



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

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**to**

**SOUTH EASTERN AREA PLANNING COMMITTEE**

**18 JUNE 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00319</b>
<b>Location</b>	Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU
<b>Proposal</b>	Demolish existing garage and workshop and replace with one new timber framed building
<b>Applicant</b>	Mr & Mrs Acevedo
<b>Agent</b>	Mrs Lynne Fornieles - Febo Designs
<b>Target Decision Date</b>	06.06.201 (extension of time agreed: 22.06.2018)
<b>Case Officer</b>	Anna Tastsoglou, <a href="tel:01621875741">TEL:01621 875741</a>
<b>Parish</b>	<b>ALTHORNE</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

## Fiddlers Rest - The Endway

Althorne HOUSE/MAL/18/00319



### 3. **SUMMARY**

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

##### *Site Description*

- 3.1.1 The application site is located on the south side of The Endway outside of the development boundary of Althorne. The site is located in a rural and widely open setting characterised by small clusters of low density development along the road which forms a small developed area surrounded by the open countryside.
- 3.1.2 The application site is located within the domestic curtilage of Fiddlers Rest which is a detached, two storey, white weatherboard dwelling. The host dwelling lies on the northeast corner of the application site. To the west is a residential dwelling (Brownleas House), whose outbuilding located adjacent to the western boundary of the application site. A detached two storey dwelling known as Oaktree Bungalow is located opposite the application site. To the south of the site there is open and undeveloped land.
- 3.1.3 The area where the proposed detached outbuilding is to be erected is currently occupied by two outbuildings. The western boundary of the site is defined by a 1.8 metre high timber fence which screens the application site from Brownleas House. The area around the existing outbuildings is enclosed by post and rail fencing. The north and west boundaries are defined by a low hedgerow and sections of post and rail fencing along the public highway.

##### *Description of proposal*

- 3.1.4 Planning permission is sought to demolish the existing single storey outbuildings and erect a detached L-shaped outbuilding to be used as a garage and workshop.
- 3.1.5 The outbuilding would have two joined gable roofs, with a canopy projecting forward of the proposed workshop. Externally the building would measure 14.6m wide, 7.5m deep, 2.5m high to the eaves, with a maximum height of 4.4m and it would be set 5.2m back from the highway. Double garage doors would be installed to the north elevation and fenestration would be incorporated to all elevations, except of the west elevation.
- 3.1.6 Materials to be used to the external elevations would include hardwood windows, slate roof and the walls would be finished in timber boarding.

##### *Background of application*

- 3.1.7 It is noted that two applications (ref no's: FUL/MAL/12/00016 and FUL/MAL/17/01010) to demolish the existing outbuildings and erect a dwellinghouse in a similar location as the currently proposed outbuilding were previously refused, one dismissed on appeal.

#### 3.2 **Conclusion**

- 3.2.1 Having taken all material planning considerations into account, it is found that the development, although large, would be acceptable in terms of its impact on the appearance of the streetscene and it would have an acceptable impact on the residential amenity of the neighbouring occupiers. The development would not

adversely impact upon the highway network or on-street parking capacity. Therefore, the development is considered acceptable and in accordance with the aims of the Local Development Plan (LDP).

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

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

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

- 7 - Three dimensions to sustainable development
- 8 - Roles of sustainable development
- 14 - Presumption in favour of sustainable development
- 17 - Core planning principles
- 56-68 - Requiring good design
- 109-125 - Conserving and enhancing the natural environment
- 196-197 - Determining applications

##### **4.2 Maldon District Local Development Plan (July 2017) Policies:**

- Policy S1 – Sustainable Development
- Policy S8 – Settlement Boundaries and the Countryside
- Policy D1 – Design Quality and Built Environment
- Policy H4 – Effective Use of Land
- Policy N2 – Natural Environmental and Biodiversity
- Policy T1 – Sustainable Transport
- Policy T2 – Accessibility

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

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

#### **5. MAIN CONSIDERATIONS**

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

5.1.1 The principle of providing facilities/structures in association with residential accommodation is considered acceptable and in line with policies S1 and H4 of the approved LDP. Other material planning consideration, including the impact of the development on the character of the area, the residential amenity of the neighbouring occupiers and any impacts on the highway are discussed below.

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

5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed

communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.

5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that “*The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

5.2.3 Paragraph 64 also states that “*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*”.

5.2.4 This principle of good quality design is reflected to the approved Maldon District Local Development Plan (MDLDP). The basis of policy D1 of the approved MDLDP 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.*

5.2.5 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).

5.2.6 It should be also noted that policies S2 and S8 seek to avoid new development outside defined development boundaries, with policy S8 stating that development will only be approved “*where the intrinsic character and beauty of the countryside is not adversely impacted upon*”. Policy D1 requires new development to be of a good standard of design and to contribute to and enhance local distinctiveness.

5.2.7 The application site is located on the southern side of The Endway outside of the defined development boundary of Althorne. As noted above, development along the Endway is of low density with dwellings located sporadically along either side of the road following the road layout as a form of ribbon development. At present there are two outbuildings located on the northwest corner of the application site, positioned closer to the highway, almost in line with the outbuildings of the neighbouring property to the west. The outbuildings cover an area of approximately 83.5sqm. Although the proposed replacement outbuilding would have a larger footprint (101.4sqm) than the existing structures on site and it would be taller, it is considered that due to its position further back from the highway, it would not result in an

obtrusive visual impact on the streetscene and by reason of its scale and height it would maintain its subservience to the main two storey building.

5.2.8 Whilst the proposed building would introduce a number of windows, which are more reflective of a domestic building rather than an ancillary outbuilding, it is considered that the proposed double garage doors to the elevation fronting the highway would be representative of a garage and also fenestration would add some architectural interest to the building. Overall the design and scale of the outbuilding is considered acceptable and on balance, given its incidental and subservient use, it is not considered that it would result in a materially harmful impact on the visual amenity of the streetscene or the character of the area more widely. There are a number of examples of outbuildings in the immediate area of the application site and taking also into consideration the existing situation (two existing outbuildings on site), it is considered that the development would not appear out of keeping with the character of the wider area.

5.2.9 It is noted that two applications were previously refused (one dismissed on appeal) on site which were proposing to erect a new dwelling. Although concerns were raised regarding the impact that the new dwelling would have to the rural character of the area, it is noted that these applications were materially different from the current proposal which is only for a structure immediately associated with and supplementary to the main dwelling. The development does not introduce a new domestic development, with all its associated paraphernalia and thus, it is not considered to result in a harmful impact on the undeveloped and open countryside.

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

5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.

5.3.2 The proposed single storey outbuilding would be located 3.5m away from the neighbouring property to the west. An outbuilding is currently located adjacent to the shared boundary and the neighbouring dwelling sits a considerable distance away from the boundary. Whilst the development would project rearwards of the neighboring dwelling, the separation distance between the development and the adjacent residential property would be sufficient to mitigate against any overshadowing or overbearing impact. No windows are proposed to be installed on the west elevation of the proposed outbuilding and thus, the adjoining neighbours' privacy would not be compromised by the proposal.

5.3.3 There would be a significant separation distance between the proposed development and all other nearby dwellings to the north. Thus the development would not have any greater impact on the amenity of the nearby neighbours.

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

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, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the

Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum 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 The Highway Authority have assessed the proposal and raised no objection in terms of highways safety, given that the existing access to the site would remain unaltered.
- 5.4.4 In terms of parking provision, the proposed development would provide parking spaces in excess of the standards as set out in the Vehicle Parking Standards. Furthermore, the distance maintained between the development and the highway would be increased and thus, the development would not result in obstruction of the free flow of traffic. It is therefore considered that the development is unlikely to increase on-street parking need or result in an unacceptable impact on highway safety.

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

- **FUL/MAL/99/00428** - Proposed erection of play equipment in rear garden (retrospective application) – approved No Conditions - 27.07.1999.
- **FUL/MAL/99/00690** - Proposed enclosed swimming pool extension to dwelling – Approved - 03.11.1999.
- **FUL/MAL/99/00778** - Proposed replacement of existing chain link fence with ranch style fence – Approved - 30.11.1999.
- **FUL/MAL/12/00016** - Demolition of existing sheds with road side frontage and development of a new separate dwelling within the existing garden curtilage. – Refused - 05.04.2012 – Appeal Dismissed - 15.02.2013.
- **FUL/MAL/17/01010** - Demolition of existing sheds with road side frontage and development of a new, separate dwelling within the existing garden curtilage. – Refused - 05.12.2017
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## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Althorne Parish Council	Support the application	Noted

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	No objection.	Noted

## 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding surface water drainage and foul drainage.	It is noted that as shown on the submitted plans, the development is to be used as garage and workshop and there is no provision for sanitary facilities. Thus, it is considered that the imposition of a condition requesting details of foul to be unreasonable and unnecessary.

## 7.4 Representations received from Interested Parties

7.4.1 No representations have been received by the Local Planning Authority.

## 8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: 02 Rev A; 03 Rev A and 04 Rev A.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the outbuilding 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 conservation area in accordance with policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017) and the National Planning Policy Framework.
- 4 The outbuilding hereby permitted shall only be used for purposes incidental to the residential use of the dwelling at Fiddlers Rest, The Endway, Althorne, Essex, CM3 6DU.

REASON: To safeguard the character and amenities of the area and the amenities of adjoining residential properties, in accordance with the National Planning Policy Framework (2012), policies D1 and H4 of the approved Local Development Plan and the guidance contained in the Maldon District Design Guide (2017)

- 5 Development shall not commence until details of surface water drainage have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be constructed and completed in accordance with the approved details prior to the occupancy of the development.  
REASON: To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan.