



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

**to
NORTH WESTERN AREA PLANNING COMMITTEE
9 JULY 2018**

Application Number	FUL/MAL/18/00597
Location	Honeywood Farm, Honeypot Lane, Purleigh, CM3 6RT
Proposal	Replacement dwelling
Applicant	Mr. & Mrs. Brown
Agent	Mr. Peter Le Grys – Stanfords
Target Decision Date	16 July 2018
Case Officer	Hilary Baldwin
Parish	COLD NORTON
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs Sue White- Public Interest

1. RECOMMENDATION

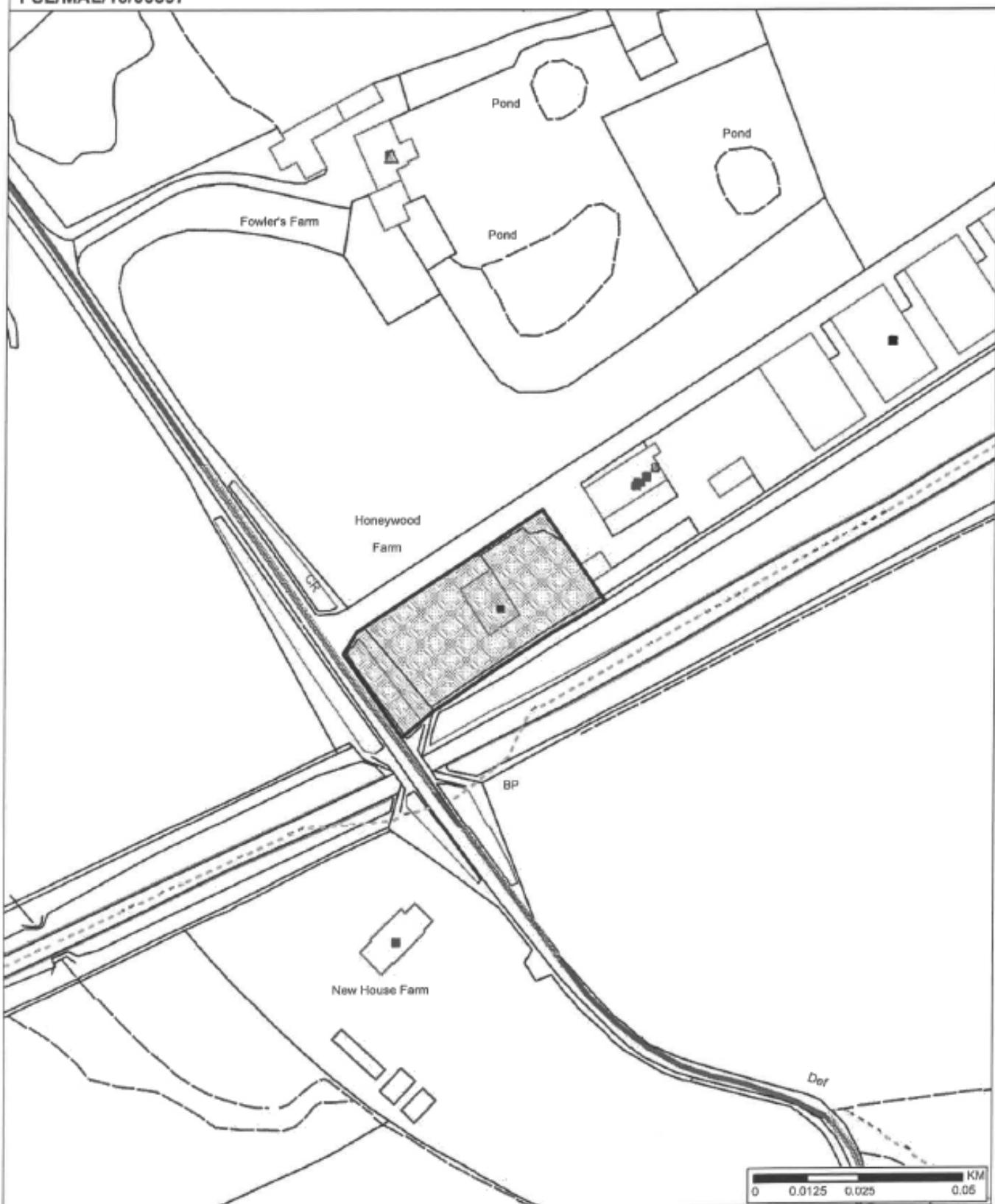
REFUSE for the reasons as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

Honeywood Farm Honeypot Lane Purleigh

FUL/MAL/18/00597



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MALDON DISTRICT COUNCIL

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Maldon District Council 100018588 2014

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: North West Committee

Date: 27/06/2018

www.maldon.gov.uk

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Honeywood Farm is located to the north-eastern side of Honeypot Lane, Purleigh and is occupied by a detached bungalow with poultry sheds immediately to the rear. Planning permission was granted in 1982 for a bungalow to be erected within the farm holding subject to a restrictive agricultural occupancy condition imposed on the building. That restriction was lifted under the terms of application FUL/MAL/17/01407.

3.1.2 The existing dwelling is single storey, measuring 12.8 metres deep and 8.2 metres wide with a pitched roof built to an eaves height of 2.4 metres and a ridge height of 4.4 metres. A conservatory exists to the North West elevation. The dwelling is accessed from a track to the north of the application site that leads on to Honeypot Lane to the west. An amenity area is located to the rear of the dwelling that measures approximately 400 square metres and the front amenity area includes a leylandii.

3.1.3 Planning permission is sought for a replacement dwelling on the site of the existing dwelling and utilizing the existing footprint of the bungalow. The new dwelling would have a rectangular footprint with a two storey front projection on the south corner. The main dwelling would have a footprint of 12.8m wide and 8.1m deep with the front projection measuring 4.3m wide and 4.5m deep. A hipped roof porch is proposed to the western side elevation measuring 2m by 3m with a pitched roof and eaves height of 3.5m. A further small hipped roof porch is proposed to the front elevation and adjoining the front elevation projection. A first floor balcony is proposed to the rear (eastern) elevation which would measure 3m by 3m and have a platform height of 2.7m. Overall the dwelling would have a height of 8m with the front elevation projection having a height of 6.5m.

3.1.4 Fenestration is proposed to all elevations and in terms of materials the dwelling would feature grey-green manmade weatherboard cladding to the first floor of the main dwelling, a brick plinth and rendered ground floor elevations with the front elevation projection having rendered elevations. A brick chimney stack would be built on the front elevation with the roof tiles being clay pan tiles.

3.1.5 Internally the accommodation would be spread over two floors with open plan living space, four bedrooms and three bathrooms. The existing amenity space, boundary treatments would be retained with a new vehicle access leading from the existing private access track to the front of the dwelling.

3.2 Conclusion

3.2.1 The current application has been submitted after a similar proposal (referenced in a subsequent section of this report) was refused by the Council earlier in 2018. From the submitted plans, it is noted that there are no physical changes to the design of the dwelling proposed in this proposal from that submitted under a previous householder application. The key change is therefore the description of the proposal which now states it is for a replacement dwelling rather than the extension of the existing dwelling.

3.2.2 As such, there are no alternative design considerations over that previously submitted, but there are different policy considerations for a replacement dwelling which support a one for one replacement.

3.2.3 However, the resultant dwelling would not be visually different from the previous proposal and having taken all material planning considerations into account, the proposal is considered to result in material harm to the rural character of the area by way of visual harm through the scale, height and bulk of the resultant two storey dwelling, contrary to the policies of the development plan to an extent that cannot be outweighed.

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:

- 14, 49 and 59

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
- H2 Housing Mix
- H4 Effective Use of Land
- N1 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide (2017) (MDDG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan 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 property is located within the rural area outside the development boundary for Stow Maries, which is the nearest defined settlement. However, there is no objection

to the principle of a replacement dwelling on a one for one basis, providing the proposal meets the criteria set out in policy H4 of the LDP.

5.2 Replacement Dwelling

5.2.1 The proposal must be assessed against approved policy H4, which sets out criterion for replacement dwellings. These being as follows:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

1) The residential use of the original dwelling has not been abandoned;

It was apparent from an Officer site visit that the property is still being used as a residential property and can function as such.

2) The original dwelling is not a temporary or mobile structure;

The existing dwelling is of a sound and permanent structure. Although no internal inspection was undertaken, the dwelling appears habitable and was in use at the time of the Officer site visit.

3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;

The existing structure is a mature, single storey dwelling and although acceptable does not represent a noteworthy building or include architectural features worthy of retention.

4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;

Albeit the site is set above the level of the adjacent highway, the land is low lying and the existing dwelling, together with the buildings set to the rear (east) of the site are discrete in the context of the surrounding countryside.

The proposed scheme would have a comparable footprint to the existing dwelling and be located on the site of the current property. It is noted that the proposed height of the new dwelling would be 3.6m taller than the existing property and include a two storey front projection, two external porches and a rear elevation balcony. The proposal would comprise considerably more mass and bulk than the existing dwelling which is considered to result in significant detrimental visual impact upon the site and upon the character and appearance of the rural area. Albeit sited above the level of the adjacent highway, there are very limited views of the existing dwelling from the public realm.

5.2.2 It is noted that there are no directly adjacent properties. Fowlers Farm to the north of the site comprises a grade II listed dwelling which is a two storey dwelling but set back from the highway and with first floor accommodation served by dormer windows in the distinctive mansard and ridge roofs. The dwelling known as Newhouse Farm is located to the south-west of the site and beyond the former raised railway track which dissects Honeypot Lane. Although this property represents a two storey dwelling and is a similar distance from the highway from that proposed in this scheme, it is set perpendicular and level with the highway and is therefore more visually discrete from the public realm and less visually dominant.

5.2.3 The proposal is therefore considered to result in a dwelling of far greater prominence and visual dominance on the site than the existing dwelling and contrary to the criterion 4 of policy H4 of the LDP.

5) The proposed replacement dwelling is of a design appropriate to its setting;

The proposal would represent a modern design, to which the principle of there is no objection raised. However, it is considered that this factor does not outweigh the harm that has been identified in the preceding section of this proposal in terms of scale, bulk and mass and detrimental visual impact upon the setting. The use of high quality materials which are detailed within the submission would help to soften the impact of the dwelling but not to an extent that would enable the proposal to be found acceptable.

6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

5.2.4 The replacement dwelling would be sited wholly within the existing residential curtilage of the existing property and predominantly on the site of the existing structure. Subject to a condition for the protection and retention of the existing soft boundary treatments and the requirement for detailing of additional landscaping, the proposal is considered acceptable on this criterion. The property does not constitute a heritage feature and being surrounded by an existing residential garden, it is unlikely to result or impact detrimentally on ecological interests.

5.2.5 On the basis of the above assessment, the proposal is considered contrary with the criterion of policy H4 of the approved LDP.

5.3 Housing Need

5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of one and two bedroom units to create better housing offer and address the increasing need for smaller properties due to demographic and household formation change. The Council will therefore support, by way of approved policy H2 a greater proportion of smaller units to meet the identified needs and demands for such housing.

5.3.2 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 50. As the scheme comprises a four bedroom dwelling, the proposal's contribution to the District's identified housing need is therefore of no benefit and can only be categorized as neutral in this instance. Furthermore, this does

not outweigh the harm caused by the visual impact of the development on the countryside.

5.4 Design and Impact on the Character of the Area

5.4.1 The requirement to ensure high design and inclusive is seen as being of great importance in the NPPF. It is seen as being a key aspect of sustainable development and should establish a strong sense of place to create attractive places to live. It is seen as being;

“indivisible from good planning and should contribute positively to making places better for people.”

5.4.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:

- Architectural style, including materials, design features and innovative design
- Scale, height, massing and proportion
- Landscape setting
- Historic environment particularly in relation to designated assets and:
- The natural environment

5.4.3 The site is currently viewed as the setting of a residential property with private amenity space to both the front and rear. The existing dwelling, by virtue of its low height, setting back from the highway and the landscape coverage surrounding the dwelling, represents a minor intrusion into the countryside. It is noted that the dwelling is of comparable height to the other buildings to the east of the dwelling. It is also noted that other dwellings in the surrounding area are mostly two storey and large in terms of bulk and scale but as previously stated, Fowlers Farm comprises a listed farmhouse set back from the highway and with the first floor accommodation served by dormer windows giving the appearance of a cottage style property. Newhouse Farm which is set to the south-west of the site, is a two storey property but it is set perpendicular to the highway and is topographically level with it. Albeit set a similar distance from the highway as the dwelling at the application site, it is less visually dominant in its setting and within the public realm.

5.4.4 It is noted that the existing dwelling has a large footprint, which is not unusual for a bungalow. However, due to its height it is considered that the dwelling has a discreet impact on the countryside setting.

5.4.5 In this instance it is considered that the increased height of the proposal, the two storey front projection and the increased bulk and mass, would result in the dwelling having a materially greater visual impact on the streetscene. As a result, the proposed dwelling would become a more prominent feature in the site and have a far more dominating impact on the character of the site, particularly when viewed from the entrance and the public realm. Whilst it is noted that views of the dwelling would be partially obscured by landscaping at the boundaries, it is considered that this would not wholly mitigate the visual impact and would only provide seasonal mitigation.

5.4.6 In terms of appearance, the dwelling is considered to be of acceptable design and therefore no objection is raised in that regard. However, it is considered that this

factor does not outweigh the harm that has been identified above. The use of high quality materials, which are detailed within the submission, would also help to soften the impact of the dwelling, but not to an extent that would enable the proposal to be found acceptable.

5.4.7 It is noted that the existing vehicle access from Honeypot Lane runs along the entire depth of the site and leads to agricultural buildings to the east of the site. Currently, there is no parking provision within the amenity space and the proposal would provide for frontage access and parking from the farm track. However, as previously assessed, the size of the existing front amenity space could adequately provide for a parking and turning area within the site which already contains an area of hardstanding. The large hedgerow to the front of the site, which lies on a steep bank down to Honeypot Lane, would partially shield the parking area from the public realm and the wider field and roadway hedgerows assist in softening the impact of this aspect of the proposal.

5.4.8 Overall, as the proposal would substantially increase the height, bulk and mass of a dwelling in this location and its impact on the streetscene, it is considered that it would result in material harm to the character and appearance of the site and the wider rural District. The proposal is therefore considered to be contrary to policies S1, D1 and H4 of the approved Maldon District Local Development Plan and the provisions and guidance as contained within the Framework.

5.4.9 It is noted that this current scheme has been revised from the preceding scheme which was refused, by way of its description from householder extension to that for a replacement dwelling. However, there are no discernible differences between the two schemes and the visual impact on the countryside would be the same and there are not considered to be any new materials considerations.

5.4.10 Policy D1, and the recently adopted Maldon District Design Guide, give clear and unequivocal guidance on the criterion for all development to respect and enhance the character and local context of the development and make a positive contribution in terms of landscape setting, the historic environment and scale, form, massing and proportion.

5.4.11 Therefore, given the scale, bulk and massing of the proposed dwelling and the extent of built form on the site, it is not considered that the revision to the description of the current proposal has overcome previous concerns which would significantly harm the site and result in detrimental impact upon the character and appearance of the area contrary to S8, D1 and H4 of the LDP and the guidance and provisions as contained within the NPPF.

5.5 Impact on Residential Amenity

5.5.1 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.

5.5.2 The dwelling at the application site is located approximately 100 meters from the nearest dwelling to the north (Fowlers Farm) and 60 meters from the nearest dwelling to the south west (Newhouse Farm). As there are no other dwellings within the

immediate vicinity of the application site it is considered that the proposed dwelling would not cause a loss of light to any neighbouring properties. The proposed dwelling would not have an overbearing impact on any property and the windows of the proposed dwelling, the proposed balcony and the use of the enlarged dwelling would not cause a loss of privacy or disturbance to an extent that would justify the refusal of the application and would therefore accord with approved policy D1 of the LDP for this element.

5.6 Access, Parking and Highway Safety

- 5.6.1 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.
- 5.6.2 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising four or more bedrooms require a maximum of three parking spaces.
- 5.6.3 Given that the proposed dwelling shown on the floor plans would accommodate four bedrooms and is remote from community support facilities and services, the recommended standard of three car parking spaces is considered a prerequisite. An area of hardstanding exists at the front of the proposed dwelling which has space to accommodate adequate car parking for in excess of this number. Therefore, no concerns are raised. The ECC Highway Department has been consulted but there is no policy objection to the proposal and no conditions are recommended.
- 5.6.4 The scheme is therefore considered to accord with the criteria of approved policy T2 of the LDP.

5.7 Private Amenity Space and Landscaping

- 5.7.1 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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.7.2 The protection and retention of the existing boundary treatments would help assimilate any new dwelling into the site. No landscaping plans have been submitted with the proposal, but conditions to ensure boundary protection and appropriate hard and soft landscaping can be appended to any subsequent grant of permission.
- 5.7.3 Due to the size of the site, the rear amenity space would be well in excess of the abovementioned standards and therefore would be accordance with D1 of the LDP.
- 5.7.4 In this respect the scheme is considered to accord with policies D1, N2 and H4 of the LDP.

5.8 Other Material Considerations

5.8.1 The Parish Council has raised an objection to the proposal as it is considered that the proposed development is contrary to policy S8 and would significantly increase the scale and bulk of the dwelling contrary to policies D1 and H4 of the LDP. Their comments have been addressed within the main body of the report.

5.8.2 The Councils Environmental Health Service has been consulted as this proposal represents a replacement dwelling. There is no objection to the proposal but conditions for the details of foul and surface water drainage schemes are recommended. Such conditions are considered appropriate and necessary in this instance and can be appended to any grant of permission.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/17/01407** - Removal of condition 1 on approved planning permission FUL/MAL/16/01044
Allowed on appeal APP/X1545/W/17/3167028 (Removal of condition 3 (agricultural occupancy condition) on approved planning permission FUL/MAL/82/00003) Approved
- **FUL/MAL/16/01044** - Removal of an agricultural occupancy condition.
Allowed on Appeal.
- **FUL/MAL/16/00270** - Removal of Condition 3 (Agricultural Occupancy Condition) on approved planning permission FUL/MAL/82/00003. Refused
- **FUL/MAL/3/82** Agricultural Dwelling Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	Object Contrary to policies S8, D1 and H4 of the LDP	The comments of the Parish Council are noted

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highway Authority (ECC)	No Objection No Conditions Recommended	The comments of the service are noted

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection Subject to conditions for Surface Water and Foul Drainage	The comments of the EHS are noted

7.4 Representations received from Interested Parties

7.4.1 At the time of writing this report, no letters of representation had been received.

8. PROPOSED REASONS FOR REFUSAL

- 1 The proposed dwelling as a result of its scale, height, bulk and mass would result in an incongruous form of development that does not reflect the character of the area to the detriment of the character and appearance of the area, failing to protect or enhance the natural beauty, tranquility amenity and traditional quality of the rural District outside of settlement boundaries. The quantum of development and intensification of the built form would therefore fail to meet the requirements of policies S1, S8, D1 and H4 of the approved Maldon District Local Development Plan, the Core Planning Principles and Guidance as contained in the National Planning Policy Framework and the Maldon District Design Guide (2017).