



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

to
**CENTRAL AREA PLANNING COMMITTEE
20 MARCH 2019**

Application Number	HOUSE/MAL/19/00020
Location	50 Victoria Road, Maldon
Proposal	Loft conversion with rear dormer, raising part of the party wall, proposed side window, internal alterations, refurbishment of ground floor front windows, and replacement of all other windows. Alterations to the fenestration apertures to the rear elevation.
Applicant	Mr Timothy Lloyd
Agent	Mr Robert Turner – Robert Turner Associates
Target Decision Date	22.03.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by: Councillor Rev A E J Shrimpton Reason: Public interest

1. **RECOMMENDATION**

APPROVE subject to the conditions (as detailed in Section 8 of this report).

2. **SITE MAP**

Please see overleaf.

19/00020/HOUSE
50 Victoria Road, Maldon



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	25/02/2019
	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 north east of Victoria Road, within the settlement boundary and conservation area of Maldon. The application relates to a two storey semi-detached dwelling. The surrounding area is residential in nature with properties of a similar design. There is a block of flats opposite the application site.
- 3.1.2 Victoria Road is covered by an Article 4 direction, which removes permitted development rights for the replacement of windows and doors in an elevation of any dwellinghouse fronting a highway or open space. This is intended to maintain the original style and materials of the windows and doors.
- 3.1.3 Planning permission is sought for a loft conversion with a rear dormer, a front rooflight, the installation of a new side window, the refurbishment of the front windows and the replacement of the rear windows. There will be new ground floor double doors and a first floor Juliet balcony on the rear elevation.
- 3.1.4 The rear dormer will measure 2.2 metres wide, 2.1 metres high and 2.1 metres deep. It will be made of lead and slate. It is also proposed to raise the party wall by 0.7 metres between the dwelling on the application site and the adjoining neighbour to the southeast.
- 3.1.5 One rooflight will be installed on the front roof slope.
- 3.1.6 There will be a Juliet balcony on the rear elevation at first floor level. A ground floor rear window will be removed and the existing ground floor double doors on the rear elevation will be repositioned.
- 3.1.7 The side and rear windows will be made of PVCu, the ground floor front windows will be refurbished with secondary glazing added, and the first floor front windows will be replaced with double glazed units with a timber casement and vertical sliding sashes.
- 3.1.8 There are also proposed alterations to the internal layout. However these do not require planning permission.
- 3.1.9 It is noted that this application is a resubmission of a previously refused application, HOUSE/MAL/18/01021. The reason for refusal was:
- ‘The proposed rear dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the surrounding conservation area. The proposal is therefore contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’*
- 3.1.10 The amendments under this application relate to the dormer being of a smaller size and design. The party wall is also being raised and the side window is a slightly different design. All other elements have not changed from the previous application.

3.2 Conclusion

- 3.2.1 It is considered that the proposal would not result in detrimental harm to the character and appearance of the site or the surrounding area. Furthermore, the proposal would not have a harmful impact on the residential amenity of neighbouring occupiers, parking provision or private amenity space. The proposal is therefore considered to have overcome the reasons for refusal in the previous application and is considered to be in accordance with policies H4, D1 and D3 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework.

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
- 184-202 Conserving and enhancing the historic environment

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Car Parking Standards
- Maldon District Design Guide (MDDG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal.

- 5.2.6 Victoria Road forms part of the Maldon Conservation Area and is characterised by two storey, detached and semi-detached dwellings most of which date back to late 19th and early 20th century. The dwellings within the vicinity of the site are of a similar architectural style. In addition, the road is covered by an Article 4 direction, intended to maintain the original style and materials of the windows and doors.
- 5.2.7 The dormer window has been reduced in size from the previous application, in particular by 1.8 metres in width and the flat roof style has been changed to a pitched roof. In terms of scale and appearance, it is considered to be an acceptable addition as it is more in keeping with the style and design of the existing dwelling than the previous design. The materials of slate and lead are also considered to be sympathetic to the conservation area. This is supported by the Council's Conservation Officer subject to the condition that drawings of the front windows illustrating elevations will be submitted for approval prior to their installation.
- 5.2.8 The proposed dormer would not be highly visible from within the public realm. It would be partially visible from neighbouring gardens. However it is considered that the smaller pitched roof dormer and use of sympathetic materials would not detrimentally harm or erode the traditional architectural character of this part of the conservation area. Therefore the proposed dormer is considered to effectively preserve the special character and appearance of the conservation area. This has been considered and supported by the Council's Conservation Officer who has raised no objections.
- 5.2.9 The installation of the roof light on the front roof slope is not considered to cause demonstrable harm to the character and appearance of the conservation area, in particular as there is an existing roof light on the front roof slope. Furthermore, this could be undertaken under permitted development and therefore it would be unreasonable to object to this element of the proposal.
- 5.2.10 It is proposed to refurbish the ground floor front windows and add secondary glazing. It is also proposed to replace the first floor front windows with double glazed units with a timber casement. This is considered to be in keeping with the character and appearance of the dwelling and would represent an enhancement from the existing windows.
- 5.2.11 The rear windows will be replaced by PVCu windows and a new first floor side PVCu window will be constructed. Although the use of PVCu is not considered to be entirely in keeping with the character and appearance of the surrounding area, as it will only feature on the side and rear elevations, it will not be highly prominent within the streetscene. In relation to the side window, there will only be views of this window from directly opposite the property, as the neighbouring dwelling is located within a close proximity, 1.5 metres, from the side elevation in which the window will be located. Therefore, the impact of the use of PVCu is not considered to detrimentally impact on the character and appearance of the dwelling or the conservation area to an extent that would warrant the refusal of the application.
- 5.2.12 It is proposed to replace the existing first floor rear window with a Juliet balcony. A ground floor rear window will be removed and glazed double doors will be installed at ground floor level. These additions and alterations are considered to be acceptable. They are located on the rear and would therefore have a limited impact on the

streetscene, and would not cause detrimental harm to the character and appearance of the existing dwelling or the conservation area to an extent that would justify the refusal of the application.

- 5.2.13 In terms of proposed materials, there is no objection to any of these. There are also no objections to the internal alterations as they do not require planning permission.
- 5.2.14 Overall, the proposal is considered to have overcome the concerns raised in the previous application. The development is therefore considered to be in accordance with policies D1 and D3 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 neighbouring dwelling to the south east, No.48 Victoria Road, abuts the boundary with the dwelling on the application site. The dormer will abut the boundary with the neighbour. There will not be any windows facing the neighbour. There may be some views of the neighbouring garden from the dormer window, and also from the proposed Juliet balcony. However these are not considered to be materially different from the existing first floor windows and therefore this does not warrant the refusal of the application. The party wall will be raised 0.7 metres along the boundary between the dwelling on the application site and the neighbour, No.48 Victoria Road. This will shield most of the dormer from view from the neighbouring site. The raising of the party wall is not considered to harm the residential amenity of the neighbour to the south east, in terms of overshadowing, to an extent that would justify the refusal of the application.
- 5.3.3 The neighbouring dwelling to the North West, No.52 Victoria Road, is located 0.6 metres from the shared boundary and 1.5 metres from the dwelling on the application site. The proposed window at first floor level on the North West side elevation will face the side elevation of the neighbouring dwelling, where there are no windows, and will be obscure glazed and therefore this would not have a harmful impact on the residential amenity of the neighbouring dwelling. The proposed dormer and Juliet balcony may have some views of this neighbouring site, but they would not be materially different to the views from the existing windows. Therefore, the proposal will not result in a loss of privacy to an extent that would justify the refusal of the application.
- 5.3.4 The dwelling on the application site is located 19.5 metres from the rear boundary. Any outlook from the proposed dormer window and Juliet balcony are not considered to be materially different from the existing first floor windows and will therefore not result in a detrimental impact by way of overlooking.
- 5.3.5 The dwellings across Victoria Road are located a minimum of 14.5 metres from the front boundary of the application site. Due to the distance between these dwellings and the application site, the proposed developments will not have a demonstrable impact on the neighbours to the south west.

- 5.3.6 All other dwellings are located at a distance where the proposal will not impact on their residential amenity.
- 5.3.7 It is consequently considered that the development would not detrimentally impact upon the residential amenity of neighbouring occupiers and therefore the proposal is in accordance with this aspect of policy 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 dormer will add one bedroom to the dwelling, increasing the number of bedrooms from two to three. The site currently has no off-street parking. However the number of parking spaces required for a two or three bedroom dwelling does not increase and therefore there is no objection to the dormer in relation to parking or highway safety.
- 5.4.4 A wall is being built in the bathroom at first floor level, to divide this into two rooms and create a study. It is noted that this study could be converted into a bedroom at a later date. However the subdivision of the existing bathroom does not require planning permission as it only relates to internal works and therefore there is no objection to this element of the proposal in terms of parking provision.
- 5.4.5 The proposal is not considered to result in a detrimental impact on parking provision or highway safety to an extent that would justify the refusal of the application.

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 100 square metres of private amenity space for dwellings with three or more bedrooms, 50 square metres for smaller dwellings and 25 square metres for flats.
- 5.5.2 The rear garden measures 130 square metres. The proposed developments will not reduce the amount of private amenity space and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/18/01021** - Loft conversion with rear dormer, front roof light, install side window, internal alterations and replacement of existing windows. Alterations to the fenestration apertures to the rear elevation including Juliet balcony and new ground floor window. Refurbish ground floor windows and add secondary glazing, and replace first floor windows with double glazed timber units. – Refused

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 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No. 50 is a relatively unaltered and typical example of the houses which characterise this part of the conservation area. It makes a positive contribution to this part of the Maldon Conservation Area. The main problem with the previous application was the scale and design of the dormer. In the revised scheme, the dormer is smaller and has a pitched roof. This scheme is	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	<p>more in keeping with the character of the area.</p> <p>No objection to the reinstatement of timber sash windows on the front elevation at first floor level.</p> <p>No objection subject to a condition regarding large scale drawings of the front windows.</p>	

7.3 No representations have been received for this application.

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
REASON To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: 583/03 A, 583/04 A, 583/01 Rev C1, 583/02 Rev C3.
REASON To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the development hereby approved shall be as set out within the application form/plans hereby approved.
REASON In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.
- 4 Prior to the installation of the front windows, large scale drawings on the front windows illustrating elevation at 1:20 and the section profile of glazing bars, heads and rails at 1:2, shall be submitted to and approved in writing by the Local Planning Authority.
REASON In the interest of the character and appearance of the area in accordance with policies D1 and D3 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.