



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
4 MARCH 2019**

Application Number	HOUSE/MAL/19/00084
Location	9 Heriot Way, Great Totham
Proposal	Part conversion and extension of existing garage to provide ancillary accommodation
Applicant	Mr. & Mrs. Darren & Karen Newman
Agent	Mr. Mark Crocker
Target Decision Date	21/03/2019
Case Officer	Emma Worby
Parish	Great Totham
Reason for Referral to the Committee / Council	Member Call In: Councillor D Sismey Reason: Public interest

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

9 Heriot Way, Great Totham



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments:</p>	<p>Date: 07/02/2019</p>
	<p>MSA Number: 100018588</p>	

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the north western side of Heriot Way, a cul-de-sac off Walden House Road in the settlement boundary of Great Totham. The site is occupied by a two storey detached dwellinghouse with a semi-detached garage to the north east with a single storey rear projection to accommodate an extended garage/office. This garage is attached to the neighbouring garage which is owned by No.8 Heriot Way. To the front of the property is currently space to park three vehicles.
- 3.1.2 Planning permission is sought for the side extension of the existing rear projection on the garage and the addition of a first floor to create ancillary living accommodation. This would accommodate a sitting room, hallway and stairwell on the ground floor and a landing, bedroom and bathroom on the first floor. Kitchen/dining facilities would be shared with the main dwelling. The south eastern part of the building would remain as a garage with a reduced depth of 4 metres. The existing door on the south west elevation would remain and would provide access to both the garage and the ancillary living accommodation.
- 3.1.3 The side extension would have a width of 1.57 metres and a depth of 6 metres with an additional window and patio doors in the ground floor south west elevation.
- 3.1.4 The first floor extension would be located above the existing single storey rear projection and the proposed side extension with a width of 4.6 metres and a depth of 6 metres. Its roof would extend from the existing pitched roof above the existing garage section of the outbuilding by 0.85 metres to form a gablet on the front elevation of the outbuilding. The overall ridge height of the building would be 5.8 metres with the eaves on the south west elevation at a height of 2.8 metres and the eaves on the north east elevation at a height of 4.1 metres.
- 3.1.5 There are two pitched roof dormers proposed on the south west elevation. One a dormer window with a height of 2.6 metres, a depth of 3.2 metres and a width of 2.8 metres to serve the bedroom and one dormer without a window with a height of 1.9 metres, a depth of 3.2 metres and a width of 1.7 metres to serve the bathroom. The dormer without a window would have a roundel on the front elevation.
- 3.1.6 The proposed materials would be brown concrete roof tiles, brick and unpainted-render walls and brown uPVC windows and guttering.

3.2 Conclusion

- 3.2.1 It is considered that the design, scale and visual impact of the proposed development would be an incongruous addition to the existing outbuilding which would result in a visually intrusive feature within the site and locality.
- 3.2.2 It is therefore considered that the proposed development would result in demonstrable harm to both the dwelling and the locality and is consequently not in accordance with policies D1, S1 and H4 of the approved 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
- 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)
- Essex Design Guide
- Maldon District Design Guide (MDDG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of undertaking works to an outbuilding within the curtilage of a dwellinghouse and of providing facilities that are ancillary to residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.1.2 The proposed residential accommodation would contain a living room, bedroom and bathroom but not a kitchen. Therefore, the users would be expected to share the kitchen/dining facilities in the main dwellinghouse. It is not considered that this would be in excess of what can be considered to be ancillary accommodation and due to this, its location within the residential curtilage of the main dwelling and its attachment to the existing garage/store, it would be unlikely to be usable as a self-contained dwelling. Therefore, the principle of ancillary accommodation is acceptable in this instance.

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 The proposed development is located to the rear of the existing garage which is to the north east of the main dwelling. However, as it would project 0.85 metres above the existing roofline and would extend out 1.57 metres from the south western elevation, it would be partially visible in the public realm. Therefore, the proposed development would have an impact on the streetscene and the character of the area.

5.2.6 From the front (south east) elevation of the property the raised roof height would be visible above the exiting pitched roof of the garage in the form of a small gablet. This would significantly change the appearance of the front elevation of the garage and

would result in a rather contrived and incongruous roof form which would not be in keeping with the existing form of development. This additional roof form would be exacerbated by the varying eaves heights on either side elevation of the proposed first floor extension which differ by 1.3 metres, however this would only be visible from the rear of the property and therefore would have no impact on the streetscene.

- 5.2.7 The proposed dormers, with a maximum depth of 3.2 metres, would appear overly large on an outbuilding which has a relatively small footprint. The height of the larger of the two dormers would match the overall ridge height of the first floor extension and would result in the dormer being a dominant and disproportionate addition to the main part of the outbuilding, with the overall building appearing top-heavy. Furthermore it is considered that the difference in size between the two dormers would create an unsymmetrical elevation, with the mismatch dormers becoming visually intrusive additions to the roof of the proposed extension. Although drawn particularly faintly on the submitted plans, the proposed front elevation demonstrates that the side of the dormer would be visible from the front of the property and its large scale would therefore be noticeable within the public realm.
- 5.2.8 Although the side extension is set back 5 metres from the front elevation of the garage, due to its height, it would still be visible in the gap between the garage and the main dwelling. The eaves height of this part of the extension would be 2.8 metres, whereas the eaves height of the main part of the garage is 2.2 metres. This difference of 0.6 metres would result in a proposed development which does not align with the existing garage outbuilding. Although the setback location from the front elevation would reduce its impact on the streetscene, it is considered that the design of the proposed side extension would look out of keeping with the existing building and therefore would add to the visually intrusive impact of the overall proposed development.
- 5.2.9 The roof link between the existing garage roof and the proposed side extension adds a further eaves level to the development which is considered to appear awkward and would add to the contrived appearance of the overall building.
- 5.2.10 Overall, the proposed extension is considered to be an incongruous addition to the existing outbuilding and would detract from the appearance of the existing site thereby being materially harmful to the character and appearance of the streetscene and the locality, contrary to policies 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 four neighbouring properties. No.8 Heriot Way to the north east, No.10 Heriot Way to the south west, No.36 Harvey Road to the north west and Conrad, Walden House Road to the north.
- 5.3.3 The proposed development would sit adjacent to the boundary with No.8 Heriot Way as the existing outbuilding is adjoined to the double garage on this neighbouring site.

The main north western elevation of the existing rear projection is 0.3 metres from the boundary to allow for the overhang of the eaves. The proposed first floor extension would be directly above the existing rear projection and therefore would also be 0.3 metres from the boundary of No.8 Heriot Way. The ridge height of the rear projection would increase by 1.9 metres with the addition of the first floor resulting in a large and expansive two storey wall adjacent to the neighbouring boundary. However the garage is located between the proposed development and the dwelling at No.8, and the dwelling at this neighbouring site would be approximately 7 metres from the proposed development. Therefore it is not considered that the first floor extension would have an overbearing impact on this neighbouring property. Furthermore, no windows are proposed facing this neighbouring property and therefore it is not considered that it would result in any overlooking or loss of privacy. It is unlikely that the side extension would be visible from the dwelling at No.8 and therefore, this part of the proposed development would have no impact on this neighbouring property.

- 5.3.4 The proposed development would be approximately 13 metres from the boundary with No.10 Heriot Way, with the dwelling approximately a further 8 metres from this boundary. Due to this distance, it is not considered that the proposed development would have an overbearing impact on this neighbouring property. There is one first floor window proposed on the south western elevation of the proposed extension, which would face No.10. However, this window would face the front driveway of the neighbouring property and therefore would not result in a loss of privacy to this neighbouring site that would justify refusal on those grounds.
- 5.3.5 The proposed development would be approximately 5.3 metres from the boundary with the property known as Conrad on Walden House Road. Due to the change in ground levels, this site is at a significantly higher level than the application site and a large outbuilding is located between the two neighbouring dwellings. Therefore, it is not considered that the proposed development would impact upon this neighbouring property by way of loss of light or overlooking.
- 5.3.6 The proposed development would be approximately 10 metres from the boundary with No.36 Harvey Road. Similarly to Conrad, due to the change in the ground levels No.36 is at a much higher ground level than the application site. Therefore, due to this change in ground level and the separation distance, it is not considered that the proposed development would impact upon this neighbouring property by way of loss of light or overlooking.
- 5.3.7 Therefore, 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 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 proposed development would include an additional bedroom on the site. Although the amount of bedrooms within the main property is unknown, there is currently off road parking provision for three vehicles to the front of the dwelling and therefore would be in accordance with the requirement for a dwelling with four or more bedrooms.
- 5.4.4 The existing garage would be reduced in depth to accommodate the additional living space and therefore would not be in accordance with the internal dimension requirement stated in the SPD. However as there is sufficient car parking to the front of the property, the loss of a usable garage is not considered to be a reason for refusal.

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 25m² for flats.
- 5.5.2 The proposed development would result in the loss of approximately 9.5m² of private amenity space at the application site. The remaining garden would be well in excess of the requirement within the SPD and therefore there are no objections with regard to loss of private amenity space.

6. ANY RELEVANT SITE HISTORY

- **18/01435/HOUSE** – Part conversion and extension of existing garage to provide ancillary accommodation – Refused.

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	No response	N/A

7.2 Representations received from Interested Parties

7.2.1 2 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
<ul style="list-style-type: none"> - No objection to the proposal. - Proportionate and in keeping with the locality. - Impact on the streetscene by the proposed dormers is immaterial. - Increased roofline will not impact on the local area. - Good design. 	Comments noted. Design and impact on the character of the area is discussed in section 5.2 of this report.

8. REASON FOR REFUSAL

1 The proposed extension, by virtue of its design, scale and visual impact, would represent an incongruous and disproportionate addition to the existing outbuilding which would be a visually intrusive feature within the site and the locality. Therefore the proposed development would result in demonstrable harm to both the application site and the locality and would be contrary to the National Planning Policy Framework and policies D1, H4 and S1 of the approved Maldon District Local Development Plan and the Maldon District Design Guide.