



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
21 MAY 2019**

Application Number	FUL/MAL/19/00142
Location	Land Adjacent 104 Imperial Avenue, Mayland
Proposal	Proposed 2 bed dwellinghouse
Applicant	Mr and Mrs Sharman
Agent	Mr Greg Wiffen – Planman
Target Decision Date	24/05/2019
Case Officer	Devan Lawson
Parish	MAYLAND
Reason for Referral to the Committee / Council	Previous Committee Decision

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

Land Adjacent 104 Imperial Avenue
19/00142/FUL



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SEAC
	Date:	25/04/2019
	MSA Number:	100018588

3. SUMMARY

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

- 3.1.1 The application site is on the eastern side of George Cardnell Way. The site forms part of the rear garden of 104 Imperial Avenue. There is an existing outbuilding located at the far east of the site and a garage to the west. To the south is a detached two storey dwelling and to the east is the rear garden of No. 100 Imperial Avenue. The street is mainly characterised by detached chalet bungalows. However, there are single storey and two storey dwellings located within the street.
- 3.1.2 It is proposed to demolish the existing garage located in the rear garden of 104 Imperial Avenue and construct a two-bedroom, chalet style property. The main part of the dwelling would measure 10.9 m in depth, 6.8m in width, with a pitched roof built to an eaves height of 2.5m and a maximum height of 6m. To the rear would be a smaller gable projection that would measure 4m in width and 1m in depth and be built to a height of 4.7m. The proposal would include 2 velux windows within the roof slope of the southern elevation and a window within both the front and rear gables.
- 3.1.3 The application form states that the dwelling will have walls constructed from brick and render. The windows and doors will be uPVC, and the roof will consist of slate tiles. However, drawing No. TS 3 Rev 1, appears to show that the top part of the dwelling will entail some form of cladding which will be addressed later in the report.
- 3.1.4 The proposal will also require the construction of a dropped kerb access from the eastern side of George Cardnell Way.
- 3.1.5 The proposal represents an amendment to a previously refused scheme (FUL/MAL/17/01460), which was for a three bedroom, chalet style property at the same site. The application was refused at the 12 February 2018 South Eastern Area Planning Committee for the following reasons:
1. *‘The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site, thereby causing harm to the character and appearance of the site and the surrounding area. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.*
 2. *The proposed development, by virtue of the size and scale of the proposed dwelling, its positioning in close proximity to the boundaries of the application site and relationship with neighbouring properties, would have an overbearing impact and cause a sense of enclosure of the neighbouring dwellings to an extent that represents an unneighbourly form of development. The proposal is therefore unacceptable and contrary to the National Planning Policy Framework, policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guide.’*

- 3.1.6 In response to this, the scheme subject of this application has been amended in the following ways:
- The ridge height of the main part of the dwelling has been reduced by 0.5m
 - The rear gable projection has been reduced by 2.5m in depth, 0.4m in width and 0.6m in height.
 - The number of bedrooms has been reduced from three to two.
 - There have been a number of alterations to the proposed fenestration, including the addition, omission and re-siting of the openings.

3.2 Conclusion

- 3.2.1 It is considered that the proposed dwelling, by reason of its scale, size and bulk would appear cramped at the application site and would result in overdevelopment of the plot resulting in material harm to the character and appearance of the site and the surrounding area. Therefore, whilst previous concerns in relation to neighbouring amenity are considered to have been overcome and the proposal is thought 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) and guidance contained within the Maldon District Design Guide (MDDG).

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) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The Council is now in a position where it can demonstrate an up-to-date deliverable supply of housing land for a period in excess of five years. This is a material consideration and means that any application for new development must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 5.1.2 There are three dimensions to sustainable development as defined in the NPPF. They are the economic, social and environmental roles. The LDP, through the preamble to Policy S1 reiterates the requirements of the NPPF.
- 5.1.3 The proposed dwelling would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the LDP which seeks to direct new residential development to within established settlements, thereby preserving the appearance and character of the countryside. Mayland is recognised as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is also noted, that the principle of constructing a dwelling in this location was approved in outline under application OUT/MAL/05/00812 in September 2005. Whilst this application was assessed against the Adopted Local Plan and the Replacement Local Plan which have now been superseded, the premise of the policies remains and so this is given some weight. The same is true with respect to the publication of the revised NPPF. Therefore, the principle of constructing a dwelling within this locality is considered acceptable.

5.2 Housing Need

- 5.2.1 The proposal would provide one, new two-bedroom dwelling. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. The Council therefore, encourages, in Policy H2, the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated SHMA, published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units. The proposed two bedroom dwelling will therefore make a small contribution to the District’s Housing Need.

5.3 Design and Impact on the Character of the Area

5.3.1 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.

5.3.2 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”.

5.3.3 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.

5.3.4 The above policy should also be read in conjunction with Policy H4 of the LDP in relation to Backland and Infill Development. The policy states that backland and infill development will be permitted if the relevant criteria are met.

5.3.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017).

5.3.6 The proposed dwelling would front George Cardnell Way, a residential street which is mainly made up of chalet style dwellings of differing designs. However, the property to the south of the application site is a two storey detached dwelling. Properties within the street are generally constructed from brick and tile cladding. The ridge heights are fairly consistent along the road, and the roof styles are generally gabled. The boundary treatments within the road vary from hedges, to low brick walls and high fencing where rear gardens are sited adjacent to the highway.

- 5.3.7 The application site has a maximum width of 9m. Site widths along Cardnell Way range from around 7m to 13m. The siting and layout of the proposed development consists of the subdivision of the existing site from east to west with the proposed dwelling located in-line with the existing linear pattern of development, fronting George Cardnell Way.
- 5.3.8 The first reason for refusal of application (FUL/MAL/17/01460) referred to the size, scale and bulk of the dwelling creating a cramped form of development which would represent overdevelopment of the site. The proposed dwelling would be situated in close proximity to both the northern (1m) and the southern (1.2) boundaries and this has not altered in relation to the previous proposal. Given that the width of the development has not been reduced it is still considered that the proposed dwelling would appear cramped within the site. Although it is noted that the height has been reduced by 0.5m, it is considered that creating a more squat roof form exacerbates the cramped appearance of the dwelling within the plot. In addition, given that the dwelling will still be sited further forward than No. 6 George Cardnell Way to the south, the proposal will be a dominant feature in the streetscene. Furthermore, given that the other alterations to the size, scale and bulk of the dwelling only relate to the rear gable projection, those changes have no impact on the appearance of the proposal from public vistas and therefore are not considered to overcome the first reason for refusal.
- 5.3.9 The reduction of the width and depth of the rear projection reduces the pinch point which was previously proposed and is considered an improvement to the scheme. However, given that the fence line does not in reality have a slight change direction towards the east as shown on the provided block plan it is still considered that a pinch point would be created. Nevertheless, given that it is situated to the rear of the proposal, it is considered that this improvement alone is not sufficient in overcoming the first reason for refusal.
- 5.3.10 In terms of design, there have been minimal alterations to the proposed dwelling in relation to the previously refused application. In relation to design alone and not in relation to the character and appearance of the area or the plot, it is considered that the dwelling would be traditional in appearance and symmetrical when viewed from the front. The principle elevation of the property makes reference to the front elevations of properties Tamarisk and Romas. Whilst it is noted that the proposed first floor glazing within the apex of the front gable is a more modern feature in comparison to the neighbouring properties, the window itself is considered to be an interesting architectural addition to the dwelling which will add character and makes suitable reference to the fenestration patterns of other dwellings within the vicinity of the site.
- 5.3.11 It is considered unfortunate that the ‘diamond’ shaped window which was previously proposed as part of the last application has been replaced within a standard sash window. Nevertheless, the window is located to the rear of the property and is an acceptable form of fenestration. Therefore, there is no objection in this regard.
- 5.3.12 In regards to the proposed materials, the use of brick and render is considered acceptable as both materials are present within the streetscene. Currently weatherboard is not found within the streetscene, except 104 Imperial Avenue, which has its side elevation fronting George Cardnell Way. Therefore, the use of

weatherboard would not be considered an out of keeping material within the streetscene, subject to its type and colour. However, due to the lack of clarity regarding the materials to be used, if the application were to be approved a condition should be applied requesting the details of materials prior to any works above ground level.

- 5.3.13 In relation to the above assessment it is not considered that the minor amendments to the height and rear depth of the proposal are sufficient in overcoming the harm previously identified and therefore, the proposed development would still appear cramped within the site resulting in a form of overdevelopment. Consequently, the proposed development is considered to result in material harm to the character and appearance of the streetscene contrary to policies D1 and H4.

5.4 Impact on Residential Amenity

- 5.4.1 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).
- 5.4.2 The second reason for refusal of application FUL/MAL/17/01460 was in relation to the size and scale of the proposed dwelling, its close proximity to the boundaries of the application site and its relationship with neighbouring properties which would have an overbearing impact and would create a sense of enclosure, which would represent an unneighbourly form of development. The concerns were largely in relation to No. 6 George Cardnell Way and No. 102 Imperial Avenue.
- 5.4.3 In relation to No. 104 the donor property, the proposed dwelling would be located 1m from the shared boundary and a minimum of 6.6m from the existing dwelling. The proposed dwelling would not have any first-floor windows located on the northern elevation and so there are no concerns in regard to overlooking. Furthermore, given that the dwelling would be located to the rear of No. 104, the orientation of the dwellings and the distance between the two properties, it is not considered that the proposal will be overbearing, or will result in a substantial loss of light. Although it is a close relationship, it is noted that this is not materially different to the relationship that was shown in approved application OUT/MAL/05/00812.
- 5.4.4 The proposed dwelling would be located 3.3m from the boundary with No. 102 Imperial Avenue. The rear of the proposal has been reduced so that it no longer overlaps the rear of No. 102. This combined with the reduced height (0.6m) and width (0.4m) of the rear gable projection is considered to lessen the overbearing impacts and sense of enclosure from within No. 102 to an acceptable degree. Therefore, whilst the proposed dwelling would be visible from within No. 102, it is considered that the separation distance and the alterations to the scale, height and bulk are adequate to ensure that the proposed dwelling is not overbearing. Furthermore, given that this element is located around 13.1m from the neighbouring dwelling and there are no first floor windows proposed within the northern side elevation, it is not considered that the proposal will result in any material harm by resulting in loss of privacy.

- 5.4.5 No. 100, Imperial Avenue is situated to the rear of the development site and would be located 22.8m from the proposed dwelling. The MDDG requires a back to back distance between dwellings of 25m. However, given that the neighbouring dwelling is offset to the north of the proposal it is considered that the 22.8m in this instance would be acceptable. Furthermore, there is a window proposed at a height of 4m within the rear gable and French doors at ground floor, which will have views of two first floor windows of No. 100. However, given that the French doors are located at ground floor it is not considered that the loss of privacy would be detrimentally harmful to the occupiers of No. 100. Furthermore, a condition could be imposed requiring the bathroom window at first floor to be obscure glazed, should the application be approved, which would mitigate any unacceptable levels of overlooking from the first floor.
- 5.4.6 The proposal is located 1.3m from the boundary that is shared with No.6 George Cardnell Way and 4.2m from the neighbouring dwelling. Whilst it is noted that the ridge height of the property has been reduced by 0.5m, the width of the main part of the dwelling has not been reduced. Nevertheless, given that the rear part of the proposal has been reduced in height and depth and will be set back 1.5m further than the rear of No. 6 it is not considered that the proposal will create a sense of enclosure on the occupiers of No. 6. Likewise it is not considered that the development would be overbearing.
- 5.4.7 In addition to the above, given the orientation of the dwellings, it is not considered there will be a substantial reduction in light as the sun rises to the rear of the properties and sets at the front. It is also noted that the objector raises concerns over the possibility of future development on the site. However, the Council must assess the impacts of the development on its existing merits and cannot speculate the impacts of any future proposals. Furthermore, if the application were to be approved a condition could be applied preventing the construction of dormer windows under permitted development to prevent any undue harm by way of overlooking.
- 5.4.8 In terms of overlooking there are two velux windows proposed within the roof slope of the dwelling and two ground floor windows on the southern elevation. As there are no first floor windows situated on the northern elevation of No. 6, the proposed roof lights are situated within the roof pitch and will not have readily available views into neighbouring sites and any ground floor windows are screened by 1.8m closeboard fencing, it is not considered that the proposal will result in any loss of privacy. However, it is noticed that there may be a perceived sense of overlooking. Nevertheless, as the rooflights would serve a bathroom and the landing is not habitable, a condition requiring obscure glazing is considered appropriate to mitigate against the harm.
- 5.4.9 Objections have also been received from Tamarisk, George Cardnell Way, which is situated opposite the site frontage. The objections relate to a loss of privacy, mainly due to the siting of the first floor window on the western elevation. Given that the proposed dwelling and neighbouring property will have a separation distance of 21m and that they both look upon the public highway, it is not considered that the dwelling will result in an unacceptable level of overlooking or loss of privacy. Furthermore, it is common for properties to be sited opposite one another within a streetscene as demonstrated by the other properties within George Cardnell Way.

5.4.10 For the reasons discussed, it is considered that the previous second reason for refusal has been overcome and that the proposed development will not result in a significant loss of light or privacy and will not have overbearing impacts on neighbouring occupiers.

5.5 Access, Parking and Highway Safety

5.5.1 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.

5.5.2 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.

5.5.3 The proposed development would result in an additional vehicular access onto George Cardnell Way; the existing access serving No. 104 Imperial Avenue would remain in situ. The Highway Authority has been consulted and raised no objection to the proposal in terms of highway safety, subject to conditions.

5.5.4 The recommended parking provision standard for a two bedroom dwelling is a minimum of two car parking spaces. There is an area to the front of the proposed dwelling measuring a maximum of 9m by 6m which could accommodate two cars, in accordance with the recommended standard.

5.5.5 The proposed development would result in the division of the existing plot which accommodates No. 104 and the removal of the existing garage which serves this property. However, there is currently no access from the highway to this garage and so it is not considered that there will be a reduction in parking provision within the site. Furthermore, there is still an area to the front of the site which could accommodate in excess of two vehicles.

5.5.6 Objector comments regarding access to Tamarisk, the increase in on street parking and concerns regarding the safety of the existing junction are noted. However, it is

considered that the proposal will provide sufficient parking for the proposed development and will not result in any harm in regard to highway safety.

- 5.5.7 Having regards to the above assessment it is considered that the proposal would provide sufficient car parking and would not be detrimental to highway safety in accordance with policies D1 and T2 of the LDP.

5.6 Private Amenity Space and Landscaping

- 5.6.1 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.

- 5.6.2 The proposed development would result in the division of the plot which accommodates No. 104; this would result in the loss of part of the private rear amenity space. However, the remaining space to the rear of the dwelling would measure 127sq.m, which is in excess of the recommended standard.

- 5.6.3 The rear amenity space to serve the proposed dwelling would measure 130sq.m. This is in excess of the recommended standard and therefore, no concerns are raised in relation to private amenity space.

- 5.6.4 Detailed landscaping details have not been submitted as part of the application. A condition will be imposed, should the application be approved, to ensure the details are submitted and approved by the Local Planning Authority (LPA).

5.7 Ecology regarding development within the zone of influence (ZoI) for the Essex Coast Recreational Avoidance and Mitigation Strategy (RAMS)

- 5.7.1 Natural England has produced interim advice to ensure new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. The European designated sites within the Maldon District are as follows: Essex Estuaries Special Area of Conservation (SAC), Blackwater Estuary Special Protection Area (SPA) and Ramsar site, Dengie SPA and Ramsar site, Crouch and Roach Estuaries SPA and Ramsar site. The combined recreational 'Zones of Influence' of these sites cover the whole of the Maldon District.

- 5.7.2 Natural England anticipate that, in the context of the LPA's duty as competent authority under the provisions of the Habitat Regulations, new residential development within these Zones of Influence constitute a likely significant effect on the sensitive interest features of these designated sites through increased recreational pressure, either when considered 'alone' or 'in combination'. Residential development includes all new dwellings (except for replacement dwellings), Houses of Multiple Occupation (HMOs), student accommodation, residential care homes and residential institutions (excluding nursing homes), residential caravan sites (excluding holiday caravans and campsites) and gypsies, travellers and travelling show people plots.

- 5.7.3 Prior to the RAMS being adopted, Natural England advise that these recreational impacts should be considered through a project-level Habitats Regulations Assessment (HRA) –Natural England have provided a HRA record template for use where recreational disturbance is the only HRA issue.
- 5.7.4 The application site falls within the ‘Zone of Influence’ for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This means that the development could potentially have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure.
- 5.7.5 As the proposal is for less than 100 houses (or equivalent) and not within or directly adjacent to one of the designated European sites, Natural England would not provide bespoke advice. However, Natural England’s general advice is that a Habitats Regulations Assessment (HRA) should be undertaken and a ‘proportionate financial contribution should be secured’ from the developer for it to be concluded that the development proposed would not have an adverse effect on the integrity of the European sites from recreational disturbance. The financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic ‘off site’ measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site’s resilience to recreational pressure and in line with the aspirations of emerging RAMS.
- 5.7.6 To accord with Natural England’s requirements, a Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS) Habitat Regulation Assessment (HRA) Record has been completed to assess if the development would constitute a ‘Likely Significant Effect’ (LSE) to a European site in terms of increased recreational disturbance, as follows:

HRA Stage 1: Screening Assessment – Test 1 - the significance test

Is the development within the zone of influence (ZoI) for the Essex Coast RAMS with respect to the below sites? Yes

Does the planning application fall within the specified development types? Yes – The proposal is for one dwelling

HRA Stage 2: Appropriate Assessment - Test 2 - the integrity test

Is the proposal for 100 houses + (or equivalent)? No

Is the proposal within or directly adjacent to one of the above European designated sites? No

Summary of Appropriate Assessment

As a competent authority, the LPA concludes that the project will not have a likely significant effect on the sensitive interest features of the European designated sites due to the scale and location of the development proposed. Based on this and taking into account that Natural England’s interim advice is guidance only, it is not

considered that mitigation would, in the form of a financial contribution, be necessary in this case.

Conclusion

Notwithstanding the guidance of Natural England, it is considered that the likely impact of the development of the scale proposed, in this location would not be sufficiently harmful as a result of additional residential activity to justify a refusal of planning permission.

6. ANY RELEVANT SITE HISTORY

- **OUT/MAL/04/00793** –Refused Erection of 3 no dwellings with garages
- **OUT/MAL/05/00812** – Approved. Demolition of existing dwelling and outline proposal for the erection of two new dwellings (Erection of 1 No. 2 bedroom house and 1 No. 4 bedroom house) with siting not reserved for later submission.
- **HOUSE/MAL/13/00210** – Approved. Proposed single-storey side/rear extension to existing bungalow, demolition of flat-roofed rear part and other cosmetic alterations including partly weather-board cladding.
- **FUL/MAL/17/01460** - Proposed 3 bed dwelling house - chalet style. Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Support	Noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Local Highway Authority	No objection subject to conditions	Noted and addressed at section 5.5

7.3 Internal Consultees

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Environmental Health	No objection subject to conditions regarding foul and surface water drainage	Given the extent of development proposed these conditions are considered necessary and

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
		should be imposed if the application were to be approved.

7.4 Representations received from Interested Parties

7.4.1 3 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
<p>Proposal would still be oversized for the plot and neighbouring dwellings.</p> <p>The fence has not been drawn correctly on the block plan as it shows it changes direction to the east. The fence line of No. 102 is straight is in line to the rear of No. 6. Thereby breaking the one metre rule.</p>	<p>Noted and addressed at section 5.3</p> <p>This is noted and addressed at section 5.3 where relevant.</p> <p>There is no one metre rule in relation to distances from neighbouring boundaries. However, the impact on neighbouring amenity is addressed at section 5.4</p>
<p>Unrestricted access to 11 George Cardnell Way would be interrupted by the siting of a new access directly opposite.</p> <p>Views from No. 11 will be interrupted</p> <p>Overlooking into the bedroom of No.11 from the proposed first floor window</p> <p>Off street parking will be reduced and will push parked cars closer to the highway junction to the detriment of highway safety.</p> <p>The market value of No.11 will be reduced as a result of the development.</p> <p>Building work will impact on the neighbouring occupier's quality of life.</p> <p>Sole reason for the development is for private financial gain.</p>	<p>Addressed at section 5.5</p> <p>Whilst this is noted, views are not a planning consideration and therefore cannot be assessed as part of this application.</p> <p>Addressed at section 5.4</p> <p>Addressed at section 5.5</p> <p>Property prices are not a planning consideration and therefore, cannot be assessed as part of this application.</p> <p>An informative can be applied to the decision notice advising of acceptable working hours.</p> <p>This is not a planning consideration and therefore, cannot be considered as part of</p>

Objection Comment	Officer Response
	this application.
Proposal is oversized for the plot	Addressed at section 5.3 & 5.4
The dwelling would extend beyond the rear of No. 6 by approximately affecting the view from the conservatory.	Addressed at section 5.3 & 5.4
Any future permitted development rights such as dormers will hinder privacy and will make the rear of the properties extremely built up and squeezed in.	Addressed at section 5.3
Proposal would represent overdevelopment, in relation to the adjacent buildings.	Addressed at section 5.3
Preparations for foundations may result in subsidence. Who would be liable.	This is a civil matter and not a planning consideration.
The velux windows are not obscure glazed.	Addressed at section 5.4

8. REASON FOR REFUSAL

- 1 The proposed development, by virtue of the size, scale and bulk of the proposed dwelling, would appear cramped at the application site and represent the overdevelopment of the site, thereby causing harm to the character and appearance of the site and the surrounding area. The proposal is therefore unacceptable and contrary to the NPPF, policies D1 and H4 of the MDLDP and the MDDG.