimental impact on the function, vitality or viability of the Primary Retail frontages; and 2) will not create a new continuous frontage of three or more units of non-A1 Uses.
- 5.1.4 The premises along Maldon High Street are within the Primary Retail Frontages identified in the Local Development Plan (LDP). The current proposal does include the retention of a retail unit at ground floor level with a retail frontage retained on the High Street elevation of the property.
- 5.1.5 Concerns were raised in relation to the previous planning application 20/00198FUL that the retail unit to be retained was too small, measuring at approximately 23.6sqm compared to the previous 50sqm (the entire ground floor area). It is stated as part of

the current application that the rear part of the building, to be converted into residential use, did not form a part of the retail area fronting the High Street, and therefore could not be included as part of the shop floor. However, whilst this floorspace may not have formed part of the shop itself, it was used for ancillary preparation and storage uses. Furthermore, the application is not accompanied by any information to confirm that a retail unit of this size would be viable i.e. that the proposal would not result in the ultimate loss of the Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved LDP and is recommended for refusal on this basis.

- 5.1.6 In September 2017, planning permission was granted for the *'Change of use and conversion of ground floor to create a 1 No. Live / Work One Bedroom Unit. Change of use and conversion of first floor to create two studio flats'* at No. 16 High Street Maldon (reference: 17/00798/FUL). In that application, the retail floor space proposed was only 16sqm. However, that premises was not situated in the core shopping area as identified in the LDP and the existing use of that premises was not a retail shop. Furthermore, as the development was for a live / work unit there would be a natural relationship between the retail space and the residential aspect that would accommodate and facilitate an ancillary interaction that would not be possible in this instance. Therefore, that proposal is not comparable to that the subject of the current application.
- 5.1.7 The proposal would create an additional dwelling to the rear of the property and would contribute to the District's housing supply. Policy H2 of the LDP encourages 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. It is considered the one-bedroom residential unit proposed would contribute positively to the identified housing need and be responsive to local circumstances, which would weigh in favour of the proposal. However, as only one unit is proposed, it is considered that the social and economic benefits of the residential development proposed would not be significant.

5.2 Design and Impact on the Character of the Conservation 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.

- 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;
 - e) Historic environment particularly in relation to designated and non-designated heritage assets;
 - f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
 - g) Energy and resource efficiency.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 The above, particularly Policy D1(e) should be read in connection with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 where it requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 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.
- 5.2.6 Similarly, Policy D3 of the LDP states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.7 The Conservation and Heritage Specialist has advised that the heritage assets affected by this proposal (NPPF para.190) are No. 117, 119, 119A and 121 High Street which were listed Grade II under a single listing in 1971. The premises also fall within the Maldon Conservation Area.
- 5.2.8 In the listed description, it states that *‘the building was originally erected in the 15th century as a hall house with two cross-wings. The front part of No. 119 occupies the position of the central medieval hall. The building’s medieval origins are not apparent from the outside since it was substantially altered in the Georgian period. A brick façade was planted onto the frontage, the roof was reconfigured, and each of the medieval building’s three parts was subdivided into three separate properties. There is a 19th-century single-storey service wing attached to the rear elevation of*

No. 119, constructed of red brick which has been painted white and roofed with concrete tiles.'

- 5.2.9 The rear service wing was most recently used as a wet room for the preparation of fish and has some significance because of its age, however this is limited by the degree to which it has suffered unsympathetic alteration in the 20th century. As one of the oldest structures on the High Street, it is considered that this listed building is of considerable significance and makes a very positive contribution to the Maldon Conservation Area. The internal alterations proposed to the rear wing would not harm the historic fabric of the listed building.
- 5.2.10 The Conservation and Heritage Specialist concludes that the replacement of the brown concrete tiles with sympathetic clay tiles would be a positive improvement and result in no harm to listed building's architectural or historic interest or to the conservation area's special character and appearance.
- 5.2.11 No planning conditions have been recommended by the Conservation and Heritage Specialist as these were attached under the Listed Building Consent which was approved for the works required to facilitate the change of use proposed under 20/00199/LBC.
- 5.2.12 Based on the above, the proposal complies with the policies set out in Chapter 16 of the NPPF and Policies D1, H4 and D3 of the LDP and poses no conflict with the statutory duties set out in sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
- 5.2.13 It is considered that the applicant's claim that alternative retail/commercial uses of the service building would have a detrimental impact upon the character and form of the listed building should the extension building be incorporated into the main retail use is unsubstantiated. Furthermore, planning permission does not need to be granted for a residential use of the property for the improvements proposed to be carried out. Therefore, these considerations do not weigh in favour of planning permission being granted.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017).
- 5.3.2 The application site is in a Mixed-Use area where there are existing residential units including the first floor flat at 119 High Street and Haig Court to the north.
- 5.3.3 The proposal is for a change of use of part of a retail unit to residential unit. Other than alterations to the external materials and replacement windows, no physical changes to the exterior of the building are proposed. The proposed dwelling would have three external windows (two for the bedroom on the western elevation of the rear projection and one for the lounge on the northern elevation of the main part of the building). All these windows are at ground floor level and would provide an outlook onto the service area to the rear of the property. The scheme for the new dwelling

granted planning permission, reference 18/01286/FUL, does not include any windows on its southern elevation. Furthermore, any potential for inter-visibility between this approved dwelling and the residential unit currently proposed could be minimised through the provision of appropriate means of boundary treatment.

- 5.3.4 The Environmental Health Specialist has not responded to this application at the time of writing this report. However, in response to the previous application for the same proposal (reference 20/00198/FUL), it was recommended that a condition was imposed requiring a Construction Management Plan to be submitted for approval should planning permission be granted. Therefore, it is considered that the recommendation from the Environmental Health Specialist can be carried forward to this planning application.
- 5.3.5 Based on this assessment, it is considered that the proposal would not result in harm to the amenity of any existing residents by reason of overlooking, loss of outlook, light, visual impact, daylight and sunlight. Furthermore, as a result of the nature and scale of the development, the proposal would not cause harm to any existing residents due to noise, smell or pollution.
- 5.3.6 Having considered the above, the proposal would accord with Policies D1, D2, and H4 of the LDP, and Section C07 of the MDDG (2017).

5.4 Access, Parking, and Highways

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, Policies D1 and H4 of the LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted VPS SPD (2018) contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3 No off-street parking spaces are proposed as part of the development, but the VPS SPD requires the provision of a minimum of one parking space for one-bedroom residential properties, even in town centre locations. It is acknowledged that the application site is located in a sustainable location. However, whilst provision for cycle storage would be made, the development fails to accommodate the demand for off-street 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 LDP.
- 5.4.4 In this resubmission, reference is made to the site being in a sustainable location and that reliance would be made on public transport and cycling opportunities. They also refer to the public car parks (Butt Lane and High Street East) located a short walk away from the site where overnight parking permits or car parking season tickets are

available to the future occupiers of the site. However, it is not stated that these car parks would be used by the occupiers of the proposed residential unit.

- 5.4.5 As a result, the proposal would not comply with Policies T2, D1, and H4 of the LDP with respect to parking provision.

5.5 Quality of Life for the Occupiers of the Proposed Residential Unit

- 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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposal includes the provision of a small courtyard which would measure 7.6sq.m. but this area would not be private and would not be of a sufficient size to meet the minimum 25sq.m. recommended in the adopted standards. However, the proposed residential unit would only be one bedroom and the occupiers of the unit would have the benefit of living close to the services and facilities available in the High Street. There are also areas of public open space within walking distance of the site which would partly compensate for the lack of on-site provision. Furthermore, no objection to the proposal was raised to the proposal on the basis of amenity space provision as part of the previous application 20/00198/FUL.
- 5.5.3 It is noted that the proposed floor area for the one-bedroom unit is 30sq.m. while this falls short of the recommended minimum of 50sq.m. of floorspace in the National Space Standards for one bedroom, two-person residential units, this was not objected to as part of the previous planning application 20/00198/FUL. It is therefore considered that a refusal of planning permission on the basis of the limited floorspace proposed would not be justified especially as the habitable rooms proposed would be provided with natural light and ventilation.
- 5.5.4 While the Environmental Health Specialist has not responded at the time of writing this report, it is noted that in response to the previous planning application 20/00198/FUL, it was recommended that a condition was imposed requiring the proposed live/work unit to be used as a single unit. As the current application is essentially for the same development, it would be considered reasonable that the condition recommended by the Environmental Health Specialist to be carried forward and be imposed to this application should planning permission be granted.
- 5.5.5 Based on the above, it is considered that the quality of life for the occupiers of the proposed development would be acceptable in this instance, in accordance with Policies D1 and H4 of the LDP.

5.6 Nature Conservation

- 5.6.1 The NPPF (the Framework) states that if significant harm to priority habitats and species resulting from a development cannot be avoided, adequately mitigated, or as a last resort, compensated for, then planning permission should be refused.

- 5.6.2 Policy N2 of the LDP states that *“All development should seek to deliver net biodiversity and geodiversity gain where possible. Any development which could have an adverse effect 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.”*
- 5.6.3 Additional dwellings would have the potential to have an impact on the nature conservation interests for which the nearby Blackwater Estuary has been designated as the site is located within the Impact Risk Zone of the designated sites, as identified by Natural England (NE). NE have advised that the local planning authority would need to complete a Habitats Regulations Assessment (HRA) for the development based on the emerging strategic approach relating to Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS).
- 5.6.4 The proposal is for an additional residential unit. NE 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 Maldon District Council (MDC) are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational ‘zones of influence (ZoI)’ of these sites cover the whole of the Maldon District.
- 5.6.5 NE 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 ZoI 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 Multiple 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.
- 5.6.6 Prior to the RAMS being adopted, NE advise that these recreational impacts should be considered through a project-level HRA. NE have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.6.7 The application site falls within the ‘ZoI’ for one or more of the European designated sites scoped into the emerging Essex Coast RAMS. This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.6.8 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, NE does not provide bespoke advice. However, NE’s general advice is that a 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.

- 5.6.9 To accord with NE's requirements, a 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.

- 5.6.10 Summary of Appropriate Assessment: As a competent authority, the local planning authority concludes that the project would have a LSE on the sensitive interest features of the European designated sites. Based on this, it is considered that mitigation, in the form of a financial contribution of £125.58, is necessary, in this case

5.7 Conclusion

Taking into account the guidance of NE, it is considered that the likely impact of the development, in the absence of mitigation, would be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission. It is noted that the Applicant has submitted a completed Unilateral Undertaking (UU) to secure the necessary financial contribution and, therefore, the likely adverse impact on the European designated sites would be adequately mitigated.

6. ANY RELEVANT SITE HISTORY

- **20/00198/FUL** - Change of use of rear service building to C3 residential live/work unit in association with shop 119 High Street, including internal alterations to shop to create separate toilet facility. Refused: 23.06.2020
- **20/00199/LBC** - Works associated with proposed change of use of rear service building to C3 residential live/work unit in association with shop 119 High Street, including internal alterations to shop to create separate toilet facility. Granted Listed Building Consent: 23.06.2020

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal due to the lack of amenity space which is considered to be materially harmful to the amenity of future occupiers of the building contrary to Policies D1 and H4 of the Maldon District Local Development Plan, insufficient parking provision for the occupiers of the building and the cramped design of the accommodation at the rear which is inappropriate in the Conservation Area.	Noted – these matters are addressed in the assessment above.

7.2 **External Consultees**

Name of Consultee	Comment	Officer Response
Natural England	No comment received at the time of writing this report	Refer to Section 5.6 in the officer report

7.3 **Internal Consultees**

Name of Consultee	Comment	Officer Response
Environmental Health Specialists	Comments in response to planning application 20/00198/FUL: <i>'No objection in principle but conditions (requiring a construction management plan and that the live/work unit is occupied as a single unit for residential/employment purposes) and informatics are recommended'</i>	Noted – refer to sections 5.3.4 and 5.5.4 of the report
Specialist – Heritage and Conservation	No objection	Noted – refer to Sections 5.2.7 and 5.2.13 of the report

7.4 Representations received from Interested Parties

7.4.1 No letters of representation had been received at the time of writing this report.

8. REASONS FOR REFUSAL

- 1 The premises are within the Primary Retail Frontages identified in the Local Development Plan. The retail unit retained would be small in size and the application is not accompanied by sufficient information to demonstrate that a retail unit of this size would be viable and that the proposal would not result in the loss of a Class A1 retail use, potentially causing harm to the vitality and viability of the High Street. On this basis, the proposal is contrary to Policies E2 and S5 of the Maldon District Approved Local Development Plan and the NPPF.
- 2 The development would not provide any off-street parking spaces, failing 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.

This page is intentionally left blank



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
2 DECEMBER 2020**

Application Number	20/00862/HOUSE & 20/00863/LBC
Location	7 All Saints, London Road, Maldon, CM9 6HE
Proposal	Single storey front extension to provide entrance, cloakroom and snug.
Applicant	Mr and Mrs Broom
Agent	Ms Annabel Brown – Annabel Brown Architect
Target Decision Date	06.11.2020
Case Officer	Hannah Dungate
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member call-in by Councillor C Mayes Reason: D1 and D3

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

7 All Saints, London Road, Maldon
20/00862/HOUSE & 20/00863/LBC



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:625
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	20/10/2020
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the southern side of London Road and is within the Maldon Conservation Area. All Saints is a Grade II listed building constructed of red brick in a Tudor-revival style. The building was a former Victorian school which was converted to 8 residential units in 2018 (APP/X1545/W/16/3153893 refers). The first phase of the school fronts onto London Road and comprised a pair of staff houses in the centre, flanked by tall gabled classrooms which extend to the rear, once forming a U-shaped plan. The classrooms on the west side were for boys and the classrooms on the east side were for girls.
- 3.1.2 The application property, No. 7 All Saints, forms part of the eastern rear extension which was the girls' side of the school. Having been converted to housing in 2018, there is now associated amenity space along the inner and outer periphery of the building, a parking area located in the south eastern corner of the site, and a shared communal area located in the south western corner of the site. Access to the site is taken from the north eastern corner of the site, from London Road.
- 3.1.3 Permission is sought for the construction of a single storey lean-to extension to the eastern elevation of No. 7 All Saints. The proposed extension would be used as the entrance to the property as well as an additional snug and water closet. It would have an L-shaped plan so that the existing window within the east elevation of the building is retained.
- 3.1.4 The proposed development would measure 4 metres in depth, 6 metres in width and would have an eaves height of 2.4 metres and a maximum height of 3.5 metres.
- 3.1.5 The proposed materials would be a red brick façade with lighter brick detailing and rendered plinth. The proposed windows and doors would have white painted timber frames and the roof would be slate.

3.2 Conclusion

- 3.2.1 It is considered that the development, by reason of its scale and design does not harm the appearance or character of the area or the listed building and would not result in any unacceptable harm by way of overlooking, overshadowing or through being unduly overbearing to the neighbouring property. Additionally, the development does not detrimentally impact on the provision of car parking or private amenity space. Therefore, it is considered that the development is in accordance with policies D1 and D3 of the Local Development Plan (LDP), sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance contained within the National Planning Policy Framework (NPPF).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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
- 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)

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 Development Plan 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.

5.2 Design and Impact on the Character of the Area, Setting and Fabric of 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 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 in 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;
- 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 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.

- 5.2.6 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, 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’.

- 5.2.7 Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.8 The proposed development consists of a lean-to extension to the east elevation of the existing building to be used as additional habitable accommodation for No. 7 All Saints. The proposal would extend from a rendered section of this elevation, which is considered to detract from the original design of this part of the building. The proposed lean-to would be a modest addition which would reference the materials and detailing of the earlier 19th century phases of the complex. The extension would be sited in a position where a flat roofed toilet block once existed, adjacent to the east wall of No. 7. There is also an existing lean-to addition located on the corresponding western range of the existing buildings. Given this context, the lean-to extension would therefore relate to its setting and would not appear overly dominant within the site or detrimentally impact upon the significance of the listed building. Whilst the lean-to would be partially visible from London Road through the access into the site, due to its design, location and form, it is considered that the development would not detrimentally impact upon the character or appearance of the Conservation Area or wider locality.
- 5.2.9 A Consultation response from the Council's Specialist in Heritage and Conservation has raised no objections to the proposed development commenting that the proposal would result in 'no harm to the significance of the listed building or conservation area.' The development would therefore be in accordance with policy D3 of the Maldon LDP, chapter 16 of the NPPF, or the duties set out in sections 16(2) or 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 5.2.10 While there are no objections raised in regard to the proposed materials, it would be reasonable to approve their details prior to use so that they would not harm the significance of the listed building; conditions are therefore attached to this effect.

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 extension would be located 2.3m away from the shared boundary with the neighbouring property located north of the application site. Given the staggered building line of the existing properties, this neighbour projects forward of No. 7 by approximately 0.9m. The proposal would therefore only project beyond the front wall of this neighbour by 2.9m. Given the sufficient separation distance between the

properties and the single storey nature of the proposed development, it is considered that the proposal would not detrimentally impact on any neighbouring residential amenity.

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 VPS 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 The Council's adopted VPS SPD contains the parking standards which are expressed as minimum standards. The standard required for a 2-bedroom flat is two car parking spaces. The existing on-site car parking provision at the site is located south east of the application property in a communal car parking area comprising 13 spaces, two of which are associated with No. 7 All Saints. Due to the position of the proposed lean-to extension within the front garden area associated with the property, it would not detrimentally impact upon the existing on-site car parking provision at the site and therefore the proposed development would be in accordance with policy D1 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 In 2016, planning permission was refused by Committee on the basis that the proposal to convert the former primary school to 8 residential units would result in 'restricted amenity space that would fail to provide an appropriate level of private amenity space for the individual units' (16/00279/FUL refers). At appeal, the Inspector determined that the 'external amenity space within the development would not be unduly contrived and restricted' as the resultant average of amenity space per unit would be 29.4sqm which would comply with the minimum of 25sqm of amenity space per flat; the appeal was therefore allowed on this basis (APP/X1545/W/16/3153893 refers).
- 5.5.3 The existing private amenity space at the complex comprises an area within the central courtyard of the buildings, as well as designated communal amenity space at the rear of the site. While there is an additional 600sqm of amenity space distributed on all sides of the buildings at the site, this would not be considered 'private' due to the lack of screening around its edges as well as its proximity to the parking and highway uses at the site. In addition to the 134sqm of designated communal amenity space located at the rear of the site, No. 7 All Saints benefits from approximately

22sqm of rear amenity space located within the central courtyard west of the building. Given that the proposed extension would be sited within the front garden area of the property, private amenity space at No. 7 All Saints would remain in excess of the minimum size recommended. Therefore, the proposed development is in compliance with policy D1 of the LDP.

6. **ANY RELEVANT SITE HISTORY**

Application Number	Description	Decision
18/05094/DET	Compliance with conditions notification of application FUL/MAL/16/00279 approved on appeal APP/X1545/W/16/3153893 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 11 - Refuse storage.	Conditions Cleared
18/00016/FUL	Reinstatement of 3no. 'roundel' windows in front & rear gables to new Flats 4 & 8 (application is submitted to align with new amending Listed Building Consent, ref: LBC/MAL/17/01186)	Approved
17/01186/LBC	Amendments to LBC/MAL/16/00280. Removal of lowered ceilings & formation of gallery levels within flats 1, 4 & 8. Restoration of 'roundel' windows in front & rear gables to Flats 4 & 8.	Listed Building Consent Granted
17/05117/DET	Compliance of conditions notification of approved application LBC/MAL/16/00280 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 3 - Window and door details. Condition 4 - Boundary treatments. Condition 5 - Materials.	Conditions Cleared
17/05116/DET	Compliance of conditions notification of application FUL/MAL/16/00279 approved on appeal APP/X1545/W/16/3153893 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 3 - Materials. Condition 4 - Boundary treatments. Condition 6 - Landscaping. Condition 8 - Surface water drainage scheme. Condition 9 - Foul drainage scheme. Condition 12 - Cycle storage.	Conditions Cleared
16/00089/FULREF	Conversion of former All saints CE Primary School to 8 residential units, associated amenity space and parking.	Appeal Allowed
16/00280/LBC	Conversion of former All Saints CE	Listed

	Primary School to 8 residential units, associated amenity space and parking.	Building Consent Granted
16/00279/FUL	Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking.	Appeal Allowed
15/00605/LBC	Conversion of former All Saints CofE Primary School to 8 residential units, associated amenity space and parking.	Listed Building Consent Granted
15/00604/FUL	Conversion of former All Saints CofE Primary School to 8 residential units, associated amenity space and parking.	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	No response received	Noted

7.2 **Internal Consultees**

Name of Internal Consultee	Comment	Officer Response
Specialist – Heritage and Conservation	<p>This proposal would result in no harm to the significance of the listed building or the conservation area. The proposal therefore poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or sections 16(2), 66(1) and 72(1) of the <i>Planning (Listed Buildings and Conservation Areas Act) 1990</i>.</p> <p>I recommend that the applications are approved subject to conditions.</p>	Comments and recommended conditions noted

7.3 **Representations received from Interested Parties**

7.3.1 No representations received.

8. **PROPOSED CONDITIONS – 20/00862/HOUSE**

- The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.

REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of 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.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

PROPOSED CONDITIONS – 20/00863/LBC

GRANT LISTED BUILDING CONSENT 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.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of 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.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

This page is intentionally left blank



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
2 DECEMBER 2020**

Application Number	20/01010/HOUSE
Location	98 Washington Road, Maldon, CM9 6AR
Proposal	Amendments to application APP/X1545/D/16/3164272 allowed on appeal: Single storey front extension to garage and porch. Omit 2nd storey front and rear aspect windows. Flat roof dormer to rear. Rooflights. S73A application for side aspect gable window to 2nd storey bedroom. Form hip to gable roof to the existing single storey rear extension. Alternation of ridge height to western side gable projection.
Applicant	Mrs Karen Wiseman
Agent	Mr Richard Bailey
Target Decision Date	03/12/2020
Case Officer	Sophie Mardon
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In – Councillor Shaughnessy – Reason for Call in: Contrary to policy H4 and D1 of the LDP.

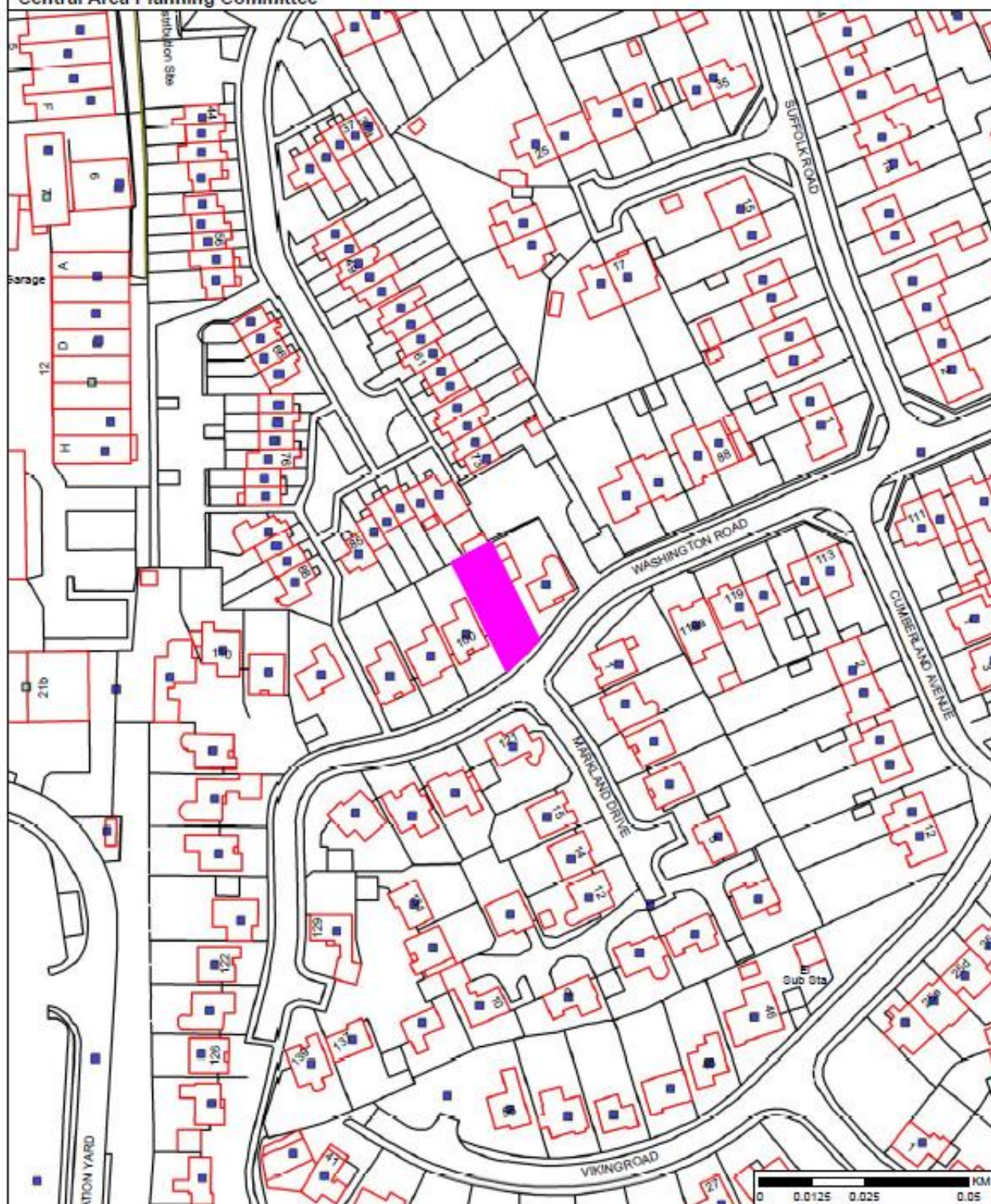
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

98 Washington Road, Maldon Central Area Planning Committee



 <p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	Scale:	1:1,250
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	20/01010/HOUSE
	Date:	03/11/2020
	MSA Number:	100018588
<p>www.maldon.gov.uk</p>		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the northern side of Washington Road within the settlement boundary of Maldon. The application site consists of a two storey, detached dwellinghouse, with projections to the front and rear of the dwelling and includes an integral garage. The surrounding area is residential in nature with dwellings of similar scale and design with a vast majority including integral garages and front projections.
- 3.1.2 Planning permission is sought for alterations and extension to the existing dwelling including the provision of a single storey front extension and a flat roofed dormer to the rear. Elements of the development have commenced and therefore, the proposal is partially retrospective in nature.
- 3.1.3 It should be noted that planning permission was granted previously (Reference 16/00662/HOUSE), at appeal for a similar development. The amendments to the approved scheme, that have been completed, include;
- Increase in ridge height of the approved western side gable projection by 0.65 metres.
 - Alternation of roof form from hip to gable to the eastern elevation of the single storey rear extension approved including the addition of a glazed window in the roof slope of the eastern elevation. The overall height, width and depth of the rear extension remains unaltered.
 - Addition of roof light in roof slope of principal elevation.
 - Addition of gable window on the second floor of the western side elevation.
- 3.1.4 The application also includes a number of additional amendments and alterations to the approved scheme which at this time have not been undertaken:
- Removal of approved second storey windows to the front and rear elevations.
 - Addition of 3 rooflights to eastern roof slope.
 - Addition of two roof lights to western roof slope.
 - Addition of flat roof dormer window to second floor of the rear roof slope which would measure 2.3 cubic metres and would be constructed of materials to match the host dwelling.
 - Addition of two rooflights to the single storey rear/ side extension approved.
 - Omit additional door on ground floor western elevation.
 - Omit approved extension to the eastern side of the front extension. Retain approved front extension to the southern side of the host dwelling which would project two metres from the principle elevation, with a width of 5.4 metres, an overall height of 3.6 metres and a height to the eaves of 2.4 metres. The front extension will include a garage door and new front door/ porch with materials to match the approved development.

3.2 Conclusion

- 3.2.1 Whilst it is noted that the application is different to that approved previously it is similar in nature. It is considered that the development, by reason of its scale and design, on balance, would not harm the appearance or character of the host dwelling and the locality particularly when considering the development allowed on appeal. In addition, the development does not detrimentally impact on the amenities of adjoining and nearby residences, the provision of amenity space or car parking provision in accordance with policies D1, H1 and T2 of the Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 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:

- National Planning Policy Framework (NPPF)
- Maldon Design Guide (MDG) SPD
- Maldon District Vehicle Parking Standards (VPS) SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is required to determine planning applications in accordance with its LDP unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).

- 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. Furthermore, an extant permission exists for a similar form of development.

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

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

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

- 5.2.4 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).

- 5.2.5 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 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.

- 5.2.6 The submitted application, the subject of this assessment is very similar in nature to application 16/00662/HOUSE allowed on appeal which is a material consideration and a fall-back position of the current application. With this in mind, it is appropriate to only consider the changes that have arisen from the current application, as extant permission exists for the principal and general form of the development.
- 5.2.7 The variation of roof form on the rear extension from hipped to gable roof and the addition of two additional roof lights are considered to be minor in nature, and the extension remains as a subservient addition to the host dwelling. Furthermore, although the rear extension lacks architectural merit, it is situated to the rear of the host dwelling and cannot be seen from the street scene. Therefore, it is considered that this element of the proposal would not have a detrimental impact on the host dwelling or locality.
- 5.2.8 The proposed flat roof dormer to the rear roof slope of the host dwelling, by reason of its scale and bulk is considered a subservient addition to the host dwelling. The total volume of the dormer would be 2.3 cubic metres which is considered to be a minor increase in built form. Although the resulting dormer would look slightly unbalanced due to its location, as the development is to the rear of the dwelling it would offer no views from the streetscene and as the materials would be to match the host dwelling, on balance, it is not considered that this element of the proposal would cause a material harm to the host dwelling and would not have a detrimental impact on the character and appearance of locality.
- 5.2.9 The gabled roof addition to the western elevation was allowed at appeal however, the ridge height has been raised by 0.65 metres. At appeal the planning inspector had regard to the gabled roof addition and concluded that;

‘Aside from the forward-facing gable, the existing dwelling has a lower roof ridge than those of neighbouring dwellings either side. The proposed heightened part of the roof would, therefore, be more in keeping with the general height of roofs within the street scene. Moreover, it would better balance the proportions of the host dwelling where the front gable is currently the larger and more prominent feature’.

‘The change from the currently asymmetrical roof form to front and rear, to a more symmetrical side-facing gable would not result in significant change to the dwelling’s character or appearance.’

Although the ridge height has been raised, the resulting ridge height is still set down from the ridge height of the host dwelling and is considered to be a subservient addition which, as acknowledged by the inspector above, is in keeping with other dwellings within the streetscene and is therefore not considered to have a detrimental impact on the character and appearance of the host dwelling or the locality.

- 5.2.10 The rooflight to the roofslope of the principal elevation is considered to be minor in nature and furthermore, taking into consideration the fall-back position, as this can be

implemented under permitted development, no objections are raised to this element of the proposal.

- 5.2.11 It is proposed to omit the approved extension to the eastern side of the front extension and to retain the approved front extension to the western side of the host dwelling. The removal of the eastern element is considered to be lesser works to those approved at appeal, and the front extension remains largely in line with approved therefore, no objection is raised to this element of the proposal which the inspector concluded were; *‘limited alterations, which would not add significant bulk, height or depth to the host property.’*
- 5.2.12 The addition of roof lights to the eastern and western roof slopes including the gabled window would not be highly prominent from the public realm, as there would only be fleeting views of the development when travelling from the east and west. The works are considered to be minor in nature and would not detrimentally impact the character and appearance of the host dwelling or locality, therefore no objections are raised to these elements of the proposal.
- 5.2.13 The removal of the second-floor windows to the north and south elevations and the omission of a door on the eastern side elevation are considered to be lesser works than those approved and therefore, no objections are raised.
- 5.2.14 Based on the above, on balance, it is not considered that the development by reason of its scale, design, position and appearance would result in demonstrable harm to the character and appearance of the host dwelling or locality in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by 4 neighbouring properties. To the north are Nos. 75 and 77 Norfolk Road. To the east is No. 96 Washington Road and to the west is No. 100 Washington Road. There are two properties opposite the application site, No. 121 Washington Road and No. 1 Markland Drive which will have views of the development and therefore it is necessary to assess the impact of residential amenity on these occupiers.
- 5.3.3 The rear extension sits 8 metres from the boundary and a minimum of 17 metres from the neighbouring dwellings to the north. Due to this separation distance, the single storey nature of the development and taking into consideration that the only change made from the extant permission is the roof form including addition roof lights, it is not considered that this element of the development would give rise to any overlooking, overshadowing or dominance and would not represent an unneighbourly form of development.

Due to the separation distance as above, it is not considered that the increase in the ridge height of the western gable addition by 0.65 metres has caused any dominance, overlooking or overshadowing to these neighbouring properties.

The proposal includes the addition of a dormer window in the roof slope of the rear elevation. It should be noted that the extant permission included the addition of a window to the second floor on this elevation, which as now been omitted from the application. When considering the previous application at appeal the inspector stated;

‘To the rear the back-to-back gardens result in a good degree of separation between properties. While a higher level window would be added, the first floor windows already face each other and the existing outbuildings and separation distances will mitigate any direct views into the gardens of properties on Norfolk Street’.

Although the dormer window has been placed further to the west, the outlook of this window in relation to these neighbours remains unchanged and therefore, it is not considered this element of the proposal would give rise to any undue overlooking, loss of light of dominance and would not represent an unneighbourly form of development.

- 5.3.4 The rear extension sits 1 metre from the boundary and 5 metres from the dwelling to the east. Although a glazed element has been included within the roof slope which faces this property, due to the single storey nature of the development, and taking into consideration the existing outbuildings located on the western boundary of this neighbouring occupier it is not considered that this element would give rise to any overlooking, overshadowing or dominance to this neighbouring occupier.

The increase in the height of the western gable addition is shielded from any views from this neighbouring occupier, as is the proposed dormer window and therefore, it is not considered that these elements of the proposal would form an unneighbourly form of development.

The addition of 3 rooflights to the eastern roof slope of the host dwelling may give rise to a level of overlooking to this neighbouring occupier, however it should be noted that two of the rooflights would only have views of the flank elevation of this neighbouring property, the southern rooflight would be constructed of privacy glass and is non-opening and the centre rooflight is situated over a stairway. As the rooflight to the north would facilitate an en suite, it would be reasonable to impose a condition for this rooflight to be obscure glazed and 1.7m above the floor of the room in which it is installed shall be non-opening in order to mitigate any privacy issues that could arise from the development.

The removal of the approved door to the eastern elevation is considered to be lesser works and will not impact upon the amenity of this neighbouring occupier.

The omission of the front extension situated to the eastern front elevation of the dwelling is considered to be lesser works than previously approved. The proposed rear extension would sit 3.7 metres from the boundary and 6.9 metres from this neighbouring occupier, due to this degree of separation and the minor increase of built form, which is single storey, it is not considered the development would be overbearing or give rise to overlooking or overshadowing to this neighbouring

occupier. The addition of the rooflight in the front elevation will have no impact on this neighbouring occupier.

- 5.3.5 The rear extension sits 1 metre from the boundary and 2.6 metres from the neighbouring occupier to the west. It is not considered that the change in roof form from the extant permission has impacted upon this neighbouring occupier and, due to the single storey nature of the development, it is not considered that the addition of two rooflights would cause any overlooking to this neighbouring occupier and would not represent an unneighbourly form of development.

The ridge height of the western gable has been raised 0.65 metres higher than the extant permission. At appeal the inspector considered the gable addition and concluded;

'I have no substantive evidence to conclude that the heightened roof would reduce light to neighbouring properties, particularly given that the extended roof would reflect the common height of other properties in the street. There is no basis to suggest, therefore, that this will lead to replacement of original leaded light windows in some properties.'

It is considered that the minor increase in height of the gable addition, on balance, has not resulted in a material loss of light to this neighbouring occupier, and as stated above, no evidence has been submitted to the Council to suggest otherwise. The gable window addition to the western elevation is set at second floor level and only affords views of the flank elevation of this neighbouring occupier and therefore, it is not considered that any material overlooking has arisen from the development that would be to the detriment of this neighbouring occupier.

The flat roof dormer would be positioned on the rear elevation of the gabled roof, and although closer to this neighbouring occupier than the previously approved second storey window, which has been omitted from this current application, the outlook of the proposed dormer is similar to that approved and it is not considered, on balance, that the window would give rise to any undue overlooking greater than that approved at appeal therefore, it would be unreasonable to refuse the application on this basis.

The addition of a rooflight in the roofslope of the western elevation could give rise to a level of overlooking so it would be reasonable to impose a condition for this rooflight to be obscure glazed and 1.7m above the floor of the room in which it is installed shall be non-opening in order to mitigate any privacy issues that could arise from the development.

The front extension would sit 1 metre from the boundary and 2.4 metres from this neighbouring occupier, this element of the proposal is the same as the extant permission and it is not considered, due to the minor, single storey nature of the development that there would be any overlooking, overshadowing or dominance to this neighbouring occupier and would not represent an unneighbourly form of development.

- 5.3.6 The front extension would sit a minimum of 17 metres from the properties to the south. This element of the proposal is for lesser works than the extant permission. Due to this degree separation and the single storey nature of the development, it is not

considered the proposal would give rise to any overlooking or dominance and would not represent an unneighbourly form of development.

The rooflight to the roof slope of the principal elevation is considered to be minor in nature and due to the separation distance of 17 metres, it is not considered that the rooflight has caused any dominance or overshadowing to these neighbouring occupiers. Furthermore, it is not considered that the rooflight has caused any material overlooking as the windows to the first floor of the host dwelling provides a similar outlook of these neighbouring occupiers and is set at an indirect and oblique angle to these occupiers.

The remaining elements of the proposal cannot be seen by these neighbouring occupiers and therefore the impact on neighbouring amenity does not apply.

- 5.3.7 Therefore, on balance, and subject to condition, it is not considered the proposal would represent an unneighbourly form of development in accordance with 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 VPS 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 current application has omitted a section of the front extension resulting in an additional 5.4m² of useable hardstanding to the front of the dwelling. When considering the previous application at appeal the inspector stated;

'The development results in alterations and amendments to the garage and whilst it is noted that the proposed garage will measure 4.8m by 2.4m, whilst this is slightly below the policy requirements of 5m by 2.5m, it is identical in nature to the existing situation

and furthermore, could accommodate a reasonable size car. Therefore, it is not considered that an objection can be raised to this aspect of the development.'

'The proposed development would provide off-street parking for a minimum of 3 vehicles and it is therefore considered that the proposal in relation to the provision of vehicle parking complies with policy T8 of the RLP.'

There has been no additional increase in the bedrooms proposed for this current application and the useable hardstanding to the front of the host dwelling has increased therefore, it would not be reasonable to refuse the proposed application on this basis as the car parking provisions have not changed since the previous approved application.

- 5.4.4 Comments have been raised regarding the use of the existing garage as a boiler room. Conjecture regarding how the internal layout of the property may be used cannot have a determinative influence on the decision-making process, nor can any alleged on-street parking infringements, as the plans set out with this current application and the decision by the planning inspector clearly indicate the requirement for off street parking for the site has been met.
- 5.4.5 It should be noted that the previous application provided for a new vehicular access. Since this has not been altered since the previous permission allowed on appeal, no objections are raised with regards to this element of the proposal subject to the inclusion of the relevant condition ensuring the access is constructed as approved.
- 5.4.6 Therefore, the development would accord with the Maldon District VPS SDP and policy D1 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 MDG SPD 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 25 m² for flats.
- 5.5.2 The development has not resulted in any additional loss of private amenity space since application 16/00662/HOUSE approved on appeal and therefore, the development is in compliance with Policy D1 of the LDP.

5.6 Other Matters

- 5.6.1 It is noted that within the letters of representation, references to covenants on the site and party wall agreements have not been adhered to. The above are civil matters between the neighbours and are not material planning considerations when determining the application.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
16/00082/HOUSE	Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage looking storage, removal of dormer and alteration to front bedroom wall and roof, loft conversion.	Refused
16/00662/HOUSE	Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion. (Resubmission)	Allowed on appeal
17/05177/DET	Compliance of conditions notification of application HOUSE/MAL/16/00662 approved on appeal APP/X1545/D/16/3164272 (Single storey rear extension, single storey enlargement of lounge at front, single storey enlargement at front of garage, removal of dormer and alteration to front bedroom wall and roof, loft conversion. (Resubmission)). Condition 6 - Construction Method Statement.	Condition cleared

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Refuse – Some elements of the application are retrospective, and the proposal significantly deviated from the application allowed on appeal (APP/X/1545/D/16/3164272), including roof height, additional windows leading to an unacceptable level of privacy and overlooking. Proposal is incongruous and out of keeping with street scene.	

7.2 Representations received from Interested Parties

7.2.1 11 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
Enforce the originally approved plans contained in the legally binding party wall act.	Party wall agreements are a civil matter and not a material planning consideration – addressed in section 5.6 of the report
The alterations do not comply with the approved application	This is the purpose of the current application.
Changes and additions of windows leads to privacy issues for neighbouring properties	Comments noted, addressed in section 5.3 of the report.
Roof height reduces sunlight to neighbouring properties	Comments noted, addressed in section 5.3 of the report.
Removal of garage and parking spaces has led to cars being parked on the street.	The garage has been retained and there is adequate hardstanding for two cars – addressed in section 5.4 of the report.
Original plans were considered overbearing, out of keeping, overdeveloped and concerns with traffic which has been exacerbated by this current application	Previous application allowed on appeal. Comments addressed in section 5.2 and 5.4 of the report.
Extension to front of property is restricted by a covenant.	This is a civil matter and not a material planning consideration – addressed in section 5.6 of the report
Promised building work would be completed in 12-16 weeks which is not the case	This is not enforceable and is not a material planning consideration
Garden has been lowered by 2/3 rd of a metre causing concerns about run off	No evidence has been submitted to support this. If the development has not been completed as approved, the Council would consider the expediency of enforcement action if development has occurred without permission and would result in demonstrable harm.
Architect stated that no building related vehicles would be parked near the property.	Does not relate to this current application, no conditions on approved application preventing this.
For the size of the house, high occupancy raises parking issues	Comments noted and addressed in section 5.4 of the report.
New additions out of character with the locality contrary to policy D1 and H4 of LDP	Comments noted, addressed in section 5.2 of the report.
Lack of clarity over development	Complete plans have been submitted detailed the approved development, the changes already implemented and the proposed changes.
The extension to the garage will not provide any additional garage space	It will provide 2 metres of additional garage space. This element of the

Objection Comment	Officer Response
	proposal is the same as allowed on appeal.
Development will decrease the driveway space	The garage extension was allowed on appeal, a section of the front extension has been omitted allowing greater useable space than allowed on appeal.
The garage cannot be used for car parking as it is a 'boiler room'	Comments noted, discussed in section 5.4 of the report.
Development overbearing, over populated, out of keeping with street scene	Comments noted, addressed in section 5.2 of the report.

8. **PROPOSED CONDITIONS**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 2020-41 03, 2020-41-04 and 2020-41-02.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 2 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 3 Before the development hereby permitted is brought into use, the northern roof light on the eastern elevation and the roof light on the western elevation serving an en suite, shall be fitted with obscured glazing and any part of the window(s) that is less than 1.7m above the floor of the room in which it is installed shall be non-opening. The windows shall be permanently retained in that condition thereafter.
REASON To protect the residential amenity of neighbouring occupiers, in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework
- 4 The existing vehicular access shall be extended by 1.8 metres only northerly, which shall be constructed at right angles to the highway boundary and shall be provided with an appropriate dropped kerb vehicular crossing of the footway/highway verge to a specification to be submitted to and approved in writing by the Highway Authority. The alterations shall be undertaken in accordance the approved specification.
REASON To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 5 Prior to the vehicular access being extended and reconstructed the applicant shall relocate the existing lamp column immediately adjacent to the existing vehicular access to a new location agreed and approved in writing by the Local Planning Authority in consultation with the Highway Authority.
REASON To ensure that Street lighting infrastructure is safeguarded in the interests of local amenity, and that vehicles accessing and egressing the site are

able to manoeuvre in a safe and convenient manner having regard to the interests of highway safety and in accordance with policy D1 and T2 of the Local Development Plan.

- 6 The development hereby permitted shall be carried out in accordance with the details supplied within the Construction Method Statement approved under application 17/05177/DET.

REASON To ensure that on-street parking of these vehicles in the adjoining streets does not occur and to ensure that loose materials and spoil are not brought out onto the highway in the interests of highway safety in accordance policies D1 and T2 of the Local Development Plan.

This page is intentionally left blank