



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

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**to  
CENTRAL AREA PLANNING COMMITTEE  
17 OCTOBER 2018**

<b>Application Number</b>	<b>HOUSE/MAL/18/00980</b>
<b>Location</b>	11 Battle Rise, Heybridge
<b>Proposal</b>	Loft conversion with installation of roof lights.
<b>Applicant</b>	Mr Janes
<b>Agent</b>	Mr Jason Tyres – JPT Design Consultants Ltd.
<b>Target Decision Date</b>	22.10.2018
<b>Case Officer</b>	Louise Staplehurst
<b>Parish</b>	<b>HEYBRIDGE EAST</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Harker Reason: Due to public concern

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**11 Battle Rise, Heybridge**  
18/00980/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	26/09/2018
	MSA Number:	100018588

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### **3. SUMMARY**

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

- 3.1.1 The application site is located within the settlement boundary of Heybridge and is within the Chelmer and Blackwater Navigation Conservation Area. The application site occupies a corner plot located at the junction of Battle Rise and Lake Mead. The site is occupied by a two-storey dwelling and an attached double garage that links to the neighbouring property.
- 3.1.2 Planning permission is sought for four roof lights on the principal elevation and two roof lights on the rear.
- 3.1.3 It is noted that the original permission for the site (FUL/MAL/06/00482) removed permitted development rights regarding dormer windows and other forms of addition or opening in the roof or gable walls.
- 3.1.4 The application follows a previous application (HOUSE/MAL/18/00645) for five roof lights on the principal elevation and two on the rear elevation. The reason for refusal was:
- ‘The proposed front roof lights are considered to be excessive and will result in an awkward fenestration, to the detriment of the visual amenity of the existing dwelling and the surrounding conservation area, contrary to policies H4, D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’*
- 3.1.5 The previous reason for refusal mainly related to the central front roof light, which was located high on the roof slope above the existing front gable projection. This roof light has been omitted from this application.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the proposed roof lights do not cause demonstrable harm to the visual amenity of the existing dwelling or surrounding conservation area. Furthermore, the proposed roof lights do not detrimentally impact on the residential amenity of neighbouring occupiers. They also do not adversely impact on car parking provision or private amenity space and therefore the proposal is considered to be in accordance with policies D1, D3 and H4 of the Maldon District Local Development Plan (MDLDP) and the 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-design places
- 184-202 Conserving and enhancing the historic environment

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

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- 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 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 in creating better places to live 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 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).
- 5.2.5 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.2.6 Policy D3 of the MDLDP aims to preserve or enhance the special character, appearance and setting of heritage assets, including their streetscape and landscape value, and any features and fabric of architectural or historic interest.
- 5.2.7 This application follows the refusal of application HOUSE/MAL/18/00645, which proposed five front rooflights and two rear roof lights. The main reason for refusal of the previous application was the central roof light on the principal elevation as it was located higher up on the roof slope, above an existing front gable projection. This roof light has been omitted from this application.
- 5.2.8 The proposal involves the installation of four roof lights on the front elevation. There are properties within the surrounding area which have a similar number of roof lights on the front elevation and therefore it is not entirely out of keeping with the streetscene. Furthermore, the Conservation Officer has not objected to the proposal and therefore the proposed roof lights are not considered to cause detrimental harm to the visual amenity of the site or surrounding area to an extent that would justify the refusal of the application.
- 5.2.9 There will be two roof lights on the rear elevation. Whilst the proposed roof lights are partially visible within the streetscene due to the location of the dwelling on a corner plot, due to the scale of the roof lights, and the presence of similar roof lights on other properties within the vicinity of the site, it is considered that the rear roof lights preserve the character and appearance of the conservation area.
- 5.2.10 It is considered that the concern raised in the previous application has been overcome. Therefore the proposed roof lights are acceptable as they would not cause detrimental harm to the character and appearance of the existing dwelling or surrounding conservation area, in accordance with this aspect of policies D1, D3 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 dwelling to the east, No.1 Lake Mead, is located 8 metres from the dwelling on the application site. The dwelling to the north, No.10 Battle Rise, is located 6 metres from the dwelling on the application site, shielded by a shared garage. The dwelling to the south, No.12 Battle Rise, is located 13 metres from the dwelling on the application site, across the road. There are no dwellings to the west of the site.
- 5.3.3 Due to the position of the roof lights and the distance from surrounding dwellings, the proposal is not considered to have a detrimental impact on the residential amenity of the neighbouring dwellings to an extent that would justify the refusal of the application. Any views from the roof lights would be no worse than views from the existing rear facing first floor windows. The windows on the front elevation do not face any residential properties and would therefore not result in an unneighbourly form of development.
- 5.3.4 All other properties would be a substantial distance from the proposed development. It is consequently considered that the proposed roof lights will not impact on the residential amenity of neighbouring occupiers, and would therefore be in accordance with this aspect of policy 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 proposal is adding one bedroom in the roof space, meaning the dwelling will have four bedrooms. The site has two parking spaces within the garage and provision for two cars on the driveway outside the garage.
- 5.4.4 Therefore, there is no objection to the proposal in terms of car parking as it complies with this aspect of policies D1 and T2 of the LDP.

## 5.5 Amenity Space

- 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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.5.2 The garden measures approximately 111 square metres. The proposal will not impact on private amenity space and therefore there is no objection to the proposal in relation to amenity space, in accordance with this aspect of policy D1 of the LDP.

## 5.6 Flood Risk

- 5.6.1 The site lies within Flood Zone 2 and 3 as defined by the Environment Agency, where the risk from tidal flooding is greater than 1:200 years. The applicant has submitted a flood risk matrix which states 'floor levels within the proposed development will be set no lower than existing levels and flood proofing of the proposed development has been incorporated where appropriate'. No further details have been submitted of any flood proofing/resilience and resistance techniques in accordance with 'Improving the flood performance of new buildings' CLG (2007). However the floor space of the dwelling is not being altered and the proposal relates to the roof space and therefore the proposed development is not considered to impact on flood risk.

## 6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/06/00482** – Redevelopment of The Chalet Site for 124 dwellings; public open space, landscaping, new highways and associated ancillary development. – Approved (Condition 22 removed permitted development rights for insertions into the roof)
- **HOUSE/MAL/14/01228** – Loft conversion with dormers front & rear and install auto opening garage doors. – Refused
- **HOUSE/MAL/15/00752** – Loft conversion with dormers front & rear and install auto opening garage doors. – Refused
- **HOUSE/MAL/16/00655** – Install garage doors on existing opening. – Approved
- **HOUSE/MAL/18/00645** – Loft conversion with the installation of roof lights. – Refused

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No response	N/A

## 7.2 Representations received from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	Objected to the previous application on the basis that the roof lights appeared excessive, in particular the central roof light above the gable projection. That roof light has now been removed and therefore the proposal would not harm the special character of the conservation area.	Comments noted.

## 7.3 Representations received from Interested Parties

- 7.3.1 No letters of objection have been received at the time of writing this report.
- 7.3.2 No letters of support have been received at the time of writing this report.

## 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 and Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: JPT/CR/MJ/0518/001 Rev D  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the roof lights hereby approved shall be as set out within the application form/plans hereby approved.  
**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.