



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
03 DECEMBER 2018**

Application Number	HOUSE/MAL/18/01069
Location	5 Tern Close, Mayland
Proposal	Proposed new garage
Applicant	Mr Darren Bell
Agent	Penny Little - A & P Designs Ltd
Target Decision Date	05.11.2018
Case Officer	Annie Keen
Parish	MAYLAND
Reason for Referral to the Committee / Council	Member Call In – Councillor M W Helm and Councillor Mrs P A Channer, CC. Reason: Local knowledge/Public interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

5 Tern Close, Mayland CM3 6TW
HOUSE/18/01069



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Committee
	Date:	11/10/2018
	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 situated on the western side of Tern Close, within the settlement boundary of Mayland. The surrounding area comprises of two storey detached properties all of similar style.
- 3.1.2 Planning permission is sought for the construction of a detached secure garage to house a modern classic car. The proposed garage would be located to the front of the property and adjacent to the highway. The garage would measure 6 metres in depth and 5 metres in width with a pitched roof height of 2.2 metres to the eaves and a maximum roof height of 4 metres.
- 3.1.3 The walls of the proposed development will be constructed from fair faced brick with the pitched roof to be constructed of concrete interlocking tiles to match the existing dwelling. The garage door to the southern elevation is proposed to be a white bespoke roller shutter. The half glazed door to the western elevation will be of white uPVC construction.
- 3.1.4 This is a resubmission of a previous application for a new detached garage. The reason for refusal was:

'The proposed garage by virtue of its design, scale and bulk, would represent a dominant and disproportionate addition to the site, which would be a visually intrusive addition to the street scene and an overly dominant feature within the site. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality, contrary to the National Planning Policy Framework and policies D1, H4 and S8 of the Maldon District Local Development Plan and the Maldon Design Guide.'

- 3.1.5 The only alteration in this application, from the previous refused application, is the addition of a pattern to the wall to the eastern elevation. All external dimensions of the garage have remained unaltered.

3.2 Conclusion

- 3.2.1 It is considered that the proposed garage, by reason of design, scale and bulk would represent a dominant addition to the site and would cause harm to the appearance and character of the area, therefore causing a detrimental visual impact on the streetscene. Whilst amended plans were submitted, these amendments are minimal and do not overcome previous concerns. It is therefore considered that the proposed development would result in demonstrable harm to the locality and is consequently not in accordance with policies D1, S1 and H4 of the Local Development Plan (LDP).

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 2014 – 2029 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 of the Area

- 5.2.1 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.

- 5.2.2 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”.

- 5.2.3 *“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”.*

- 5.2.4 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.
- 5.2.5 There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the MDDG (2017).
- 5.2.6 The proposed design of the detached garage is considered to be of a typical style and design, yet it is of limited architectural merit.
- 5.2.7 The proposed development would be located to the front of the dwelling, in a prominent position within the road. Due to the proposed development being within close proximity to the highway, the minimum distance from the highway being 1 metre and the maximum distance being 1.5 metres, the proposed garage would be a visually obtrusive addition within the street scene. This would create a visual pinch-point within the streetscene due to the developments close proximity to the wall on the opposite side of the highway.
- 5.2.8 Whilst there is a wall and group of garages opposite the development site, this is part of the original built form of the street scene and is set back from the highway, masked (partially) by another dwelling, it therefore sits comfortably within the streetscene. The proposed development however conflicts with the character and appearance of the residential area as a result of its scale and prominence resulting in overdevelopment of the site.
- 5.2.9 Whilst it is noted two dwellings to the north end of Tern Close have garages to the front, one within close proximity to the road, these were part of the original built form and are not common place within the area in question. The positioning of the proposed garage to the front of No.5 Tern Close is incongruous with the streetscene and at odds with the character of the property and locality, creating a cramped appearance to the site.
- 5.2.10 The proposed materials of the development do not appear to be out of keeping within the local context and match those of the existing dwelling.
- 5.2.11 The supporting material provided with this application refers to the extension of No.18 Tern Close, however this extension curves away from the bend of the road and therefore does not impact greatly on the streetscene.
- 5.2.12 Whilst it is noted there is support for this application from neighbouring dwellings, dog fouling and ball games are not considered a planning consideration and therefore should not be taken into account when assessing this application.

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 to be situated on the northern boundary adjacent to the front elevation and the highway. The distance to the neighbouring dwellings of No's 4-26 St Stephens Court located north west of the development is 16 metres.
- 5.3.3 The development will be 10.2 metres away from the neighbouring property No.3 Tern Close, located south of the development. There is a minimum distance of 6.8 metres to the dwellings located east of the development. Due to the separation distances between the development and the neighbouring properties and the scale of the proposed building, the development would not have an unacceptable impact upon any residential amenity.

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 Plans show the dwelling currently benefits from two parking spaces to the front of the site, outside of the existing garage and therefore both the existing and proposed situations would be in accordance with the Maldon District vehicle parking standards. However, whilst there are benefits to additional parking provision, these cannot outweigh the harm caused by the proposal to the character of the area.
- 5.4.3 A consultation by the Highways Authority reported they do not have any objections to the proposed development, subject to three conditions being implemented. These conditions related to no surface water drainage onto the highway, construction traffic and materials to be free from the highway and the use of unbound materials on car parking areas.

5.5 Private Amenity Space and Landscaping

- 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 There will be no loss to the amenity space at the rear of the property and therefore there will be no objections in relation to this.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/18/00782** – Proposed new garage. Refused - 15.08.2018.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	<ul style="list-style-type: none">• This proposal is an overdevelopment of the site.• This proposal will cause obstruction for traffic entering and exiting the road.• This proposal will cause green space to be lost.	<ul style="list-style-type: none">• Please see section 5.2.8.• Whilst the development is close to the road the Highways Authority have not objected to the proposal. Furthermore, it is considered the development would not have a detrimental impact on the flow of traffic and therefore would not warrant the refusal of the application.• Due to the site being in the ownership of the applicant the green space could be removed under permitted development.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways Authority (ECC)	<p>The Highways Authority does not object to the proposals subject to the following conditions:</p> <ul style="list-style-type: none">• No discharge of surface water from the development onto the highway.• Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/recep	See section 5.4.3

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	<p>tion and storage of building materials and maneuvering of all vehicles, including construction traffic shall be provided clear of the highway.</p> <ul style="list-style-type: none"> • No unbound material shall be used in the surface treatment of the car parking areas. 	

7.3 Representations received from Interested Parties

7.3.1 5 letters were received **in support** of the application and the reasons for support are summarised as set out in the table below:

Supporting Comment	Officer Response
Will reduce congestion on the road, ball games which have damaged cars in the past and dog fouling.	See section 5.2.12 and 5.4.2
Consider the proposal to benefit the aesthetics of the area and contribute to road safety.	See section 5.2.7 and 5.2.8
Reduced street congestion due to insufficient parking within property boundaries. Additional garage space will ensure congestion does not occur outside my property.	See section 5.4.2
Building a garage on redundant land next to 5 Tern Close answers deficiencies that appear to have been overlooked on the original application for the construction of Tern Close. The road was not designed to allow for on street parking, limiting access for refuse collection, recycling vehicles and emergency vehicles. People walking on Tern Close have to walk around parked cars and avoid moving cars.	See section 5.4.2
It would make parking easier at this end of the street. When the garage is in use it would free a parking space on the drive for visitors. As the garage is on a bend it would slow the speed of cars. Cars parked on the road is more of an obstruction that a garage on the grass.	See section 5.4.2

8. REASON FOR REFUSAL

- 1 The proposed garage by virtue of its design, scale and bulk, would represent a dominant and disproportionate addition to the site, which would be a visually intrusive addition to the street scene and an overly dominant feature within the site. Therefore the proposed development would result in demonstrable harm to both the dwelling and the locality, contrary to the National Planning Policy Framework and policies D1, H4 and S1 of the Maldon District Local Development Plan and the Maldon Design Guide.