



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

---

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

<b>Application Number</b>	<b>HOUSE/MAL/19/00122</b>
<b>Location</b>	Oakleigh 48 Mountview Crescent St Lawrence
<b>Proposal</b>	Extensions and alterations to existing bungalow to convert to a chalet style property
<b>Applicant</b>	Mr and Mrs Lear
<b>Agent</b>	Elisa Hampson – E.H Planning Services
<b>Target Decision Date</b>	EOT 09.04.2019
<b>Case Officer</b>	Devan Lawson
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In by: Councillor Mrs P A Channer Reason: Local Knowledge and Public Interest

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Oakleigh 48 Mountview Crescent**  
19/00122/HOUSE



 <p><b>Copyright</b> For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p> <p>www.maldon.gov.uk</p>	Scale:	1:2,500
	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	22/03/2019
	MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The application site is situated on the eastern side of Mountview Crescent, within the defined settlement boundary of St Lawrence. The application site is occupied by a detached single storey dwelling. Mountview Crescent is a private road and the prevailing pattern of development mainly consists of residential dwellings fronting the road in a linear fashion. The dwellings within the locality are eclectic in terms of scale and style. There is an area of hardstanding to the front of the host dwelling, which is currently used for parking vehicles. The entrance to No.48 is situated to the south of the site.

3.1.2 The private amenity space of the application site is in the form of a private garden located to the rear of the property. The application site shares a common boundary with properties No.46 to the south and No.50 to the north.

3.1.3 Planning permission is sought for a number of alterations and extensions to the property to convert it from a bungalow to a chalet style dwelling. The proposal will provide a living room, kitchen/dining area, a utility room, study and an integral garage at ground floor and four double bedrooms, one with an en-suite and a bathroom at the first-floor level. The alterations and extensions consist of:

- A first-floor extension, which will increase the eaves height of the building from 2.4m to 2.9m and the ridge height from 5.3m to 7.4m
- A dormer window is proposed on the principal roof scape, towards the southern side of the dwelling. It will project 3.9m from the roof scape, will be 2.2m wide and 2.4m in height.
- A front gable extension, which will project 2.2m from the front elevation and would be a width of 3.6m at ground floor and 4.9m at first floor. At ground floor there will be an undercroft area providing cover over the front door. The extension will have an eaves height of 4.6m and a ridge height of 7.1m.
- A rear dormer window is proposed, measuring 2.7m wide, 2.8m in height and will project 3.2m from the roof scape towards the southern side of the dwelling.
- A part single storey, part two storey rear extension. The single storey element will have a flat roof with a glass roof lantern. To the top of the flat roof will measure to a height of 2.9m and to the top of the roof lantern will be 3.6 in height. It will have a depth of 3.9m and a width of 4.6m.
- The two storey element will have a gable roof with an eaves height of 4.6m and a ridge height of 6.8m. It will have a depth of 3.9m and a width of 4.3m.
- It is also proposed to make changes to the fenestration and to insert new openings.
- The materials proposed consist of brick and cream render.
- The resulting dwelling would have a maximum height of 7.4m, a maximum width of 9.6m and a maximum depth of 16m including the two storey front projection. However, the majority of the dwelling would have a depth of 13.8m.

- 3.1.4 The application follows the refusal of four other applications HOUSE/MAL/16/00186, HOUSE/MAL/16/01444, HOUSE/MAL/17/01188 and HOUSE/MAL/18/00226. The most recent application HOUSE/MAL/18/00226 was refused for the following reason:

*‘The proposed development, due to its poor and incongruous design, scale and bulk is considered to result in an unacceptable form of development of demonstrable harm to the detriment of the character and appearance of the dwelling and would result in a visually inharmonious and conspicuous form of development within the streetscene. The proposal is therefore unacceptable and contrary to policies D1 and H4 of the Maldon District Local Development Plan and guidance contained within National Planning Practice Framework.’*

- 3.1.5 The proposal has been largely redesigned following the previous reason for refusal. The main changes are considered to be:

- Omission of the full width dormer windows in place of single gable dormers and gable projections on both the front and rear elevations.
- The two storey rear and side projections ‘step in’ from the side elevations rather than ‘stepping out’ at the rear
- The addition of the undercroft area.
- The main part of the dwelling has been reduced in depth from 14.7m to 13.8m. The depth of the southern elevation however including the two storey front projection, has increased to 16m.
- The width has been reduced from 10.5m to 9.5m.

## **3.2 Conclusion**

- 3.2.1 It is considered that the proposed development, by means of its style and design, including its scale and siting, is acceptable in its setting and will not have a detrimental impact on the character and appearance of the dwelling or the locality. In addition, the proposal is not considered to represent an unneighbourly form of development and would not have an overbearing impact on the amenity of the neighbouring residents. In addition, the site provides sufficient amenity space and parking provision. It is therefore considered that the proposed development is in accordance with policies S1 and D1 of the Local Development Plan (LDP) and has overcome the previous reason for refusal.

## **4. MAIN RELEVANT POLICIES**

Members’ attention is drawn to the list of background papers attached to the agenda.

### **4.1 National Planning Policy Framework 2019 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 (MDDG) 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 extending and altering 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.

5.1.2 As part of the previous application it was considered due to the extent of demolition required that the works proposed went beyond an extension and resulted in the proposal being a replacement dwelling. The supporting statement submitted as part of this application states that the applicant is going to continue to live in the dwelling whilst the works take place and that the existing walls are going to be retained and structurally improved with new installation. Having regard to this and having assessed the existing and proposed plans, it is considered that the demolition proposed is now much less than what was previously put forward and therefore, the application can be considered under Householder 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 The proposed alterations and extensions as a result of their cumulative scale and bulk are considered to be large additions to the site as the proposal will involve raising the height of the dwelling to 7.4m and increasing the maximum depth from 9.8m to 16m. However, the resulting height of the dwelling would be consistent with No. 50 Mountview Crescent situated to the north of the site. No. 46 to the south of the site is a single storey dwelling and so the proposal would be considerably taller than the neighbouring dwelling. However, given the presence of other chalet style dwellings within the streetscene, with similar heights, most notably No.50 and No. 44, it is not considered that the increase in height will have a materially harmful impact on the character and appearance of the area.

5.2.6 The rear of the proposal would extend further than the rear of No.50 Mountview Crescent but would not extend further than the deepest point of No. 46 Mountview Crescent . Furthermore, the two storey front extension would not project further than the furthest forward point of No. 50. Therefore, it is not considered that the proposal would disrupt the prevailing pattern of development within the area.

5.2.7 In terms of design the proposal is considered an improvement on the previously refused application (HOUSE/MAL/18/00226) as a result of the removal of the full width dormer windows and a more consistent fenestration pattern. Furthermore, the proposal is considered to better assimilate into the streetscene as a result of elements such as the two storey gable addition including a garage and a porch area. Front gable

projections, such as this, although they differ in scale, bulk and design, are not uncommon features within Mountview Crescent. For instance, albeit of a different design, the introduction of singular gable dormers and the gable projections makes reference to the neighbouring dwelling to the north (No. 50). Given that Mountview Crescent is made up of an eclectic mix of dwellings, it is considered that the provision of these architectural features that reference other dwellings in the streetscene result in a proposal which would not cause material harm to the character and appearance of the area and therefore, in that regard are in accordance with policies S1, D1 and H4 of the LDP.

5.2.8 The proposed park single storey, part two storey rear extension by way of its scale, bulk and design is considered to be in keeping with the dwelling to an acceptable degree. Furthermore, as the proposal is situated to the rear of the dwelling it is not considered to result in detrimental harm to the character and appearance of the streetscene.

5.2.9 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 application site has two adjacent neighbouring properties at No.46 to the south and No.50 to the north. The proposed development would be set approximately 0.9 meters from the property boundary of No.50, and 1.5 meters away from the property boundary of No.46.

5.3.3 To the south of the application site is 46 Mountview Crescent. The submitted site plan shows that the side elevation of this dwelling is located a minimum of 2.2 metres from the shared boundary with the application site, the existing southern elevation, which will not alter would be 1.5 metres from the same shared boundary and the southern elevation of the rear extension would be 3.5m away from the neighbouring dwelling to the south. The north elevation of the neighbouring property features 2 windows on the inset return part of the dwelling and a conservatory to the rear. Plans approved under the terms of application FUL/MAL/99/00422 at that property suggest that the windows serve a bathroom and a kitchen neither of which are habitable accommodation. The proposal would extend beyond the rear of the adjacent elevation of the neighbouring dwelling by 2.2m. However, given that the rear element adjacent to No. 46 is single storey in nature and would be set 3.5m from the neighbouring property, it is not considered that it would have an overbearing impact on the neighbouring occupiers or would result in a loss of light to the neighbouring windows.

5.3.4 There are also no first-floor windows proposed in the southern elevation of the proposal. Therefore, it is not considered that the proposal would result in a loss of privacy to the occupiers of No. 46 Mountview Crescent.

- 5.3.5 The northern elevation of the application dwelling would be located 0.9 metres from the shared boundary with 50 Mountview Crescent, which is no closer than existing. The two storey rear projection would be located 1.4m from the shared boundary and would project 3.2m further than the rear of No. 50.
- 5.3.6 Although the neighbouring property of 50 Mountview Crescent has two windows at ground floor in the south elevation which faces the application site, it is noted that these windows are set 1.8 metres from the boundary and would therefore be 2.7 metres from the extended dwelling. Plans approved under FUL/MAL/06/00059 demonstrate that these windows serve a hall and a study and are therefore not considered to be rooms that are used as primary habitable accommodation. In these circumstances it is not considered that increasing the height of the dwelling within the site would increase the level of harm by way of overlooking, loss of privacy or loss of light. Furthermore, although the two-storey projection would extend 3.2m further than the rear of No. 50, the proposal would be set 1.4m from the boundary, with an eaves height of 4.6m and a ridge height of 6.8m which rakes away from the neighbouring property. Therefore, given the separation distance, that the proposal is situated to the south of the neighbouring dwelling, it would not be of a significant height and that the neighbouring garden has a significant depth, it is not considered that the proposal would result in a loss of light or have an overbearing impact on the neighbouring occupiers to a degree which would warrant refusal of the application.
- 5.3.7 There are three first floor windows proposed in the northern elevation, which would serve a landing, en-suite and bathroom. The submitted plans show that these windows would be obscure glazed which can be secured via a condition. Although the landing window is only proposed to be obscure glazed to half height, it does not serve a habitable room and would be obscure glazed up to 1.7m from the internal floor level, which can also be secured via a condition. Therefore, it is not considered that the proposal will result in material harm to the amenity of the neighbouring occupiers by way of overlooking.
- 5.3.8 The proposed first floor window and dormer would be a minimum of 28 meters from the boundary shared with No.77a Main Road to the rear and 2.8 m from No. 50 and 3.5m from No. 48 Mountview Crescent and therefore would not cause unacceptable overlooking.
- 5.3.9 Based on the above assessment, it is not considered that the proposed development would adversely impact the amenity of the neighbouring occupiers in accordance with policy D1 of LDP and the NPPF.

#### **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 are 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 As a result of the development, two additional bedrooms would be created. The existing hardstanding to the front of the site provides space to park two vehicles; furthermore, the proposal contains the addition of an integral garage which could be used for one further vehicle. Whilst it is noted that there is a parking space proposed to the front of the garage, the standards require that a space in front of a garage has a depth of 6m to allow the garage door to open. Therefore, there is not sufficient space in this location to park a car. Nevertheless, there is space to park three vehicles through the provision of the garage and the remainder of the hardstanding. Therefore, there are no objections to the proposal in terms of Access, Parking and Highway Safety.

## **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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> 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 100m<sup>2</sup> and therefore, there is no objection in this regard.

## **6. ANY RELEVANT SITE HISTORY**

- **HOUSE/MAL/16/00186** Extensions and alterations to form two storey dwelling Refused
- **HOUSE/MAL/16/01444** Extensions and alterations to form two storey dwelling (Resubmission), Refused
- **HOUSE/MAL/17/01188** Extensions and alterations to include first floor accommodation, Refused
- **HOUSE/MAL/18/00226** Part first floor, part two storey rear extension, single storey side extension and replacement roof with dormers to front and rear, Refused.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
St Lawrence Parish Council	No comment	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 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to a surface water and foul drainage condition	Given that there is existing built form at the site, and the overall foot print of the dwelling will not substantially increase it is not considered reasonable or necessary to impose these conditions.

### 7.4 Representations received from Interested Parties

7.4.1 1 letter was received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Application proposed a replacement dwelling.	Addressed at section 5.1 of the report.
Proposal is similar to what has previously been refused.	This is addressed at sections 3.1 and 5.3 of the report.
Proposal is in close proximity to neighboring dwelling (No. 50) and has a significant eaves height.	This is addressed at section 5.4 of the report.
Proposal will create a 4 metre expanse of walling with a height of almost 5m adjacent to the neighbouring amenity space, resulting in a loss of light, overshadowing and will be overbearing.	This is addressed at section 5.4 of the report.

<b>Objection Comment</b>	<b>Officer Response</b>
Proposal will overshadow the study window of No.50.	This is addressed at section 5.4 of the report.
The proposed side elevation shows a half glazed landing window which will result in overlooking into the study at No. 50.	This is addressed at section 5.4 of the report.
The proposed front extension has too great a depth, width and includes an ugly design feature (garage door) contrary to policy D1.	Addressed at section 5.3 of the report
The architectural style, design features, height, size, scale, massing, layout, proportion, townscape setting, layout, orientation and density is wholly unacceptable contrary to the NPPF.	This is addressed at section 5.3 of the report.
Extensions are not of an appropriate scale and design contrary to policy H4.	This is addressed at section 5.3 of the report.

**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) of The Town & Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in complete accordance with approved drawing: MOUNTVIEW/01, MOUNTVIEW/04, MOUNTVIEW/02, MOUNTVIEW/03, MOUNTVIEW/05, MOUNTVIEW/06, MOUNTVIEW/07, MOUNTVIEW/08.  
**REASON** In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.
3. The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed on plans MOUNTVIEW/07, MOUNTVIEW/08.  
**REASON** To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
4. Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.  
**REASON** To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan.
5. Notwithstanding the provisions of Article 3 of the Town and Country Planning5. (General Permitted Development) Order 2015 (or any order amending, revoking or re-enacting that Order) the garage hereby permitted shall

be used only for the parking of a motor car in connection with the residential use of the property.

**REASON** To ensure that there is sufficient parking provision at the site in accordance with policies S1 and T2 of the LDP.

6. Prior to the first occupation of the extension hereby permitted, the first-floor window(s) in the northern elevation shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.

**REASON** In the interests of neighbouring amenity in accordance with policies S1 and H4 of the LDP.

7. The roof area of the single storey element of the extension hereby approved shall not be used as a storage area, balcony, roof garden or similar amenity area.

**REASON** In the interests of neighbouring amenity in accordance with policies S1 and H4 of the LDP.