



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

to
**CENTRAL AREA PLANNING COMMITTEE
14 NOVEMBER 2018**

Application Number	HOUSE/MAL/18/01089
Location	57 Mariners Way, Maldon
Proposal	Variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). Amendment: Use of cladding.
Applicant	Mr David Brandon
Agent	N/A
Target Decision Date	12/11/2018
Case Officer	Louise Staplehurst
Parish	MALDON SOUTH
Reason for Referral to the Committee / Council	Member Call In – Councillor Mrs B D Harker Reason: Public interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

57 Mariners Way, Maldon
18/01089/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	14/10/2018
	Date:	22/10/2018
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located north of Mariners Way, within the settlement boundary of Maldon. The site is occupied by a two storey end of terrace dwelling. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 Planning permission is sought for the variation of conditions 2 & 3 of approved application HOUSE/MAL/18/00450 (2 storey side extension). It is proposed to amend the materials, in order to use cladding.
- 3.1.3 The proposed extension has brick at ground floor level and will have grey Marley board cladding at first floor level.
- 3.1.4 It is noted that the development has begun and therefore this application is partially retrospective in nature, although the cladding had not been installed at the time of undertaking a site visit.
- 3.1.5 It is noted that a side extension was approved under HOUSE/MAL/18/00450. A condition was included to ensure the use of brick, to match the existing dwelling, as the use of cladding was considered to be out of keeping with the streetscene.

3.2 Conclusion

- 3.2.1 The proposal is not considered to detrimentally impact on the residential amenity of neighbouring occupiers, parking provision or private amenity space. However, it is considered that the use of cladding would cause detrimental harm to the visual amenity of the site and surrounding area, as the proposed cladding is not in keeping with the streetscene. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework. It is noted that refusing this application would not prevent the applicant from undertaking the previously approved development, using materials to match the existing dwelling.

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 CONSIDERATIONS

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 This application has the fallback position of the previously approved application of HOUSE/MAL/18/00450, which allows for a development of identical size, but a condition of which requires the use of materials that match the host dwelling.
- 5.2.6 The amendment relates to the use of grey Marley board cladding. It will be located at first floor level on the side extension, to the front, rear and side elevations.
- 5.2.7 The use of cladding was prevented by a condition on the previous permission because it was not considered to be prevalent in the streetscene. It has been noted that there are some dwellings with cladding along the immediate stretch of Mariners Way near the application site. This cladding is predominantly of a smaller scale, located on small dormer windows. It is noted that there are dwellings in the wider area with coloured plastic cladding. However there is no planning history to suggest any of the cladding located along Mariners Way benefits from planning permission and therefore this is given little weight in the assessment of this application.
- 5.2.8 It is consequently considered that the proposed amendments to the materials, due to the amount that the contrasting materials is to be used, will detrimentally impact on the visual amenity of the site and surrounding area and therefore the proposal to undertake the development without complying with the previously imposed conditions is considered to be contrary to this aspect of policy D1 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 amendment to the materials do not impact on the residential amenity of neighbouring occupiers and therefore the proposal would be in accordance with this aspect of policy D1 of the LDP.

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 amendment to the materials does not impact on parking or highway safety and therefore the proposal is in accordance with this aspect of policy D1 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 proposed amendment to the materials does not impact on private amenity space and therefore there is no objection in relation to provision of private amenity space.

6. ANY RELEVANT SITE HISTORY

- 6.1 The relevant site history is set out below:
- **FUL/MAL/94/00145** – Residential development – Approved
 - **HOUSE/MAL/18/00450** – Two storey side extension – 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 approval	Comments noted

7.2 Representations received from Interested Parties

- 7.2.1 5 Letters of support have been received for this application:

Supporting Comment	Officer Response
<p>Cladding enhances the overall appearance of the house and is low maintenance.</p> <p>Support the use of cladding.</p> <p>Cedral cladding is low maintenance which adds character and is an aesthetically pleasing addition.</p> <p>No objections to the use of cladding were received in the previous application, but a condition regarding the use of brick was included anyway.</p> <p>The cladding shows a distinction between the original house design and the later extension.</p> <p>The use of cladding is in keeping with other properties.</p>	<p>Its ease of use/maintenance is not a material planning consideration.</p> <p>The design and impact of the cladding is assessed regardless of whether objections are received and it was considered to be out of keeping with the area.</p> <p>There is no evidence to suggest the properties with cladding benefit from planning permission and therefore this will be given little weight in this assessment. See section 5.2.</p>

7.2.2 1 Letter of objection has been received for this application:

Objecting Comment	Officer Response
<p>Depending on the colour, the cladding may look harsh or out of place.</p> <p>Bricks would have blended with the house much better.</p>	<p>The application form states the cladding will be CO5 Grey Marley Board cladding.</p>

8. **REASON FOR REFUSAL**

1. The proposed cladding is considered to be an incongruous feature which would be out of keeping with the character and appearance of the streetscene. The proposal to undertake the development without complying with the conditions of the previous permission is therefore contrary to policy D1 of the Maldon District Local Development Plan and guidance contained within the NPPF.