



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
8 APRIL 2019**

Application Number	HOUSE/MAL/19/00116
Location	8 The Cobbins Burnham-on-Crouch
Proposal	Proposed detached double garage with room within roof with 2 No. pitched roof dormers.
Applicant	Mr & Mrs Lambert
Agent	Mr Ashley Robinson
Target Decision Date	28.03.2019
Case Officer	Devan Lawson
Parish	BURNHAM-ON-CROUCH NORTH
Reason for Referral to the Committee / Council	Member Call In by:Councillor Peter Elliot Reason: Public Interest

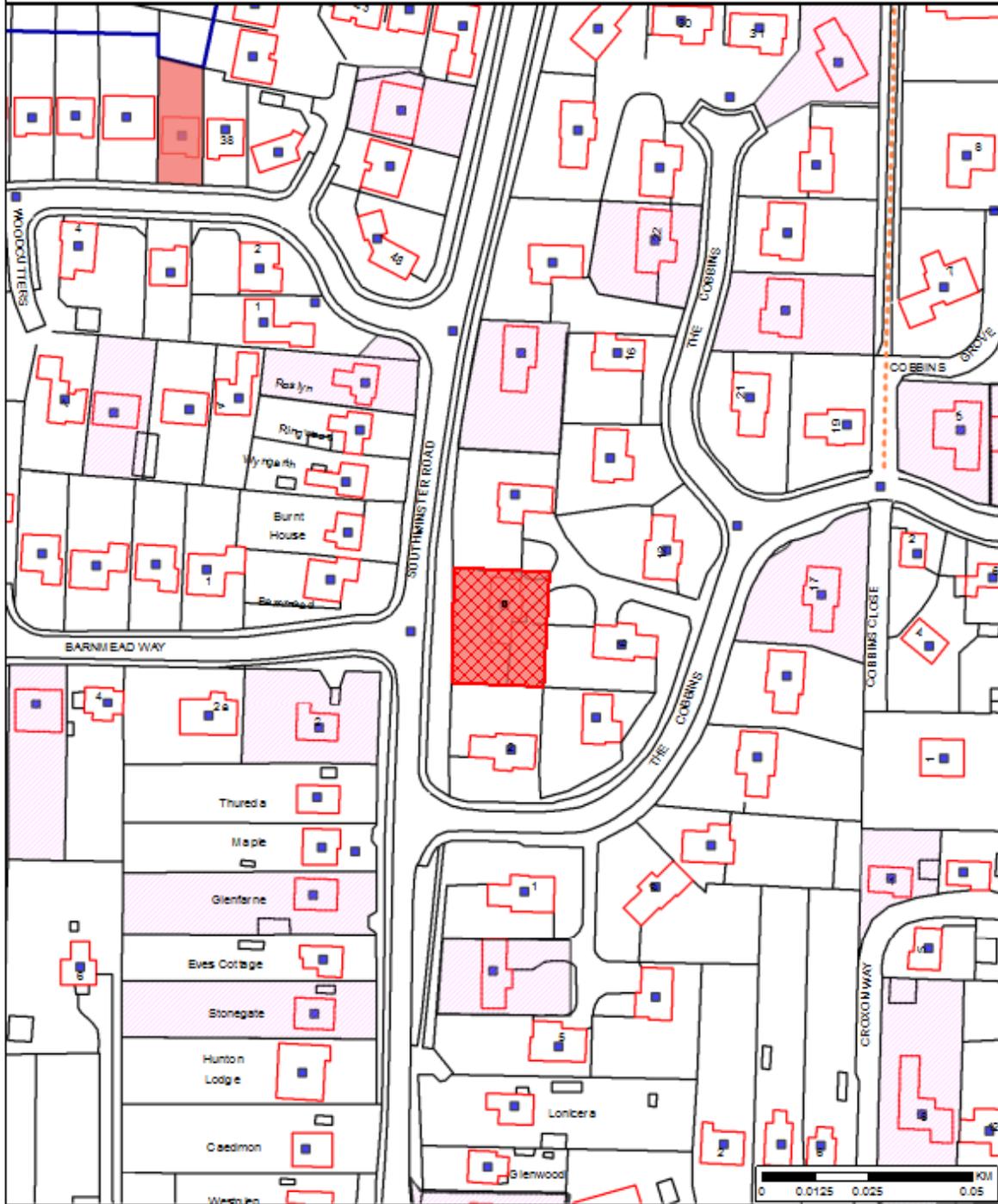
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

8 The Cobbins Burnham-on-Crouch
19/00116/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	18/03/2019
	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 large detached garage, with two west facing dormers in the principal roofscape. The proposed garage would measure 6.9m in width and 7.4m in depth. It would have an eaves height of 2.3m and a ridge height of 6.4m. In addition to the two dormer windows, the principal elevation would feature a singular garage door with a width of 5.2m and a standard entrance door at the southern end of the elevation which would provide access to the first floor via an internal staircase.
- 3.1.4 Internally the ground floor would provide garage space, and a sail loft would be provided at first floor, which would be separated from the staircase by a landing and doorway.
- 3.1.5 The garage would be situated forward of the host dwelling, projecting 6.7m further forward than the principal elevation of the host dwelling. The garage would be separated from the host dwelling by 1m to the south.
- 3.1.6 The materials proposed will match those of the existing dwelling.
- 3.1.7 The application represents a revision to a previous application (HOUSE/MAL/18/01428) which sought planning permission for a front and side extension that comprised of a double garage and an annexe with 2No. pitched roof dormers. The application was subsequently withdrawn before the application was determined. However, the application was included on the South Eastern Area Planning Committee Agenda for 11th February 2019. The report for the application, published within the agenda for that meeting, highlighted concerns with the proposal and recommended it for refusal for the following reason:

'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.'

- 3.1.8 In response to this the subject of this application relates to the garage only and has omitted that side extension from the proposal. Therefore, creating a detached garage building.

3.2 Conclusion

- 3.2.1 It is considered that the proposed garage building, 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
- 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 constructing a garage in association with the residential use at the site is considered acceptable, in compliance with policy D1 of the approved Maldon District Local Development Plan (MDLDP). Other material planning considerations are discussed below.

5.1.2 It is noted that a letter of objection has been received which raises concern that the garage could be converted into living accommodation in the future. Unlike the previous application, no habitable accommodation is shown on the submitted plans. Each application has to be assessed based on what is being proposed at that time and therefore, the Council cannot speculate the applicant's future intentions. However, a condition could be imposed which ensures that the garage is only used for purposes incidental to the enjoyment of the dwellinghouse. Therefore, the provision of habitable accommodation would need to be subject to a further planning application.

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 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 proposed garage is considered to be a large addition to the application site as a result of its mass, bulk and siting. Whilst being subservient to the host dwelling in terms of height, it is considered that the projection of the garage forward of the dwelling and the minimal visual separation between the garage and the host dwelling, particularly when viewing the development from within The Cobbins, where the built form would appear continuous would result in a substantial impact on the character and appearance of the site by introducing a large bulk and mass of development which would appear cramped in relation to the host 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 garage and the proximity to the northern and eastern boundaries of the site and the dwelling would have a substantial impact on the character and appearance of the site and the streetscene of The Cobbins. By filling the majority of the space to the front of the dwelling, it is considered that the garage would erode the spaciousness of the site to the detriment of the character of the locality.
- 5.2.9 Whilst the side extension from the previous application has been omitted from the proposal, which does reduce the scale and bulk of the proposed development, the amendments are not considered to overcome the significant visual impact that the proposal would have on the character and appearance of the site as the element that has been omitted would not have been as visible from within the public realm. Furthermore, as there is no separation between the garage and the host dwelling, other than the garage being set back 1m further than the southern elevation of the property, and that the two dormer windows in the western roofscape are still proposed, the proposal would still appear as a substantial residential extension to the host dwelling, rather than a subordinate outbuilding. Therefore, it is not considered that the alterations to the scale and extent of the proposal are sufficient in overcoming the previously identified harm.
- 5.2.10 As noted within the previous report, 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 garage and its residential appearance is not considered to be acceptable due to the significant visual impact that it would have.

- 5.2.11 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.
- 5.2.12 Whilst full regard has been had to the wider site history within the local area (including applications FUL/MAL/93/00158, FUL/MAL/95/00305 & FUL/MAL/04/00259, HOUSE/MAL/13/00055, HOUSE/MAL/11/00666,HOUSE/MAL/16/01297), 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.
- 5.2.13 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 garage building 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 building and the proximity to the amenity space of the neighbouring dwelling, the garage building 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 building 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 proposed development would not have an undue impact on the neighbouring property.

- 5.3.4 The proposed garage building 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 proposal and the proximity to the amenity space of the neighbouring dwelling, the building 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 proposal would result in a sense of enclosure and reduced outlook from within the neighbouring dwelling and its amenity space, it is considered that the siting of the proposal to the southeastern corner of the site, the length of the building which would span less than half the width of the neighbouring garden, 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 the neighbouring property and there would therefore be no loss of privacy caused by the garage building.
- 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 letter 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 not increase the number of bedrooms within the site and would provide a garage which could accommodate one vehicle. Whilst it is noted that the overall dimensions of the garage are 6.9m by 7.4m, due to the provision of the internal staircase, the parking area is reduced to a width of 5.2m which is only wide enough to park one vehicle as stated within the adopted Vehicle Parking Standards. The Councils Building Control records also show that the existing integral garage at the site is to be converted into habitable accommodation. Nevertheless, in addition to the space provided within the proposed garage there is also sufficient space to park two cars to the front of the proposed garage building. Therefore, 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 front/side amenity space. However, the remaining amenity space would be well in excess of 100m² and therefore, there is no objection in this regard.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/11/00666** - Single storey garden room side extension. Approved.
- **HOUSE/MAL/18/01428**- Proposed front and side extension comprising double garage, and annex with 2No. pitched roof dormers. Withdrawn

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	Support	Noted

7.2 Statutory Consultees and Other Organisations

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

7.3 Representations received from Interested Parties

7.3.1 11 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
Height and position will be detrimental to neighbouring amenity by resulting in a sense of enclosure and being overbearing.	Addressed at section 5.3 Addressed at section 5.1
The provision of dormer windows is unnecessary unless the owners intend to convert it into living accommodation in the future	Each application must be assessed on its own merits and what is being proposed at the time of the application only.
Proposal will set a precedent for further inappropriate developments in the future.	Each application must be assessed on its own merits and what is being proposed at the time of the application only.
The applicant plans to splitting the house into two separate houses	Each application must be assessed on its own merits and what is being proposed at the time of the application only. However, as stated at section 5.1 any concerns regarding the subdivision of the plot or the conversion to habitable accommodation can be addressed via a condition.
There would be insufficient parking	Addressed at Section 5.4
Proposal is not in keeping with the original estate, the open design and layout with considerable space between boundaries.	Addressed at Section 5.3
A two storey garage would be out of place. Only two other houses have detached garages which are single storey and are not visible from the road. They do not have rooms above or windows.	Addressed at Section 5.3
Proposal does not relate to or mirror neighbouring dwellings particularly No. 10 The Cobbins as suggested.	Addressed at Section 5.3
The application form states that pre-application advice has been sought from MDC and that the proposal was deemed acceptable. It was also stated that in consultation with the neighbours and parish, the reduction of the previous	It is not possible to comment on whether pre-application advice has been sought from the Council as it is a confidential service. The objectors comments regarding the

Objection Comment	Officer Response
<p>application (18/01428/HOUSE) which have been made was deemed entirely reasonable. This consultation has not taken place to the objector's knowledge.</p> <p>There are three trees adjacent to the boundary fence shared with 4 The Cobbins which will be affected.</p> <p>The dates in boxes 12 and 13 of the application appear to be incorrect.</p> <p>There should be no more than 20 dwellings per hectare.</p>	<p>lack of neighbouring consultation is noted. However, the applicant is not required to carry out consultations and the Local Planning Authority has ensured that those who should be consulted on the proposal have been.</p> <p>It is not considered that there are any trees of particular amenity value that would be affected by the development.</p> <p>The applicant/agent has been contacted to address this and to provide a revised form.</p> <p>The development does not propose an increase in dwelling numbers.</p>

8. REASON FOR REFUSAL

- 1 The proposed development, by virtue of its scale and mass, siting 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 site, 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.