



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

to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
4 APRIL 2016**

<b>Application Number</b>	<b>FUL/MAL/15/00868</b>
<b>Location</b>	Land Rear Of Impscamp, Purleigh Grove, Cold Norton
<b>Proposal</b>	Variation of condition 2 on approved planning permission FUL/MAL/14/01039 (Amended plans to planning application FUL/MAL/13/01118 - permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and cart lodge garage) Alterations of size of windows & adding windows and removing 1 window. Alteration of position of window, adding small entrance porch & staircase to garage.
<b>Applicant</b>	Mr Ian Kirk
<b>Agent</b>	
<b>Target Decision Date</b>	03 March 2016
<b>Case Officer</b>	Hilary Baldwin
<b>Parish</b>	Cold Norton
<b>Reason for Referral to the Committee / Council</b>	Departure from the Local Plan Not Delegated to Officers Choose an item.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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	Organisation: Maldon District Council
	Department: Department
	Comments: NW Committee 15/00868
	Date: 22/03/2016
www.maldon.gov.uk	MSA Number: 100018588

### **3. SUMMARY**

- 3.1.1 The application site comprises land to the south of Impscamp, a single storey detached dwelling located at the southern end of a private track known as Purleigh Grove. Purleigh Grove serves the adjacent dwellings to the north and west of Imps Cottage and leads directly south from the main highway.
- 3.1.2 The site is a rectangular area directly to the south of Impscamp and which extends eastwards with the rear boundary parallel with the rear boundary of Impscamp. The site is bounded to the north by a mix of boundary treatments and sporadic hedging. To the south, the site is separated from the adjacent agricultural land by a post and wire fence.
- 3.1.3 The site is level with the agricultural land to the south and gently rises away from the site. The adjacent dwelling Impscamp, whilst on a level site is lower than its amenity space which surrounds the dwelling.
- 3.1.4 Planning permission is sought for a dwelling on the site with detached carport. The proposal represents a revision to two earlier approvals for a dwelling on the site (referenced in a subsequent section of this report).
- 3.1.5 The shape of the dwelling is rectangular with the overall length of 21.5m, depth 11.5m and central ridge height at 7.9m. The dwelling would incorporate a single storey projection to the northern and southern ends at a ridge height of 6m and gable end front elevation projection at 5.7m for the benefit of the entrance hallway. A further small gable end entrance porch is proposed to the northern side elevation. Fenestration is proposed to all elevations at ground floor level with roof light windows to the two storey front and rear roof slopes with two gable end dormers to the rear (east) elevation.
- 3.1.6 The dwelling would be of a bespoke design, but would have the appearance of a barn style dwelling with a mix of weatherboard and render elevations and steep pitched tiled roof.
- 3.1.7 Vehicle access would be from Purleigh Grove to the north and across the western side of the amenity space of the adjacent dwelling Impscamp. This vehicle access would lead to an open sided cartlodge measuring 10m by 6m and with a ridge height of 5.7m. An external staircase is proposed to the western side elevation of the cartlodge for the benefit of first floor storage facilities with two rear (south) elevation roof lights and a further first floor window within the eastern side elevation.
- 3.1.8 The private amenity space would extend eastwards to the rear of the dwelling with the eastern boundary parallel with the rear boundary Impscamp to the north.

### **3.2 Conclusion**

- 3.2.1 The site benefits from two extant permissions, including an appeal decision for a similar dwelling, vehicle access and detached garage on the site and the proposed development subject to this report is considered to be consistent with that extant permission and would not result in any significant increase of harm to the landscape character of the area or the amenity of adjacent neighbouring occupiers.

#### **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 Replacement Local Plan 2005 – Saved Policies:**

- S2 - Development outside Development Boundaries
- H1 - Location of New Housing
- CC6 - Landscape Protection
- BE1 - Design of New Development and Landscaping
- T1 - Sustainable Transport and Location of New Development
- T2 - Transport Infrastructure in New Developments
- T8 - Vehicle Parking Standards

##### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- S1 – Sustainable Development
- S2 – Strategic Growth
- D1 – Design Quality and Built Environment
- H4 – Effective Use of Land
- T1 – Sustainable Transport
- T2 – Accessibility

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

- National Planning Policy Guidance (NPPG)

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

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

5.1.1 The site is subject to two extant permissions for a detached dwelling and detached garage. Therefore the principle of a dwelling on this site has already been established and is not considered that an objection to the principle of the provision of a new dwelling could be sustained upon appeal. The main issues to consider with this current scheme are therefore the modifications and changes between the extant and proposed development.

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

5.2.1 As previously advised, the site benefits from extant permissions for a two storey detached dwelling and detached double garage. The proposal subject to this permission is consistent with that permission in that it comprises a detached dwelling

with a detached carport set within the amenity space to the westerns elevation of the property.

- 5.2.2 The main modifications comprise changes to the fenestration layout to the front and rear elevations in terms of minor size modifications (wider by approximately 0.2m and shallower by approximately 0.3m), two additional roof lights within the rear (eastern) elevation roof slope, the substitution of two open balcony areas within the rear roof slope at first floor level with two dormer windows and the addition of a small northern side elevation porch projecting 1.25m, 2.8m wide and with an overall ridge height of 4m.
- 5.2.3 Furthermore, for the previously approved carport, an external staircase is proposed within the western side elevation, with two roof lights within the rear (southern) elevation and a first floor window within the eastern side elevation facing the proposed dwelling.
- 5.2.4 It is noted that there is no change to the footprint or positioning of the dwelling, carport or vehicle access with the exception of the northern side elevation porch and there is no change to the overall previously approved ridge heights.
- 5.2.5 It is considered the proposed dwelling represents a structure of similar scale, bulk, mass and footprint as that subject of the extant permissions. Whilst there are design changes, the overall design ethos of the dwelling subject to this report represents a similar faux barn style dwelling albeit with two rear elevation dormer windows. The proposed alterations are not considered to result in any demonstrable impact on the aesthetics of the proposed dwelling. The location and size of the previously approved carport has not changed but it would benefit from a formalized first floor storage area which would be accessed by way of external stairs and would benefit from first floor fenestration. However, these additions are not considered to result in any demonstrable harmful impact upon the character and appearance of the dwelling, the site or the character and appearance of the area and it is still considered to represent a subservient outbuilding within the private amenity space of the proposed property.
- 5.2.6 The modifications in this instance are considered acceptable and the proposal is considered to accord with the criteria of policies BE1 and CC6 of the LP and emerging policy D1 of the LDP.

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

- 5.3.1 The previous extant permission was not considered to result in significant detrimental impact on the residential amenity of adjacent neighbouring occupiers. Whilst the scheme subject to this proposal would introduce changes to the fenestration of the building these are limited to minor changes in window opening sizes within the front and rear elevations which do not face adjacent neighbouring properties and the introduction of two first floor dormer windows within the rear (eastern) elevation roof slope. The principle of open balcony areas in this location has already been established and their replacement with enclosed dormer windows, albeit projecting from the roof slope is not considered to result in any increase in overlooking or loss of amenity to adjacent neighbouring occupiers to the north of the site. The addition of a porch to the northern side elevation is not considered to result in significant detrimental impact upon adjacent neighbouring occupiers at Impscamp. The porch

would bring the dwelling 1.2m closer to the common boundary but would only comprise a small projection with ground floor door.

- 5.3.2 The addition of an external staircase to the carport is not considered to result in significant detrimental impact upon adjacent neighbouring occupiers to the west of the site. The nearest property in this location is to the north west of the site at Nathilda and the distance between the carport and the private amenity space of that property is approximately 40m. Furthermore, the addition of an eastern elevation first floor window would only afford views of the private amenity space and front elevation of the proposed dwelling and the rear elevation roof lights would only afford views to the open agricultural land to the south of the site. Whilst no detrimental impact is considered to arise from the physical changes to the carport, it is however considered appropriate to append a condition to any grant of planning permission to ensure its use is limited to that of incidental use to the dwelling
- 5.3.3 The revised scheme is therefore considered acceptable for this element and to accord with adopted and emerging policies.

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

- 5.4.1 The proposal would utilize the existing access from the highway which is consistent with the previous extant permissions for highway access, parking and turning within the site. The Highway Authority has been consulted and there is no objection to the scheme and no conditions are recommended as Purleigh Grove is a private roadway.
- 5.4.2 No changes are proposed to the previously approved parking provision which was considered to accord with policy requirements and the adopted Vehicle Parking standards. The scheme is therefore considered to accord with Policies T2 and T8 of the adopted Maldon District Replacement Plan and emerging policy T2 of the LDP.

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

- 5.5.1 The private amenity space for the proposed dwelling would accord with the general standards identified as necessary by the Essex Design Guide, which states that properties with three or more bedrooms should be provided with 100m<sup>2</sup> of private amenity space. The proposed private amenity space would extend to approximately 200m<sup>2</sup>.
- 5.5.2 The previous submission was not considered to adequately address hard and soft landscaping within the site or boundary treatments and it is considered a justifiable planning reason to request such details again on any further grant of permission.

#### **5.6 Other Material Considerations**

- 5.6.1 It is noted that the extant permission was granted subject to conditions removing permitted development rights for alterations and additions to the dwelling in relation to Schedule 2, Part 1, Classes A, B, C, D and E, which comprises the enlargement or changes to the dwelling, its roof, the addition of porches and further outbuildings. Due to the similar nature of the proposal to that previously approved, it is considered that a similar condition is appended to any further grant of permission and is considered appropriate and necessary in this instance.

5.6.2 The proposal would result in a first floor within the detached garage. It is therefore materially different to the previous application and it is considered reasonable to append an additional condition to any grant of permission to restrict the first floor garage accommodation to be incidental to the use of the dwelling.

**6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/13/00284** -. Application for a new dwelling, open carport, garden store and access. Refused 10 July 2013.
- **FUL/MAL/13/01118** - Application for a new dwelling, open carport/garden store and access. Refused 05 February 2014.  
Allowed at Appeal; 11 June 2014. (Ref: APP/X1545/A/14/2214714)
- **FUL/MAL/14/01039** – Permission given for single storey dwelling and cart lodge garage, amended plans for one and half storey dwelling and car lodge garage. Allowed 06 February 2015.

**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>
Cold Norton	No Objection	There is no Officer comment to make

**7.2 Statutory Consultees and Other Organisations (*summarised*)**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highway Authority	No Comment and No Conditions. It is noted that Purleigh Grove is a private road.	This matter is considered to have been addressed within Section 4.4

**7.3 Internal Consultees (*summarised*)**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Environmental Health	No Comment	There is no Officer comment to make.

**7.4 Representations received from Interested Parties (*summarised*)**

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

## 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 complete accordance with the approved drawings specifically referenced on this decision notice  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application.  
REASON: In order to protect and enhance the character and appearance of the rural area in accordance with policies BE1 and CC6 of the Adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended ), or any order revoking and re-enacting that Order with or without modification, no development shall be carried out within Schedule 2, Part 1, Class A, B, C, D and E to those Orders.  
REASON: In the interest of amenity and in accordance with BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and the provision and guidance as contained within the NPPF.
- 5 No works or development shall take place until full details of both hard and soft landscape works have been submitted and approved in writing by the Local Planning Authority. These details shall include the layout and materials of all hard surfaced areas. Details of soft landscape works shall include planting plans, written specification (including cultivation and other operations associated with plant and grass establishment), schedules of plant noting species, plant size d and proposed numbers/densities, where appropriate and an implementation programme.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 6 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programmed agreed with the Local Planning Authority; any trees or plants which within a five year period from the completion of the development dies, are removed or become seriously damaged or diseased shall be replaced in the next available planting season with others of a similar size and species.  
REASON: To secure appropriate landscaping of the site in the interests of visual amenity and the character of the area in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 7 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railing and piers have been submitted to and approved in writing by the local planning authority. The screening as approved shall be construction prior to

the first occupation of the development to which it relates and be retained as such thereafter.

**REASON:** To ensure the use of appropriate details to safeguard the character and appearance of the area in accordance with policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.

- 8 Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall be used only for the parking of a motor car in connection with the residential use of the property.

**REASON:** In the interest of amenity and in accordance with BE1 of the adopted Maldon District Replacement Local Plan, emerging policy D1 of the Local Development Plan and the provision and guidance as contained within the NPPF.

### **INFORMATIVES**

- 1 Should any contaminated ground conditions or the existence, extent and concentrations of any landfill gas be found that was not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed a scheme to bring the site to a suitable condition in that it represents an acceptable risk shall be submitted to and agreed in writing with the Local Planning Authority.
- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - (a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - (b) No dust emissions should leave the boundary of the site;
  - (c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - (d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

### **POSITIVE AND PROACTIVE STATEMENT**

Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012 - 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 National Planning Policy Framework.