



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

---

to  
**CENTRAL AREA PLANNING COMMITTEE  
29 MAY 2019**

|   |  |
|---|--|
| <b>Application Number</b>                             | <b>HOUSE/MAL/19/00354</b>  |
| <b>Location</b>                                       | 2 Queens Avenue, Maldon, Essex   |
| <b>Proposal</b>                                       | Demolition of existing extension and erection of part two storey part single storey side/rear extension and new windows. |
| <b>Applicant</b>                                      | Mr & Mrs R Kendall   |
| <b>Agent</b>  | Terence Wynn   |
| <b>Target Decision Date</b>                           | 07/06/2019   |
| <b>Case Officer</b>                                   | Louise Staplehurst   |
| <b>Parish</b>   | <b>MALDON SOUTH</b>  |
| <b>Reason for Referral to the Committee / Council</b> | Member Call in by: Councillor Savage<br>Reason: Request of Maldon Town Council and in the public interest                |

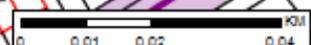
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

**19/00354/HOUSE**  
**2 Queens Avenue**



**Copyright**  
 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 Stationary Office © Crown copyright.  
 Unauthorized reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014

  
**MALDON DISTRICT COUNCIL**

[www.maldon.gov.uk](http://www.maldon.gov.uk)

|               |                            |
|---------------|----------------------------|
| Scale:        | 1:997                      |
| Organisation: | Maldon District Council    |
| Department:   | Department                 |
| Comments:     | Central Planning Committee |
| Date:         | 08/05/2019                 |
| MSA Number:   | 100018588                  |

### **3. SUMMARY**

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

- 3.1.1 The application site is located north west of Queens Avenue, south west of King Street and within the settlement boundary of Maldon. The site is occupied by a two storey detached dwelling. The surrounding area is residential in nature. There are four properties along the north side of Queens Avenue which are of a similar design to the dwelling on the application site, but are part of a semi-detached pair. However the other dwellings along this road are of more mixed designs, with some dwellings having a more contemporary design.
- 3.1.2 The proposal includes the construction of a part two storey part single storey side and rear extension. The single storey side extension includes a garage and the two storey rear extension will include a terrace set back within the extension at first floor level. There will also be new windows on the north east elevation; two at ground floor level and one at first floor level, located on the existing dwelling.
- 3.1.3 An existing single storey side/rear extension will be removed to facilitate the development.
- 3.1.4 The single storey side element, which has a gable roof, will measure 4.1 metres wide, 6.1 metres deep, 2.3 metres high to the eaves and 4.3 metres high overall. This part of the extension will provide a garage, and also a utility room, toilet and lobby. There will be a first floor element above this side extension, which has a hip roof. It will measure 2.9 metres wide, 4.6 metres deep, 5.2 metres high to the eaves and 6.8 metres high overall.
- 3.1.5 The two storey element will project 6.1 metres to the rear of the dwelling and will expand 3.4 metres in width before stepping in 1.1 metres and expanding a further 2.4 metres in width. There will then be a further single storey projection to the side of the rear extension, measuring 1.3 metres in width and 4 metres deep to join to the rear of the garage extension, with an eaves height of 2.3 metres and an overall height of 3.2 metres. The furthest two storey rear projection will have a hip roof. The stepped in element of the two storey rear extension will also have a hip roof. However this will project 0.4 metres higher than the ridge of the host dwelling. The single storey side projection of the rear extension will have a hip roof.
- 3.1.6 In terms of materials, the walls will be made of brick, the roof will be made of plain tiles, the windows will use white UPVC and the garage door will be wooden, with UPVC and aluminium doors to the side and rear. These materials will match the materials used on the existing dwelling.

#### **3.2 Conclusion**

- 3.2.1 The proposed development is not considered to result in a harmful impact in relation to the provision of private amenity space. However, the proposed extensions are considered to result in an incongruous and contrived form of development which would dominate the host dwelling, to the detriment of the character and appearance of the existing site and the surrounding area. The proposal would also result in an unneighbourly form of development, particularly in relation to the neighbour to the

south west, No.4 Queens Avenue. Furthermore, the proposal would result in an unacceptable level of on-site parking, to the detriment of pedestrian and highway safety. The proposal is therefore considered to be contrary to policies D1, H4 and T2 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF).

#### **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:**

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-designed places

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

##### **4.3 Relevant Planning Guidance / Documents:**

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

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy D1 of the 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 in creating better places to live 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 local design standards, 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 site is located to the north eastern end of Queens Avenue and abuts the rear gardens of the properties along King Street to the north east. Therefore the north eastern elevation of the dwelling is open to views from King Street and Queens Avenue. This elevation and part of the rear would also be visible from between No.38-46 King Street. It is also noted that there is a footpath leading to allotment gardens to the rear of the site and therefore the rear of the dwelling would be visible from the public realm. The side extension would be partially shielded from wider views by the neighbouring dwelling. However it would still be visible from the south west of Queen Street. Due to the proposed developments being visible from both the north and south of the site, the proposed development is considered to have a significant impact on the visual amenity of the surrounding area.

5.2.6 The proposed development would result in a significantly larger dwelling, with an overall width of 8.2 metres. Overall, the resultant dwelling would span almost the entire width of the application site. However it is not uncommon for dwellings along Queens Avenue to expand nearly the whole width of the plot, as seen at No.3, No.13 No.20 and No.28 Queens Avenue. However, the side extension would measure 4.1 metres wide, over half the width of the original dwelling and is considered to be out

of proportion with the bulk of the host dwelling. Although the side extension would be set back 7.6 metres from the principal elevation, the cumulative impact of the total width and the overall height of the two storey element, including views of the rear two storey extension which projects 0.4 metres higher than the ridge of the host dwelling, would result in an awkward addition to the side of the dwelling, which would not be subservient in relation to the host dwelling. Therefore the proposed development would dominate the existing dwelling and would cause detrimental harm to the character and appearance of the site and the surrounding area. There would be views of the south west side elevation from Queens Avenue, meaning the four different roof styles of the two single storey projections and two two-storey projections are likely to be visible from the streetscene. This is considered to result in a contrived appearance which would be harmful to the visual amenity of the streetscene.

- 5.2.7 The proposed two storey rear extension is considered to be an unacceptably large addition as it will project 6.1 metres to the rear of the dwelling, resulting in an elongated design. The height of the furthest projecting rear element will be set 0.3 metres lower than the ridge height of the host dwelling, but the roof height of the main two storey extension will project 0.4 metres higher than the overall roof height of the host dwelling. Therefore the proposed rear extension is considered to dominate the rear elevation of the dwelling. In addition, there would be three two storey roof lines visible to the rear, as well as two different single storey roof lines and therefore this is considered to result in a contrived and incongruous form of development. Overall, the proposed development is considered to detrimentally harm the character and appearance of the dwelling and the surrounding area, in particular as the rear of the dwelling would be visible from the path and allotments to the rear of the site. Due to the depth and height, it is considered to be out of proportion with the host dwelling and would harm the character and appearance of the locality. It is also considered to appear bulky and dominant when viewed against the existing dwelling, to the detriment of the character and appearance of the dwelling.
- 5.2.8 There is proposed to be a terrace set within the first floor level of the two storey rear extension. This will be visible from views to the rear of the site. However it is not considered to be an unduly prominent feature and is not considered to harm the visual amenity of the site or the surrounding area to an extent that would justify the refusal of the application.
- 5.2.9 There is no objection to the additional high level windows to the side as they would be in keeping with the dwelling to an acceptable degree, including using matching UPVC materials. All other materials will match the existing dwelling and therefore there is no objection to these either.
- 5.2.10 It is considered that the proposed new windows are acceptable additions. However the proposed part two storey part single storey extensions are considered to result in a dominant and incongruous development which would cause detrimental harm to the character and appearance of the existing dwelling and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the LDP.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas, taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight.
- 5.3.2 There are 6 neighbouring dwellings to the east of application site, No.36-46 King Street. There will be three high level windows on the north east elevation facing these neighbours, installed in the wall of the existing dwelling. The two ground floor windows are not considered to cause a loss of privacy due to their location at ground floor level. The first floor window will be located 1.7 metres above the floor level. Therefore this is not considered to cause an unacceptable loss of privacy to these neighbours to an extent that would justify a condition requiring obscure glazing.
- 5.3.3 The proposed extension will be located 0.7 metres from the east boundary of the application site and therefore would be located a minimum distance of 14.7 metres from the nearest neighbouring dwelling to the east. The proposed extension will run along the boundary with No.42 and No.40 King Street and will be located 14.7 metres and 16.2 metres from these dwellings respectively. Although the extension will be two storeys and will expand across the whole rear garden of No.42 and part of the rear garden of No.40, due to the separation distance between the extension and the neighbouring dwellings, it is not considered to result in a loss of light to these neighbouring dwellings or their amenity areas to an extent that would justify the refusal of the application.
- 5.3.4 It is noted that the proposed two storey rear extension may result in the loss of some views that the 6 neighbouring dwellings to the east currently benefit from, in particular No.40 and No.42 King Street. However a loss of a view is not considered to be a material planning consideration and therefore this would not justify the refusal of the application.
- 5.3.5 The neighbouring dwelling to the west, No.4 Queen Street, is located 1.2 metres from the shared boundary with the application site. The single storey side extension would abut the boundary with this neighbour, for a depth of 6.1 metres, before stepping in 1.1 metres and projecting for a further 4.2 metres. The two storey side extension would be located 1.2 metres from the shared boundary with this neighbour for a depth of 4.6 metres before stepping in 1.3 metres and projecting a further 3.9 metres. Overall, there would be a total 10 metre projection of built form close to the shared boundary with this neighbour and the rear element would project out 5.5 metres further than the rear elevation of this neighbour. Although, due to the separation distance, the proposed development is unlikely to cause a direct loss of light to the windows and internal rooms of the neighbouring dwelling, the overall 10 metre expanse of built form along the south west side of the application site is considered to result in an overbearing form of development which would create a sense of enclosure to the immediate rear private amenity space of this neighbour and along the shared boundary. Therefore this is considered to result in a detrimental impact to the residential amenity of this neighbour to an extent that would justify the refusal of the application.
- 5.3.6 There is proposed to be one first floor window on the side elevation facing the neighbouring dwelling of No.4 Queens Avenue, which will serve a bathroom. It is

noted that this could result in a loss of privacy as it looks out directly onto the neighbouring private amenity space and dwelling. However, as it serves a bathroom, if this application were to be approved, it is considered reasonable to include a condition requiring this window to be obscure glazed.

- 5.3.7 The proposed extension will be located 13.7 metres from the rear boundary. There are allotments to the rear of the site and therefore the proposal is not considered to harm the amenity of any neighbours to the rear. Furthermore, the outlook from the additional windows is not considered to be materially different from the existing windows.
- 5.3.8 A terrace has been included within the two storey rear extension at first floor level. It is set back within the extension and therefore does not have direct views of the neighbours to either side, as these will be shielded by the walls of the extension. Therefore it is not considered to cause undue harm in relation to a loss of privacy to the neighbours to either side of the application site. The terrace will have direct views down the garden on the application site. However there are no neighbours immediately to the rear and therefore the proposed terrace is not considered to result in an unneighbourly form of development to an extent that would justify the refusal of the application.
- 5.3.9 The dwellings across the road are located 15.5 metres from the dwelling on the application site. Due to this separation distance, the proposed development is not considered to result in overshadowing or a loss of privacy. Furthermore, the outlook from the additional front windows is not considered to be materially different from the existing windows.
- 5.3.10 All other dwellings are located at a distance where the extension will not impact on their residential amenity.
- 5.3.11 It is consequently considered that the proposal will result in an overbearing form of development in relation to the neighbour to the south west, No.4 Queens Avenue, to the detriment of their residential amenity. The proposal is therefore contrary to 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 extension will result in one additional bedroom, increasing the number of bedrooms from three to four. The adopted Vehicle Parking Standards require a three bedroom dwelling to have provision for a minimum of two parking spaces and a four bedroom dwelling to have provision for a minimum of three parking spaces, measuring 2.9 metres wide and 5.5 metres deep.

5.4.4 There is currently provision for one parking space, a shortfall of one parking space, taking into account the adopted Vehicle Parking Standards. The proposal will add a garage. The adopted Vehicle Parking Standards require a garage to measure 3 metres wide by 7 metres deep internally. However the proposed garage will measure under the required standard as it will measure 5.5 metres deep by 2.4 metres wide internally. Therefore there will only be one parking space of the required bay sizes on the site, a shortfall of two spaces for a four bedroom dwelling.

5.4.5 The application site is located along Queens Avenue. Although this is not a classified road and there is not a high level of through traffic, it is common for cars to park along either side of this road, which impacts on the free flow of traffic. Therefore, it is considered that the increased accommodation combined with a lack of parking is likely to result in more vehicles on the road and therefore the resulting shortfall of two parking spaces is considered to have a demonstrable impact on pedestrian and highway safety within the area.

5.4.6 The proposed extension, by reason of the addition of one bedroom, is considered to result in an unacceptable level of on-site parking, which is likely to increase on-street parking, to the detriment of pedestrian and highway safety. Therefore the proposal is considered to be contrary to this aspect of policy D1 and T2 of the LDP.

## **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 proposed extension will result in a loss of side and rear amenity space. However the private amenity space will remain in excess of 100 square metres and therefore there is no objection in relation to the provision of private amenity space.

## 6. ANY RELEVANT SITE HISTORY

6.1 There is no relevant site history for this application.

## 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 refusal:<br><br>Due to its scale, height and bulk, the proposal would lead to a cramped appearance and have a detrimental impact on the locality.<br><br>The size, location and proximity to neighbours would have a detrimental impact on the amenity of neighbouring occupiers by reason of privacy and being overpowering leading to a loss of light. | Comments noted.<br><br>See Section 5.2.<br><br>See Section 5.3. |

### 7.2 Representations received from Interested Parties

7.2.1 2 Letters have been received objecting to the application.

| Objecting Comment   | Officer Response                        |
|---|---|
| The extension, by reason of its height, size and proximity to site boundaries, would be detrimental to the amenities of neighbouring occupiers, impacting on light and outlook. | Comments noted.<br><br>See Section 5.3. |

## 8. REASONS FOR REFUSAL

- 1 The proposed development, by reason of its scale, bulk and design, is considered to result in an incongruous and dominant addition and would also result in a contrived roof line, which is considered to cause detrimental harm to the character and appearance of the existing dwelling and surrounding locality. The proposal is therefore contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 2 The proposed extension, due to its bulk, height and depth, is considered to result in an unneighbourly form of development, particularly in relation to the neighbouring site to the south west, No.4 Queens Avenue. The proposal is therefore considered to be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.
  
- 3 The proposed development is considered to result in an unacceptable level of on-site car parking provision, for a four bedroom dwelling, which is likely to result in on-street parking to the detriment of pedestrian and highway safety and the free flow of traffic, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.