



**REPORT of
DIRECTOR OF STRATEGY, PERFORMANCE AND GOVERNANCE**

to
CENTRAL AREA PLANNING COMMITTEE
17 OCTOBER 2018

Application Number	HOUSE /MAL/18/00948
Location	91 Spital Road, Maldon
Proposal	External staircase and entrance to loft space to provide a study, and obscure glass skylights.
Applicant	Mr Tim Keeling
Agent	N/A
Target Decision Date	24.10.2018
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In – Councillor Shrimpton Reason: Public interest and request of Maldon Town Council

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

91 Spital Road, Maldon
18/00948/HOUSE



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Maldon District Council 100018588 2014



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Scale: 1:1,450

Organisation: Maldon District Council

Department: Department

Comments: Central Planning Committee

Date: 03/10/2018

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 south eastern side of Spital Road, within the settlement boundary of Maldon. The site itself is occupied by a two storey dwelling. Development along Spital Road comprises a mix of dwellings and flats.
- 3.1.2 Planning permission is sought for an external spiral staircase on the east side of the rear elevation of the dwelling, which will lead up to a proposed entrance to the loft space of the dwelling. There will also be three obscure glazed skylights on the roof of the rear projection of the dwelling, measuring 0.9 metres deep and 0.8 metres wide. There will be two on the south west roof slope and one on the north east roof slope.
- 3.1.3 The staircase will project 1.5 metres from the rear elevation of the dwelling, it will measure 2.9 metres wide in total and 4.8 metres high overall.
- 3.1.4 In terms of materials, the new door will be grey UPVC with full height glass panels and there will be a steel spiral staircase, in grey to match the existing doors and windows.

3.2 Conclusion

- 3.2.1 The proposal is not considered to have an unacceptable impact on parking provision or private amenity space. However, it is considered that the proposal will cause detrimental harm to the visual amenity of the site and surrounding area. Furthermore, the staircase will result in an unacceptable loss of privacy for neighbouring occupiers and therefore the proposal is contrary to policies D1 and H4 of the Maldon District Local Development Plan (MDLDP) and guidance contained within the National Planning Policy Framework (NPPF).

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
- 38 Decision-making
- 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
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

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 CONSIDERATION

5.1 Principle of Development

- 5.1.1 The principle of altering and extending the 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 and appearance 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 should be 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 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”.

“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, taking into account local design standards, style guides in plans or supplementary planning documents”.

- 5.2.3 The basis of policy D1 of the approved LDP 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.
- 5.2.4 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.5 An external staircase is not a common addition for a residential dwelling. Whilst it is acknowledged that the proposed staircase is of limited usability and is not highly prominent within the streetscene as it is located on the rear elevation, it would be visible from neighbouring residential properties. It is considered that the staircase would result in an awkward and contrived addition which would detract from the character and appearance of the existing dwelling which would justify the refusal of the application.
- 5.2.6 The three proposed skylights are considered to be acceptable additions and would not cause demonstrable harm to the character and appearance of the dwelling or surrounding area. Furthermore, they would match the two existing skylights and therefore there is no objection to this element of the proposal.
- 5.2.7 In terms of materials, these will match the existing dwelling to an acceptable degree and therefore there is no objection to these.
- 5.2.8 Overall, the proposed staircase results in an awkward addition, which causes harm to the appearance of the existing dwelling and therefore the proposal is contrary to 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 proposed development is located 3.5 metres from the shared boundary with the neighbouring dwelling to the north east, No.89 Spital Road. The proposed development is located 5.5 metres from the shared boundary with the neighbouring dwelling to the south west, No.93 Spital Road.
- 5.3.3 Due to the siting and open nature of the staircase it is considered to provide unrestricted, elevated views towards the dwelling and rear amenity space of No.89 and the general rear amenity space of No.93, which is further exacerbated by its spiral nature, which will enable the occupier to look directly into the neighbouring site when using it. Therefore, whilst it is noted that the amount of time spent by the occupiers on the staircase will be limited, it is considered that the presence of the staircase would result in material harm by increasing both actual and the perception of overlooking, which will materially impact on the neighbours' ability to utilise and enjoy their private amenity space. It is therefore considered that, notwithstanding the fact that no objection has been received to the proposal from either neighbour, the proposal would cause an unacceptable level of perceived overlooking and a loss of

privacy that is unacceptable and contrary to the abovementioned policies of the development plan.

- 5.3.4 All other dwellings are located at a distance where the staircase would not impact on their residential amenity.
- 5.3.5 It is consequently considered that the development would represent an unneighbourly form of development by causing loss of privacy, contrary to this aspect of policy D1 of the LDP and the NPPF.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 of the LDP aims to create and maintain an accessible environment, requiring development to have sufficient parking facilities with regard to the Council's adopted parking standards. Similarly, policy D1 of the 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 and cycle routes.
- 5.4.2 The plans show that the loft will be used as a study. It is noted that this could be converted into a bedroom in the future, which would increase the number of bedrooms to four. There are at least three parking spaces at the site and therefore there is no objection to the proposal in relation to parking provision.
- 5.4.3 Therefore the proposal is in accordance with policies D1 and T2 of the LDP.

5.5 Amenity Space

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100 square metres.
- 5.5.2 The existing garden measures over 380 square metres. The proposal will not result in a loss of private amenity space and therefore the garden will remain above the required standard, in accordance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant site history is set out below:
- **FUL/MAL/11/00190** – New detached house and garage – Refused
 - **FUL/MAL/11/00481** – Erection of detached house and garage – Refused
 - **FUL/MAL/11/00974** – New detached house and garage – Approved
 - **FUL/MAL/14/00214** – Construction of a detached 3 bedroom dwelling and detached garage – Approved
 - **FUL/MAL/14/00771** – Revised application for the construction of a detached 3 bedroom dwelling and detached garage – Approved
 - **FUL/MAL/17/01390** – Construction of a single storey garden annexe ancillary to the main dwelling – Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal as the external staircase would result in an unreasonable degree of overlooking and loss of privacy to neighbours.	Comments noted. See section 5.3.

7.2 Representations received from Interested Parties

7.2.1 No letters of representation have been received for this application.

8. REASON FOR REFUSAL

- 1 The proposed staircase would give rise to an unneighbourly form of development which would result in an unacceptable loss of privacy and an increase of perceived overlooking of neighbouring occupiers. The proposal is therefore contrary to Policy D1 of the MDLDP and guidance contained in the NPPF.
- 2 The proposed staircase is considered to be a contrived and visually unacceptable addition, which would detract from the character and appearance of the existing dwelling, contrary to Policies D1 and H4 of the MDLDP and guidance contained in the NPPF.