



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

to
NORTH WESTERN AREA PLANNING COMMITTEE
26 NOVEMBER 2018

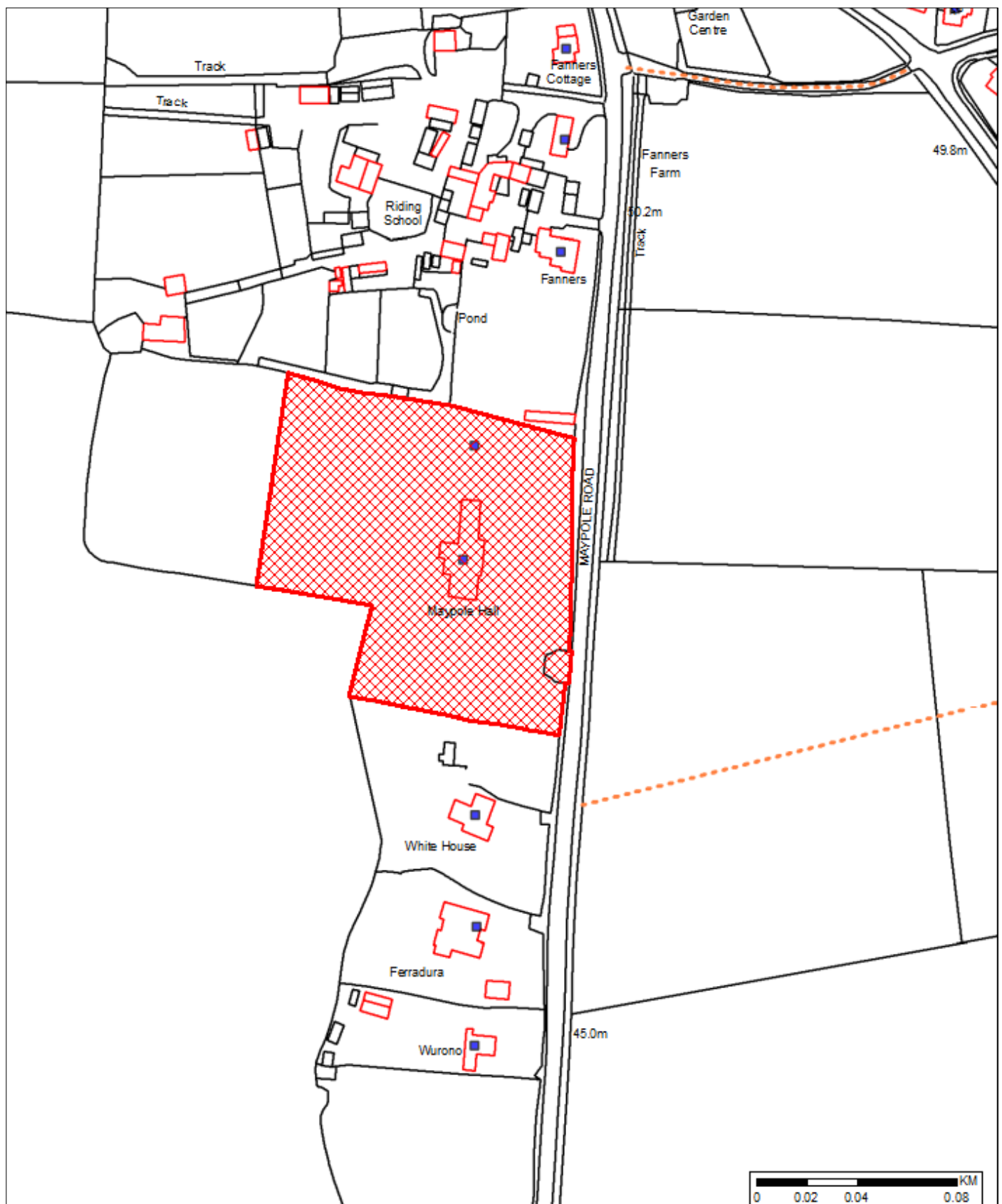
Application Number	FUL/MAL/18/01017
Location	Land North of Maypole Hall, Maypole Road, Great Totham
Proposal	Proposed single-storey two bedroom annexe that is incidental to the main dwelling and change of land to garden land
Applicant	Mr. Teasel
Agent	Ms. Annabel Brown – Annabel Brown Architect
Target Decision Date	06.12.2018
Case Officer	Emma Worby
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes – public interest Major Application – site size over 1ha

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.



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 Maypole Road, outside of any defined settlement boundary. The site is currently occupied by a large detached two storey dwelling with a driveway from the entrance gates and a large private amenity space.
- 3.1.2 Planning permission is sought for a two bedroom, single storey annexe to the north west of the main dwelling. The annexe would accommodate two bedrooms, two bathrooms, a kitchen/dining/living space and a utility room. The annexe would be 14.6 metres in length, 5.9 metres in depth with an eaves height of 2.9 metres and a ridge height of 5.5 metres. There would also be a flat roof section on the south elevation which would have a width of 7.5 metres, a depth of 1.8 metres and a height of 2.8 metres.
- 3.1.3 The annexe would be constructed of brick and timber walls, with clay roof tiles and aluminum powder coated window and door frames. The west elevation includes a timber canopy at a height to match the annexe and a depth of 5.36 metres.
- 3.1.4 The annexe is situated on land which is not currently part of the residential curtilage of Maypole Hall. The established residential curtilage appears to be an 8,880 square metre area of land that measures approximately 118 metres wide at the Maypole Road frontage, 69 metres deep at the north boundary and 85 metres deep at the south boundary. The application also seeks planning permission for the change of use of an area of land measuring 3,900 square metres from agricultural use to residential use. This is a rectangular piece of land to the west of the main dwelling and the existing residential curtilage.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, as a result of its scale and positioning, is not considered to be ancillary to the main dwelling and would represent the excessive development of the residential site. The additional built form and domestication of this part of the application site would cause the sprawl of built form into an area that is currently underdeveloped and therefore contributes positively to the rural landscape and the intrinsic beauty of the countryside. Therefore, it is considered that the proposal would fail to meet the requirements of policies S1, S8, D1 and H4 of the LDP and guidance contained within the 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 application
- 124-132 Achieving well designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement boundaries and the countryside
- D1 Design quality and built environment
- H4 Effective use of land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The proposal includes a 3,953m² extension to the existing residential garden into the countryside, on a piece of land located to the west of the existing curtilage of the main dwelling. This would be to accommodate the position of the proposed annexe which would be outside of the current residential curtilage. Policy H4 of the LDP states that:

‘Extensions to domestic gardens within the countryside will not normally be permitted. Small, unobtrusive extensions of residential curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside, may be approved where both the following criteria are met:

- 1) The proposal will not involve the loss of any important landscape, heritage features or ecology interests; and*
- 2) Provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.’*

- 5.1.2 Therefore, the proposed change of use from agricultural land to residential garden is not usually permitted under this section of the policy. The change of use would not involve the loss of any important landscape, heritage features or ecological interest and, due to the location of the site, boundary treatments are not considered necessary in this instance. The affected land is currently grassed land that, although technically considered to be agricultural, appears as an extension of the garden area of the dwelling and as such it is not considered that the change of use would be unacceptable in visual terms. Although the change of use of the land on its own would be considered acceptable, the proposed annexe would impact this change of use and therefore the proposal should be considered in its entirety.

- 5.1.3 The proposed annex building would be a large building that would contain two bedrooms, an en-suite, a bathroom, a kitchen/dining/living area and a utility. The building would therefore have all accommodation required to be used as a self-contained dwelling, far in excess of what can be considered to be an ancillary annex.

In this instance regard is had to recent appeal decision APP/X1545/D/18/3195846 at Lennel House, Tudwick Hall Road, Tolleshunt D'Arcy which concluded that *"The appellant is clear that the proposed accommodation is intended to remain ancillary to the main dwelling and points to the condition attached to the planning permission for the existing outbuilding. The Council has suggested the use of a similar condition in the event that the appeal is allowed. The appellant has not objected to this suggested condition. Its imposition would avoid any doubt regarding the acceptable occupation of the extended building. With this condition in place, I consider that the proposal would not conflict with development plan Policies S1 or S8 insofar as they deal with new dwellings in the countryside."* Although the circumstances are materially different it is considered that, subject to the imposition of a suitable condition, the Local Planning Authority can proceed on the basis that the proposal will be used as an annex and not an independent dwelling, which would not be acceptable in this countryside location. The comments about the extent of accommodation that are set out above do however have implications for the scale of the building and it is noted that the visual implications of this will be discussed further below.

- 5.1.4 The principle of providing facilities in association with existing residential accommodation, such as an annexe, is considered acceptable in principle in line with policies S1 and H4 of the approved LDP. However its impact on the surrounding countryside and character of the rural area, alongside the change of use of land, will be considered below.

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".

"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 any local design standards or 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 Maldon District Design Guide (MDDG)(2017).

5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.6 The proposed annexe would be located 71 metres from the nearest highway, Maypole Road to the east, and there is also well-established hedging between the site and the road which would partially obscure the view of the proposed development from the streetscene. Therefore view from the public realm would be limited and it is not considered that the proposed development would have a significant impact on the streetscene or the character of the area.

5.2.7 The site is currently open in nature with a two storey, large dwelling located in the middle of the site. The provision of a further structure on this site is considered to extend the built form and sprawl of residential development onto an otherwise undeveloped piece of land. The annexe would be located 40 metres from the host dwelling and therefore the building would be considered isolated and not ancillary to the main dwelling on the site. The remote location of the annexe, which is located beyond the current residential curtilage, would further exacerbate the sprawl of development and urbanisation of the site. The section of land where the annexe is proposed is not currently residential land and therefore the proposed development is considered to impact the intrinsic character and beauty of the countryside.

5.2.8 The design of the annexe structure in itself is not objected to and the external materials and detailing is considered to be acceptable and appropriate for this type of development. However, it is considered that the excessive scale and bulk of the structure, with a floor space of 100m² and a ridge height of 5.5 metres, would have a detrimental visual impact on the existing site and exceed what can reasonably be considered ancillary. Therefore, the annexe is considered to result in the domestication and urbanisation of this currently open and spacious plot.

5.2.9 Therefore, due to its positioning, scale and bulk, the proposed annexe is considered to be unacceptable in its setting and would not be considered to be ancillary to the main dwelling contrary to policies S8, 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 neighbouring property, White House on Maypole Road. However the boundary with this property would be 115 metres from the proposed annexe. Therefore, due to this separation distance, it is not considered that the proposed development would have an impact on this neighbouring property.
- 5.3.3 It is noted that a number of objections have been received from customers and the proprietor of the neighbouring riding stables to the north of the application site, Marvens Riding Stables. Concerns are raised with regards to the impact of the construction and use of the building on the safety of the horses and their riders. It is not considered that this is a planning matter and therefore it cannot be taken into consideration within this assessment. Two conditions have been suggested by the objectors regarding limiting construction works on Saturdays and the requirement of a high wall or fence between the proposed development and the boundary. As constructions works are temporary it is considered that a condition to limit construction times would not be necessary. It is also considered that the erection of a wall or fence between the proposed development and the boundary would be unnecessary and unreasonable requirement in this case.
- 5.3.4 Therefore, it 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 minimum 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 development does not propose a separate vehicle or pedestrian access from Maypole Road and all access would remain through the existing access for Maypole Hall. As an annexe would be ancillary to the main dwelling, it would not require separate parking provision. Maypole Hall has a private driveway and off road parking for a number of vehicles in excess of the requirement in the SPD, therefore there are no objections with regard to parking or highway safety.

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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The private amenity space for Maypole Hall is considerably in excess of the requirement within the Maldon Design Guide SPD. Therefore there are no objections with regard to this.
- 5.5.3 It is also noted that the proposal include the change of use of some of the land from agricultural to residential use which would provide an extra 3,953m² of private amenity space.

5.6 Other Material Considerations

- 5.6.1 The annexe accommodation would be single storey and would provide two bedrooms, two bathrooms, a separate open plan living room, kitchen and dining area and a utility room. Details have not been provided within the application as to the use of the annexe.
- 5.6.2 Given that the annexe is located in isolation to the main dwelling, concerns are raised in relation to the creation of a separate planning unit, this is exacerbated by the level of accommodation proposed which is considered to go beyond satisfying the functional needs of the occupier and in effect the proposal could represent a self-contained unit of accommodation. This is further demonstrated by the positioning of the annexe close to the northern boundary of the site and beyond the current residential curtilage.
- 5.6.3 It is therefore considered necessary to impose a condition on any planning permission to restrict the occupancy of the annexe if permission is granted to ensure that the use remained ancillary.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/04/01253** – One detached residential property - refused
- **FUL/MAL/12/01018** – Replacement dwelling – approved
- **OUT/MAL/13/01102** – Demolition of existing dwelling and erection of two detached dwellings each comprising 563 square metres of floor spaces – refused
- **FUL/MAL/14/00593** - Removal of condition 2 relating to application FUL/MAL/12/01018 (Replacement dwelling) Replacement of drawing 1063.L.003C with 1063.L.003D – approved
- **FUL/MAL/15/00045** - Removal of Condition No.2 of FUL/MAL/12/01018 in order to increase the size of Bedroom B – approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	<p>The site is located outside of the defined settlement boundary for Great Totham where policies of restraint apply. The site has not been identified by the Council for development to meet future needs for the District and does not fall within either a Garden Suburb or Strategic Allocation for growth identified within the Local Development Plan to meet the objectively assessed needs for housing in the District.</p> <p>The Development would be contrary to the guidance and provisions of the National Planning Policy Framework and in particular paragraphs 7, 14 and 17 as well as being contrary to policies S1, S2, S8, T1 and D1 of the Approved Maldon District Plan.</p>	Comments noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Two conditions relating to foul water and surface water drainage and five informatives recommended.	Comments noted

7.3 Representations received from Interested Parties

- 7.3.1 **13** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
<ul style="list-style-type: none"> • The site is outside of the settlement boundary for Great Totham and therefore the development would be contrary to the NPPF and the LDP. • The development would border two ménages at Marvens Riding Stables and would therefore put at risk the safety of horses, ponies and their riders. • The noise and disruption of building works could upset the horses and ponies such that riding them would become unsafe, which would put the business at risk. • Two conditions should be imposed to prevent working on Saturdays and the requirement of a high fence or wall to be constructed. 	<p>Please see section 5.1 of the report</p> <p>This is not a planning consideration</p> <p>This is not a planning consideration</p> <p>These conditions are not considered to be reasonable or enforceable and therefore could not be used for this application.</p>

8. **REASON FOR REFUSAL**

- 1 The proposed annexe accommodation by virtue of its scale and positioning remote from the host dwelling, would not appear adequately ancillary to the main dwelling and would represent the excessive development of the site. The additional scale of the proposed built form and the domestication of this part of the application site would detract from the character and appearance of the site and reduce the positive contribution that it makes to the rural landscape and the intrinsic beauty of the countryside. The proposal would therefore be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and the National Planning Policy Framework.