



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
06 AUGUST 2018**

<b>Application Number</b>	<b>HOUSE /MAL/18/00758</b>
<b>Location</b>	Old Times Cottage, Mill Lane, Tolleshunt Major
<b>Proposal</b>	Proposed single storey extension to the rear with a raised outdoor platform, garage conversion and additional dormer to front elevation.
<b>Applicant</b>	S Norrington & H Tarling
<b>Agent</b>	W G Goodall
<b>Target Decision Date</b>	09/08/2018
<b>Case Officer</b>	Emma Worby
<b>Parish</b>	Tolleshunt Major
<b>Reason for Referral to the Committee / Council</b>	Member of Staff

**1. RECOMMENDATION**

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

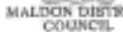
**2. SITE MAP**

Please see overleaf.

**Old Times Cottage, Mill Lane, Tolleshunt Major**  
HOUSE/MAL/18/00758



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: NW Committee 18/0758/HOUSE

Date: 26/07/2018

MSA Number: 100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the western side of Mill Lane, in a residential setting, within the settlement boundary of Tolleshunt Major. The application site is currently occupied by a semi-detached two storey dwelling with an attached single storey garage. The surrounding area is made up of an eclectic mix of dwellings with no prevailing pattern of development.
- 3.1.2 Planning permission is sought for the demolition of the existing conservatory and the construction of a single storey rear extension which would include the conversion of the garage to a bedroom and changes to the existing garage roof. The rear extension would have a depth of 3.65 metres, a width of 6.6 metres, an eaves height of 3.7 metres and a ridge height of 5.5 metres. It is proposed that this extension is finished with weatherboarding and slate roof tiles.
- 3.1.3 The garage door on the front elevation would be replaced with a single window, bi-fold doors would be located on the rear elevation and there would be two doors on the north elevation. The existing dormer window on the front elevation of the garage would be removed and replaced with three rooflights.
- 3.1.4 Proposals also include a raised platform and balustrade around the rear extension and the side of the existing garage with a maximum height of the balustrade at 2.3 metres and a maximum height of the platform at 1.2 metres. There is also an additional dormer window on the front elevation of the property which would match the style and size of the existing dormer window.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by reason of its scale and design would not harm the appearance or character of the locality and, due to its relationship with the adjoining properties, the proposed development is not considered to result in any undue harm by way of overlooking or loss of amenity. In addition the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies D1, S1 and H4 of the approved 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 2018 including paragraphs:**

- 11 Presumption in favour of sustainable development
- 47-50 Determining applications
- 124-132 Achieving well-designed places

**4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- S1 Sustainable Development
- T2 Accessibility

**4.3 Relevant Planning Guidance / Documents:**

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

**5. MAIN CONSIDERATIONS**

**5.1 Principle of Development**

- 5.1.1 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**

- 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”.*

- 5.2.3 The proposed single storey extension and raised platform would be located to the rear of the property and is unlikely to be visible from Mill Lane, with any views limited to the side of the development which may be visible from the north. Therefore the proposed extension would not have a substantial effect on the streetscene or have a significant impact on the character of the area.
- 5.2.4 Although the proposed single storey section of the property, including the proposed development and the existing garage, would be a large addition to the property, due to the presence of the existing garage, on balance, it is considered that the extension would be a subservient addition to the property and would not be considered excessive. It is also noted that the property has a large amenity space to the rear and therefore the extension would not result in a cramped form of development.
- 5.2.5 It is considered that the proposed materials for the extension with weatherboard finish and a slate roof would not match the existing property and would result in an

incongruous addition to the property. However, this has been covered in condition three, which details that the proposed materials are not approved and should match the existing property. This will ensure that the proposed materials are suitable for this type of development and would not be out of keeping with the existing dwelling or the surrounding area.

- 5.2.6 As the raised platform and balustrade surrounds the extension and has a maximum height of 2.3 metres for the balustrade and 1.2 metres for the platform, it is not considered to be an excessive addition to the property and is unlikely to be visible within the streetscene.
- 5.2.7 The proposed dormer on the front elevation would match the style and size of the existing dormer on this elevation and would be in alignment with the existing. Therefore it is considered that this would be a subservient addition to the front of the property would not cause harm to the streetscene or the existing dwelling.
- 5.2.8 Therefore, on balance, it is considered that the development, by reasons of its scale, design and appearance would not result in a demonstrable harm to the character and appearance of the existing dwelling and the 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 one adjoined neighbouring property to the south, Wassall House on Mill Lane. The proposed development would be 5 metres from the boundary of Wassall House. Due to this separation distance and the single storey nature of the proposed development it is not considered that it would form an overbearing development on the property at Wassall House. Furthermore there are no windows proposed which would face this neighbouring property and therefore it is not considered to give rise to any overlooking or loss of privacy.
- 5.3.3 A dormer window is proposed for the front elevation, however this is not considered to result in any further overlooking than is experienced by the existing dormer window on the front elevation and would not overlook any private amenity space due to its position on the front of the property. Therefore it is not considered to result in a loss of privacy.
- 5.3.4 Therefore, is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of 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 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 proposed development would create an additional bedroom within the property resulting in a four bedroom dwelling. It would also result in the loss of one car parking space within the attached garage. The SPD states that a four bedroom dwelling should have a maximum of three car parking spaces, however the proposed development would only have two spaces. Although the concerns regarding the lack of car parking spaces from the Parish Council have been noted, as the provision within the SPD is a maximum and the property would still provide two spaces, it is therefore considered that the proposal would not conflict with the adopted parking standards. The applicant has stated that the driveway will be extended to accommodate three vehicles in response to the comments from the Parish Council, however this cannot be taken into consideration as it is not part of the planning application.
- 5.4.4 It is noted that Parish Council also have concerns regarding the amount of space for vehicles to turn on the property. However, the proposed development would not change the current parking situation on the site. Furthermore, it is not considered that Mill Lane is a busy road which would result in a highway safety concern if vehicles were to reverse onto it. Therefore, it is not considered that this would justify a reason for refusal.

## **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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.5.2 The existing garden on the site is in excess of the standard contained within the Essex Design Guide of 100m<sup>2</sup>. The proposed development would result in the loss of approximately 10m<sup>2</sup> of amenity space, however the garden would still remain in excess of the standard. Therefore, the proposed development is in compliance with policy D1 of the LDP.

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

- **HOUSE/MAL/17/00342** – Ground and first floor extension and garden store – Refused.
- **HOUSE/MAL/17/00922** – Ground and first floor extension, additional dormer window to front, Juliet balcony to the rear and garden store – Approved.

## **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>
Tolleshunt Major Parish Council	The Parish Council objects to this application due to the following concerns: The lack of sufficient parking spaces for an increasingly large house. The lack of space for allowing vehicles to turn on the property in order to access the highway.	Comments noted and discussed in section 5.4 above.

The applicant has responded to these comments stating the following:

- The garage is unable to house a vehicle at present
- There are plans to extend the driveway to accommodate three vehicles
- The previously approved scheme included a fourth bedroom which was supported by the Parish Council.
- The access is no difference to that which has always been in existence.

### **7.2 Representations received from Interested Parties**

No letters of representation have been received from interested parties at the time of writing this report. However, due to a change in the proposal to include a dormer on the front elevation and a raised platform, the consultation period expires on 03/08/2018 and therefore any further comments will be given as a verbal update to members during the committee meeting.

## **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 and documents: Location Plan, 18-2331-1E, 18-2331-1B.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Notwithstanding the details shown within the plans hereby approved, the use of the weatherboarding and slate roof tiles are not approved and the materials used in the construction of the development shall match those used in the existing building unless otherwise approved in writing by the local planning authority.

REASON: In the interest of the character and appearance of the area in accordance with policy D1 of the approved LDP and guidance contained within the NPPF.

**POSITIVE AND PROACTIVE STATEMENT**

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the NPPF.