



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

**to
SOUTH EASTERN AREA PLANNING COMMITTEE
11 FEBRUARY 2019**

Application Number	HOUSE/MAL/18/01428
Location	8 The Cobbins, Burnham-on-Crouch, Essex
Proposal	Proposed front and side extension comprising double garage, and annex with 2No. pitched roof dormers
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	13.02.2019
Case Officer	Devan Lawson, TEL: 01621 875845
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor N R Pudney Reason: Public Interest

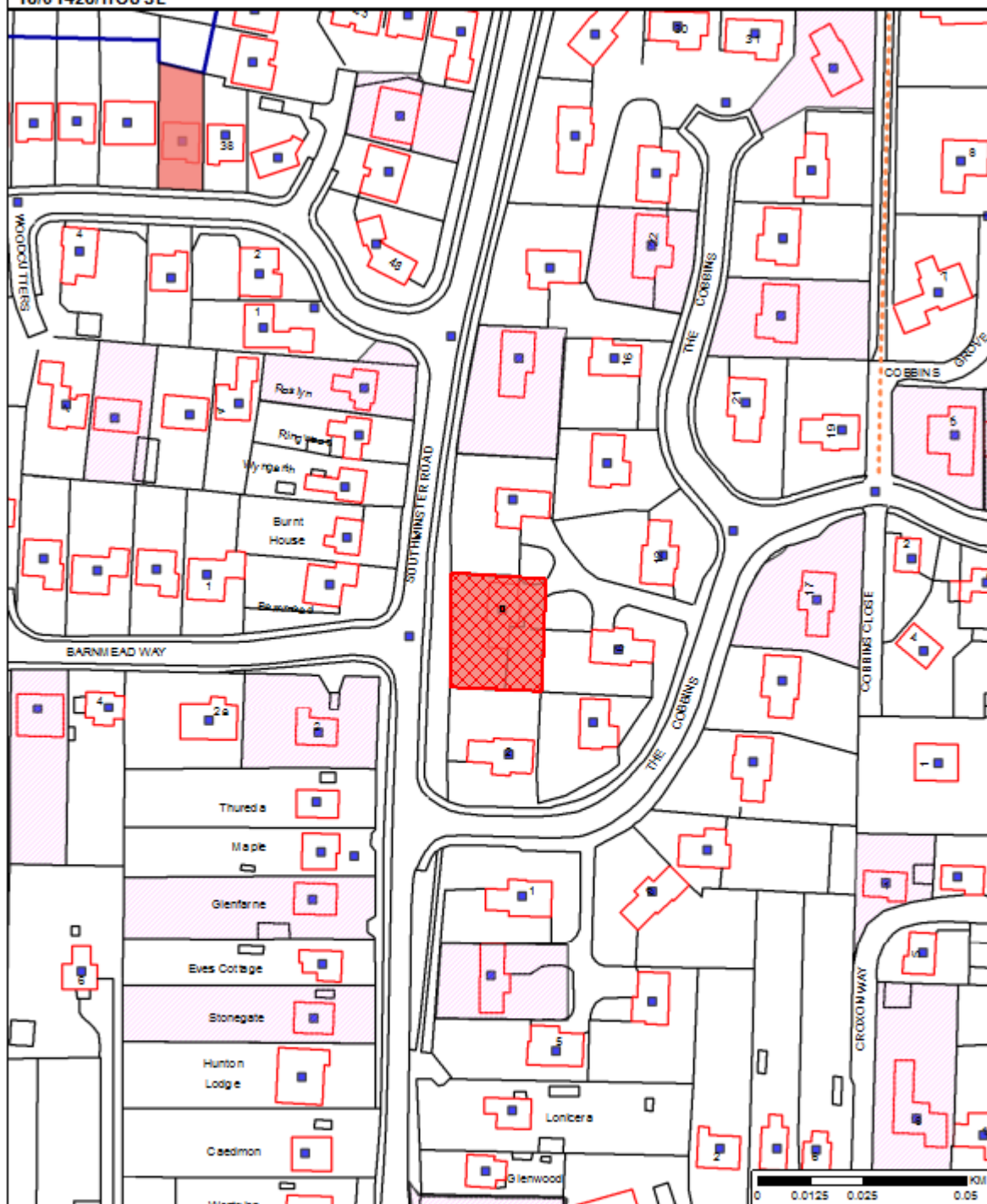
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

8 The Cobbins Burnham-on-Crouch 18/01428/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	10/01/2019
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of the cul-de-sac The Cobbins and to the east of Southminster Road within the settlement boundary of Burnham-on-Crouch. The site measures 27 metres by 23.5 metres and contains a two storey detached dwelling.
- 3.1.2 The dwelling at the site fronts The Cobbins and it is noted that a landscaped buffer exists to the west of the site that partly interrupts views of the dwelling from Southminster Road. The dwellings of the area are mostly large detached dwellings of a suburban style, positioned on good sized plots that are suburban in character, most of which feature spacing between at least one side elevation and the boundaries of the plots on which they sit.
- 3.1.3 The application proposes the erection of a two storey extension at the south side of the dwelling. The main part of the extension would measure 7 metres by 12.3 metres with a pitched roof built to a ridge height of 6.4 metres and an eaves height of 2.2 metres. The ridge would run perpendicularly to the host dwelling and would feature two dormers to the north elevation, forward of the host dwelling.
- 3.1.4 The main part of the extension would be linked to the host dwelling by a smaller extension that would measure 1 metre by 5.2 metres with an eaves height of 2.2 metres and a ridge height of 5.4 metres.
- 3.1.5 The main part of the extension would project 4.5 metres forward of the host dwelling and would be built to within 1 metre of the east boundary of the site and 1 metre of the south boundary of the site.
- 3.1.6 The materials proposed will match those of the existing dwelling.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its scale and proximity to the boundaries of the site would erode the spaciousness of the site and cause harm to the appearance and character of the site and the locality. Whilst the proposal is considered to be acceptable in all other respects, it is considered that the development would conflict with policies D1 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:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-12 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications

- 102-111 Promoting sustainable transport
- 117-118 Making effective use of land
- 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
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG)
- Burnham-on-Crouch Neighbourhood Development Plan
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending an existing dwellinghouse and erecting ancillary accommodation to provide facilities in association with the existing residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP. Other material planning considerations are discussed below.
- 5.1.2 It is a conventional expectation that annexe accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.
- 5.1.3 Justification for the proposed extension to provide annexe accommodation has been submitted with the application. The applicant has advised that the proposal is required to accommodate his elderly father and mother-in-law who require some care.
- 5.1.4 The proposed annexe accommodation would provide a bedroom and en-suite at first floor and a large area of living space at ground floor. The ground floor is accessible via a separate external door within the principle elevation of the proposed smaller extension, which will have an internal doorway into the host dwelling. There is also an external access to the first floor which the applicant advises is for fire purposes and there is an internal lift within the annexe. It has not been outlined whether the ground floor will be split into a kitchen and living area and thus whether the annexe would

provide a full suite of day to day living facilities. However, it is noted that these elements could be comfortably accommodated within the annexe. Furthermore, although not included as part of the first floor accommodation, it is noted that the proposed sail loft could be incorporated into the annexe, creating two bedrooms opposed to one. It is therefore, considered that as there is an access to the annexe which is separate to the main entrance to the dwelling and given the level of accommodation proposed, that the proposal could result in a completely separate unit of accommodation.

- 5.1.5 Notwithstanding the above, it is noted that there would be a visual and physical connection between the host dwelling and the annexe, and that the annexe would share services and amenity space with the host dwelling. Therefore, it is considered that the occupiers of the annexe would have a level of dependence on the occupants of the host dwelling and therefore, subject to a condition preventing the separation of the annexe from the host dwelling, there is no objection to the principle of development.

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 MDDG (2017).
- 5.2.5 Policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.6 The extension is considered to be a large addition to the host dwelling. Whilst being subservient in terms of height, it is considered that its projection forward of the dwelling and its span would result in the extension being of a bulk and mass that would represent a substantial addition to the host dwelling and have a substantial impact on the appearance of the dwelling.
- 5.2.7 As set out above, it is noted that the character of the area is generally defined by good-sized suburban dwellings positioned on proportionate plots that gives the area a low density and suburban character. There is a degree of spaciousness to the existing plot and the surrounding plots that is considered to be an important factor in defining the character of the area.
- 5.2.8 In the context of the above it is considered that the scale of the extension and the proximity to the boundaries of the site would cause the resultant dwelling to have a substantial impact on the character and appearance of the site and the streetscene of The Cobbins. By filling the majority of the site, it is considered that the resultant dwelling would erode the spaciousness of the site to the detriment of the character of the locality. It would not be unusual to see detached garages or extensions to the front/side part of the site and it is accepted that some form of development could occur in an acceptable manner. However, the scale and extent of the proposed development of the extension proposed by this development is not considered to be acceptable due to the significant visual impact that it would have.
- 5.2.9 It is noted that the extension to the front of the dwelling would avoid the extension having as much of an impact on the more prominent streetscene of Southminster Road to the west, but this positive aspect of the proposal is not considered to outweigh the harm that has been identified above.
- 5.2.10 The applicant has provided supporting information which refers to a number of historic applications in the local area (FULF/MAL/93/00158, FUL/MAL/95/00305 & FUL/MAL/04/00259 HOUSE/MAL/13/00055 HOUSE/MAL/11/00666, HOUSE/MAL/16/01297). Whilst full regard has been had to the wider site history within the local area, it is not considered that these examples are directly comparable to the proposal subject of this application. The examples given are somewhat different to what is being proposed here as they feature different proposals which have various designs, scales and bulk. Furthermore, each plot within the Cobbins has its own individuality and each application should be assessed on its own merits. Therefore, whilst it is acknowledged that there have been other alterations and extensions on other properties within the Cobbins, they are not directly comparable to the scale, bulk or design of this proposal and therefore, do not provide a basis for approving this application.

- 5.2.11 Having regard to the above assessment, it is considered that the development would cause material harm to the character and appearance of the existing dwelling, the streetscene and the locality in general, contrary to policies S1, 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 proposed extension would be located 1 metre from the boundary that is shared with No. 6 The Cobbins to the east. The dwelling at that site is 11.6 metres from the shared boundary. Due to the span and height of the extension and the proximity to the amenity space of the neighbouring dwelling, the extension would have an impact on the amenities of the neighbouring dwelling. However, in this case it is considered that the impact on the light received within the neighbouring property (which would only affect the amenity space and not the dwelling itself) and the outlook from within the neighbouring dwelling and its amenity space would not be harmful to an extent that would justify the refusal of the application on those grounds. The proposed dormers would be orientated away from the neighbouring dwelling and therefore not cause overlooking or a loss of privacy in a manner that would justify the refusal of the application.
- 5.3.3 To the south east of the site is No. 4 The Cobbins. The relationship between the proposed extension and the neighbouring dwelling is comparable to the other neighbour discussed above, albeit at a slightly different angle. For similar reasons it is considered that the extension would not have an undue impact on the neighbouring property.
- 5.3.4 The proposed extension would be located 1 metre from the boundary that is shared with No.2 The Cobbins to the south. The dwelling at that site is 11.1 metres from the shared boundary. Due to the height of the extension and the proximity to the amenity space of the neighbouring dwelling, the extension would have an impact on the amenities of the neighbouring dwelling. However, in this case it is considered that the impact on the light received within the neighbouring property would not be substantial as the neighbouring property is to the south and due to the separation distance. Whilst the length of the side elevation would result in the extension having a substantial and enclosing impact on the outlook from within the neighbouring dwelling and its amenity space, it is considered that the low eaves height and the separation distance from the neighbouring dwelling is sufficient to ensure that the impact on the outlook of the neighbouring property would not be harmful to an extent that would justify the refusal of the application on those grounds. No windows would face neighbouring property and there would therefore be no loss of privacy caused by the extension.
- 5.3.5 The proposed dormers would face northwards, but would be a sufficient distance from the neighbouring dwellings to the north to ensure that the overlooking of the front (largely public) amenity space is not unacceptable.

- 5.3.6 Whilst full regard has been had to the letters of objection received in relation to neighbouring amenity, based on the above assessment it is not considered that the proposal would result in demonstrable harm to the amenity of neighbouring occupiers to an extent which would warrant refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide 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 recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposal will increase the number of bedrooms within the site but not impact on the parking requirement having regard to the abovementioned standards. The proposal would include a garage parking space which would represent a net increase of parking at the site and therefore not conflict with the abovementioned parking standards.
- 5.4.4 It is noted that the applicant has expressed their intent to convert the existing garage at the site into a habitable room through permitted development. Whilst not a consideration for this application it should be noted that if this were to occur then there would still be space to the front of the dwelling and within the proposed garage to park a minimum of three vehicles.

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 MDDG 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 25 m² for flats.

- 5.5.2 The proposal would result in a loss of the rear and side amenity space. However, the remaining amenity space would be well in excess of 100m² and therefore, there is no objection in this regard.

5.6 Other Matters

- 5.6.1 The applicant has advised that the proposal is required to accommodate his elderly father and mother-in-law who require some care. They have stated that by the applicant's father and mother-in-law moving into the proposal, two homes will be released into the housing market and District Nurses will be able to attend one home as opposed to two.
- 5.6.2 Whilst the personal circumstances of the applicant are noted, it is considered that the harm on the character and appearance of the site and area that has been identified is permanent and would not be outweighed by the applicant's personal circumstances or the potential benefits to social care services or the housing market that may result from the development. The proposal must be assessed on the lifetime of the development. Consequently it is not considered that the benefits of the proposal highlighted outweigh the harm identified.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/11/00666** - Single storey garden room side extension.
Approved.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Object on the grounds of the scale/size of the proposed extension and the impact on the streetscene. The proposal could cause an increase of disturbance and parking problems through intensified use.	Discussed as far as is applicable below.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection subject to a condition	Noted

7.3 Representations received from Interested Parties

- 7.3.1 10 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
It would not respect the design scale and proportions of surrounding buildings, having a detrimental impact on their character and appearance.	Please see section 5.2
Proposal would be noticeable from neighbouring window and would increase the proximity of houses	Please see sections 5.2 & 5.3
Proposal would more than double the size of the dwelling and would be disproportionate to the land. It would set unacceptable precedent in the Cobbins.	Please see section 5.2
The proposal, by reason of its size, siting and design would represent an unreasonable form of development, detrimental to the amenities of the occupiers of adjoining residential properties by reason of its overbearing effect, increase in overlooking and loss of light.	Please see sections 5.3 & 5.2
It will create a sense of enclosure and an imposing visual impact which will be overbearing.	Please see section 5.3
There are no other dwellings of this size in the locality.	Please see section 5.2.
The applicant has said they wish to convert the garage into a bedroom which will create 7 bedrooms.	The applicant has verbally advised the Council that they will convert the garage to a habitable room under permitted development. However, this does not form part of this application.
Reduced distance between dwellings may result in future noise disturbance.	The level of noise created is not considered to be any greater than the existing. Although the built form would be closer to neighbouring dwellings that existing, the level of noise generated from a residential use is not considered to

Objection Comment	Officer Response
<p>Although no window is shown in the eastern elevation this could be inserted during construction.</p> <p>Proposal is intended as a dwelling, the private driveway serving the property was not intended to serve 4 properties. Would give scope for an 8 bedroom or separate dwelling in the future.</p> <p>Drainage and utilities will not be able to cope</p> <p>Appears to create a separate dwelling</p>	<p>be detrimental to neighbouring amenity.</p> <p>The development must be assessed against what is proposed. Conditions can be imposed to prevent any windows being inserted under permitted development rights.</p> <p>Separating the dwelling into two separate dwellings would require planning permission. The addition of one bedroom is not considered to detrimentally impact on highway safety or car parking as discussed at section 5.4.</p> <p>It is not considered the addition of one bedroom will have a demonstrable impact on drainage or utilities.</p> <p>The size, scale, bulk and appearance of the proposal is addressed at section 5.2. If the application were to be approved a condition could be applied preventing the creation of a separate planning unit.</p>

7.3.2 **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
New garage is proposed so that the old garage can be converted for my care and the annexe is to help accommodate me.	Please see section 5.6
The design included a lowered roof line and windows in a position to not cause objection.	Please see section 5.2
There will be no demonstrable harm to neighbouring properties	Please see section 5.3
Number of neighbouring properties has had similar conversions with the same intentions.	Please see section 5.2
Neighbouring gardens receive more light than this plot.	Please see section 5.3
Boundary shrubs will be maintained	Please see section 5.2

Supporting Comment	Officer Response
House is on a private road and not subject to the same restrictions as main roads.	Please see section 5.4
Proposal will free up two houses and there is a housing shortage and District nurses will be able to visit two patients at once.	Please see section 5.6
Extension is sympathetic and will enhance the value of adjoining properties. Design is aesthetically pleasing.	Please see sections 5.2 & 5.3

8. REASON FOR REFUSAL

- 1 The proposed development, by virtue of its scale and mass, projection forward of the host dwelling and proximity to the boundaries of the site, would result in a dominant addition to the application site and cause harm to the character and appearance of the host dwelling, the streetscene of The Cobbins and the locality in general. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan, policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan and the NPPF.