



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

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
16 JULY 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00448</b>
<b>Location</b>	85 Nipsells Chase, Mayland
<b>Proposal</b>	Part two storey, part single storey front and side extension
<b>Applicant</b>	Mr David McWilliams
<b>Agent</b>	Mr Matthew Kitching
<b>Target Decision Date</b>	17.07.2018
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Councillor M Helm, Reason: Public Interest

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**85 Nipsells Chase, Mayland**  
HOUSE/MAL/18/00448



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 18/00448/HOUS

Date: 04/07/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the western side of Nipsells Chase, within the settlement boundary of Mayland. The site is occupied by a two storey, semi-detached dwelling which is symmetrical to the neighbouring property. The pair of semi-detached properties have a pitched roof, black weatherboarding to the front first floor elevation and entrances within the side elevation. They also have single storey, flat roof projections to the front. The application site has converted the single storey front projection from a garage into habitable space. The site frontage has minimal landscaping and is block paved for parking.
- 3.1.2 Planning permission is sought for a part two storey, part single storey side and front extension. The proposal can be viewed as three parts. Part of the two storey side extension will project 2.2m from the southern side elevation and will match the ridge height of the existing dwelling. On the rear elevation this part of the proposal will have an eaves height of 7m, in contrast to the existing dwellings eaves height of 5m.
- 3.1.3 A two storey front facing gable projection is proposed forward of the southern side element which will project 3.9m from the existing southern elevation and 3m beyond the main front elevation. It will have an eaves height of 5m and a ridge height of 6.6m.
- 3.1.4 In front of the gable projection will be a single storey pitched roof extension which will incorporate the existing front projection. The southern side of the single storey extension will consist of a garage and will project 1.2m forward of the gable extension and the existing front projection. The overall width of the front extension will be 6.8m which includes the existing front projection.
- 3.1.5 The submitted plans indicate that the materials used in the proposed extensions would match the existing dwelling.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by virtue of the design and form of the proposed extensions would be visually incongruous and in conflict with the established character and appearance of the original dwelling and the neighbouring properties. Therefore, the proposal would result in material harm to the character and appearance of the dwelling and the surrounding area. Whilst the proposal would not cause material harm to the amenity of the neighbouring occupiers or the unacceptable loss of amenity space and would be served by adequate parking, it is considered that the proposed development is not in accordance with policies S1 and D1 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:**

- 56
- 58
- 59

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

- S1 – Sustainable Development
- D1 - Design Quality and Built Environment.
- D5 – Flood Risk and Coastal Management
- H4 – Effective Use of Land
- T2 - Accessibility

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

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

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

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

5.1.1 The principle of altering a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy D1 of the LDP. Other material planning considerations 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, livable 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. This is supported by policies D1 and H4 of the LDP and the Maldon District Design Guidance (MDDG).

5.2.2 The proposed extensions are considered to be proportionate to the size and scale of the original dwelling as it would not result in a significant increase in floor area. However, the scale and positioning of the extensions mean that it would have a significant impact on the character and appearance of the structure. Moreover, the proposal, by way of its design, is considered to be a contrived form of development that bears little relation to the architectural character of the host dwelling as a result of the number of differing roof forms. The harm is further intensified by the squat form of the proposed single storey pitched roof and the two storey gable projection which

overlaps the side of the southern elevation. Furthermore, the extent of the alterations would erode the architectural symmetry between the pair of semi-detached dwellings which has predominately been unaltered. It is considered that the proposed extensions would form inconsistent and incongruous features to the side and front of the dwelling and would detract from the symmetric style of the dwellings to the detriment of the character of the area and the streetscene.

5.2.3 The rear of the two storey side projection as a result of the extensive eaves height, which is 2m greater than the existing rear elevation, is considered to be poorly integrated into the host dwelling. Although it is noted this element will be stepped back from the rear elevation, the expanse of walling beyond the existing eaves height and the squat roof form will dominate the existing rear of the property and will detract from the architectural character of the host dwelling. This is further exacerbated by the size of the first floor windows which are disproportionately small in the context of the other fenestration and the scale of the extension. Given the openness of the site frontage and the single storey nature of the dwelling to the south of the site, there are glimpses of the southern elevation, which include the differing eaves heights and roof forms, within the streetscene. Therefore, these elements will not only result in material harm to the character and appearance of the host dwelling but also the wider streetscene within Nipsells Chase.

5.2.4 Therefore, it is considered that the proposal, by virtue of the scale and design of the proposed extensions, would detract from the appearance of the streetscene and be materially harmful to the character and appearance of the site and the surrounding area contrary to policies S1, D1 and H4 of the LDP, the NPPF and the MDDG.

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

5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

5.3.2 The application site is located within a residential setting and shares a boundary with No. 87 Nipsells Chase to the north and No. 83 Nipsells Chase to the south. The rear of the proposed development would be screened from No. 87 Nipsells Chase as it is set back from the existing rear elevation. The forward projection of the proposal to the front of the site would be situated 8.4m from the boundary shared with No. 87 Nipsells Chase. Given the separation distance and siting of the proposal it is not considered that there would be any adverse impacts on the amenity of the occupiers of No. 87 Nipsells Chase as a result of the development.

5.3.3 The proposal would be situated a minimum of 0.3m and a maximum of 1.4m from the southern boundary shared with No. 83 Nipsells Chase. The northern side elevation of No. 83 has a ground floor window which serves a bedroom. There is also a window on the front elevation of the neighbouring property which serves another bedroom as shown on the plans approved under the terms of **FUL/MAL/01/00318**.

5.3.4 The proposed development would be situated forward of the window on the principal elevation. However, given that the proposal is partly single storey in nature to the front of the neighbouring property and that the window would be approximately 2.7m from the development, it is not considered that there would be a material loss of light to the neighbouring window on the front elevation.

5.3.5 The ground floor window on the neighbouring northern elevation would be situated at a distance of 3m from the neighbouring development and would be set further back than the proposal. Furthermore, it is noted that there are existing structures/sheds located between the neighbouring property and the proposal on the neighbouring side of the boundary. Although it is noted these structures can be moved at any time, it is not considered that the loss of light as a result of the development would be materially worse than the loss of light resulting from the existing structures.

5.3.6 Regard is given to the proximity of the development to the neighbouring window and the significant height of the proposal which has the potential to reduce the outlook from the neighbouring window. However, given that the window currently looks out onto existing structures and would not look directly out onto the development, it is not considered that the proposal would result in increased material harm by way of being overbearing or overpowering.

5.3.7 Therefore, for the reasons outlined, it is not considered that the proposed development would result in a demonstrable impact on the amenities of neighbouring occupiers of No. 83 Nipsells Chase.

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

5.4.1 Policies D1 and T2 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

5.4.2 The resultant dwelling would have four bedrooms, an increase of one, and the Council's adopted Parking Standards require a dwelling of this size to provide a maximum of three spaces. Upon visiting the site it was noted that there is space to park at least three cars at the frontage of the property. Furthermore, the proposed garage will provide space for one vehicle. Therefore, it is considered that the proposal is in accordance with policies D1, T1 and T2 of the LDP.

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

5.5.1 Policy D1 requires that amenity space is provided that is appropriate to the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 m<sup>2</sup>.

5.5.2 The proposed development will result in the loss of some of the rear amenity space to the side of the dwelling. However, the resulting amenity space will be approximately 94m<sup>2</sup>. Given that the resulting amenity area will be just 6m<sup>2</sup> below the recommended standard and that the site is situated approximately 500m from the local playing fields, it is not considered that a relaxation in the required amenity space is acceptable.

#### **5.6 Flood Risk**

5.6.1 Part of the site lies within Flood Zone 2 as defined by the Environment Agency. The applicant has provided a flood risk assessment which states that the floor levels within the proposed development will be set no lower than existing levels and flood proofing

of the proposed development is incorporated where appropriate. Although it is noted that no details of the flood proofing or resilience techniques have been included, it is noted that the development would be located within part of the site which is outside of the designated Flood Zone. Therefore, it is considered that the proposal will not adversely impact upon flood risk in accordance with Policy D5 of the LDP.

## 5.7 Other Material Considerations

5.7.1 The Council has received a letter from a neighbour to the Environment Agency raising concerns that the proposal would be sited over an existing culvert and seeks the Environment Agency's advice. This letter has not been treated as a representation as it is not addressed directly to the Council. However, it is worth noting that the Environment Agency were consulted on the application and provided no comment in relation to the culvert. Furthermore, should the application be approved the granting of planning consent does not negate the need for Environment Agency consent and does not mean that the Environment Agency will necessarily grant consent for the works in relation to the culvert.

## 6. ANY RELEVANT SITE HISTORY

- **MAR/1/69/2** – 4 Houses/garages. Approved
- **MAR/1/69/3** – Amendments to MAR/1/69/2. Approved.
- **FUL/MAL/01/00318** – 83 Nipsells Chase, Proposed single storey side extension. Approved. This application relates to the neighbouring site but is relevant in terms of neighbouring amenity.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Mayland Parish Council	<ul style="list-style-type: none"><li>• Overdevelopment of the site</li><li>• Increased parking requirements</li><li>• Eaves overhang the boundary</li><li>• Detrimental to the streetscene</li></ul>	<ul style="list-style-type: none"><li>• Please see section 5.2</li><li>• Please see section 5.4</li><li>• This is a civil matter which is not a material planning consideration.</li><li>• Please see section 5.2</li></ul>

### 7.2 External and Statutory Consultees

Name of Consultee	Comment	Officer Response
Environment Agency	No comment	Noted
Highway Authority	No comment	Noted

**8. REASON FOR REFUSAL**

1. The proposed development, as a result of its scale, design and siting fails to reference the architectural style and character of the original dwelling and neighbouring properties. It is therefore considered that the proposal would result in an incongruous and contrived addition and would be detrimentally harmful to the existing character and appearance of both the dwelling and the surrounding area, contrary to Policies S1, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained within the National Planning Policy Framework and the Maldon District Design Guide,