

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

to
CENTRAL AREA PLANNING COMMITTEE
26 JUNE 2019

Application Number	HOUSE/MAL/19/00477
Location	17 Victoria Road, Maldon
Proposal	Loft conversion with rear dormer.
Applicant	Mr & Mrs Bourne
Agent	Chris Cumbers – CBS Cumbers MCIAT
Target Decision Date	28.06.2019
Case Officer	Louise Staplehurst
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In By Councillor Mayes Reason: In the public interest

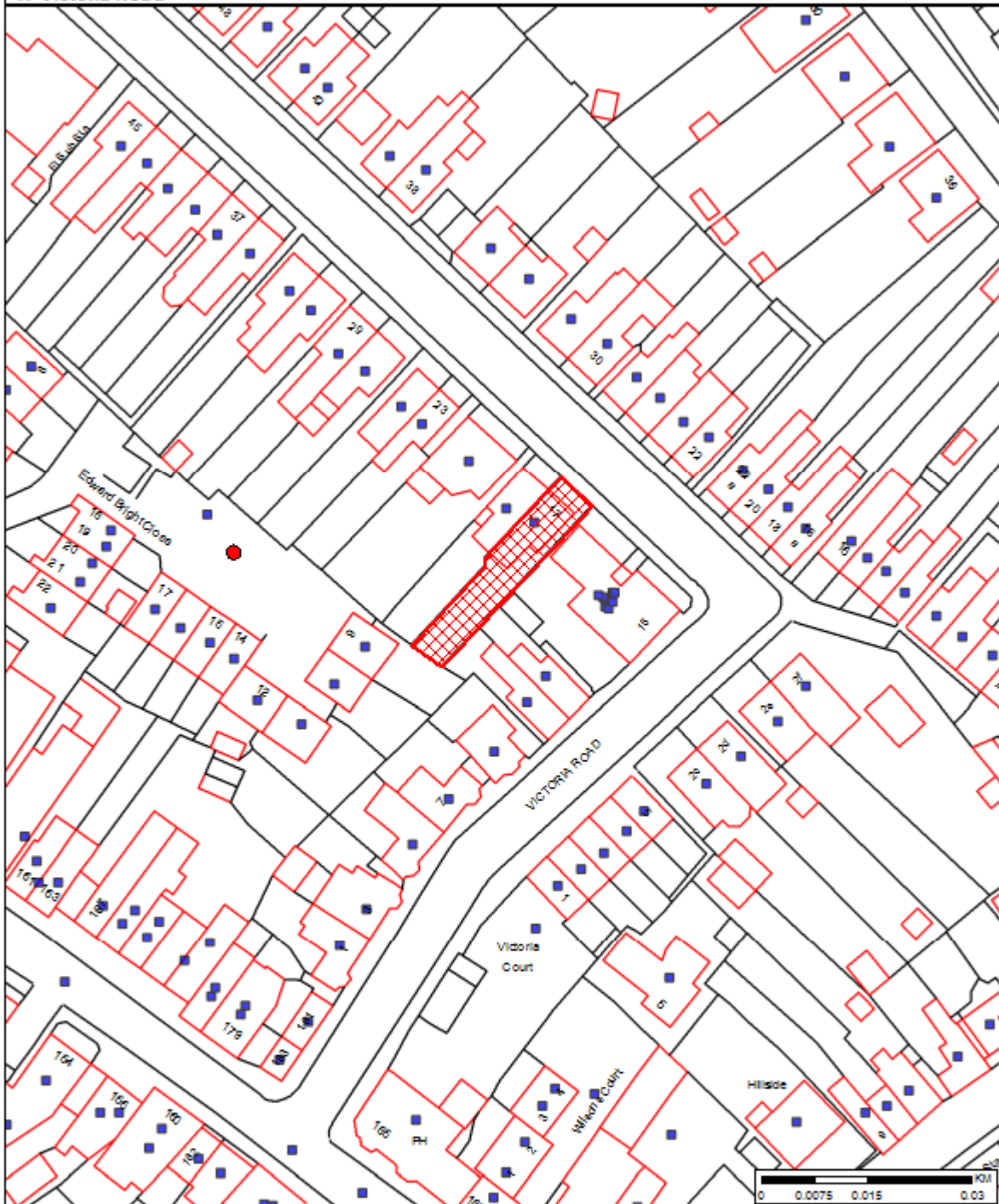
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

19/00477/HOUSE
17 Victoria Road



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Planning Committee
	Date:	05/06/2019
	MSA Number:	100018588
www.maldon.gov.uk		

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of Victoria Road, within the settlement boundary and conservation area of Maldon. The application relates to a two storey semi-detached dwelling. The surrounding area is residential in nature with properties of a similar design.
- 3.1.2 Victoria Road is covered by an Article 4 direction, which removes permitted development rights for the replacement of windows and doors in an elevation of any dwellinghouse fronting a highway or open space. This is intended to maintain the original style and materials of the windows and doors.
- 3.1.3 Planning permission is sought for a loft conversion with a rear flat roof dormer.
- 3.1.4 The proposed dormer will measure 4 metres wide in total, 2.9 metres deep and 1.6 metres high. There will be a section stepped in section 1.2 metres from the south east elevation. This will be stepped in 0.3 metres from the face of the dormer and will measure 0.9 metres in width.
- 3.1.5 In terms of materials, the flat roof will be made of lead, the window will be a timber sash sliding window and the walls will be made of slate hanging tiles.
- 3.1.6 It is noted that there have been two previous permissions granted for a similar rear dormer on this site. The most recent permission was granted in 2014. However this permission has now expired.
- 3.1.7 It is noted that there was a previous application under the terms of HOUSE/MAL/18/01240 in which planning permission was sought for a rear dormer. This application was refused; the reason for refusal was:

‘The proposed rear dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the surrounding conservation area. The proposal is therefore contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.’

- 3.1.8 The amendments relate to the design and size of the dormer. The previously refused dormer measured 4 metres wide, 3.1 metres deep and 1.9 metres high. The proposed dormer has the same width but has been reduced 0.2 metres in depth and 0.3 metres in height. The design has also been amended from an L-shaped design to include a stepped in portion in centre of the dormer.

3.2 Conclusion

- 3.2.1 The proposal would not detrimentally impact upon neighbours, highway safety or the provision of private amenity space. However the proposed dormer is considered to be an incongruous and dominant addition which would detrimentally harm the character and appearance of the dwelling and the surrounding conservation area. The proposal is therefore contrary to policies D1, D3 and H4 of the Maldon District Local

Development Plan and the guidance contained within the National Planning Policy Framework.

4. MAIN RELEVANT POLICIES

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

4.1 National Planning Policy Framework 2019 including paragraphs:

- 11 Presumption in favour of sustainable development
- 38 Decision-making
- 47-50 Determining applications
- 124-132 Achieving well-design places
- 184-202 Conserving and enhancing the historic environment

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

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

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD
- Maldon District Vehicle Parking Standards SPD
- Planning Practice Guidance (PPG)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of providing facilities in association with the existing use of a site is considered acceptable, in compliance with policies D1 and H4 of the LDP. Other material planning considerations are discussed below.

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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved MDLDP states that development proposals that affect a heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.6 Victoria Road forms part of the Maldon Conservation Area and is characterised by two storey, detached and semi-detached dwellings most of which date back to late 19th and early 20th century. The dwellings within the vicinity of the site are of a similar architectural style. In addition, the road is covered by an Article 4 direction, intended to maintain the original style and materials of the windows and doors.
- 5.2.7 The proposed dormer is of limited architectural merit. In terms of scale and appearance, the dormer is considered to result in an inappropriate and dominant addition on the rear roofline and does not reference the style and design of the existing dwelling. Furthermore, the stepped in design is considered to be contrived and incongruous, to the detriment of the character and appearance of the existing dwelling. As well as being visible from neighbouring sites, it is also visible from the streetscene, from Victoria Road to the south of the site. In this case it is considered that the scale and design of the dormer would cause harm to the character and

appearance of the dwelling and the surrounding conservation area. It is noted that the dormer has been reduced in size and a small recess has been introduced beside the window in an effort to create the impression of a smaller dormer. Whilst this is considered to be a minor improvement from the previous scheme, the proposed dormer would still be considered to appear bulky and contrived, causing harm to the character and significance of the host dwelling and the surrounding area, which is a conservation area. Furthermore, the Conservation Officer has also objected due to it appearing bulky and out of proportion on the roof slope, failing to harmonise with the style and form of the host dwelling.

- 5.2.8 It is noted that a similar rear dormer has been approved at this site, firstly in 2010 and again in 2014. The permission from 2014 has now expired and the planning landscape has substantially changed and therefore these two previous applications are given limited weight in this assessment. Since the 2014 permission was granted, there have been subsequent appeal decisions and applications, which are discussed below.
- 5.2.9 It is noted that an application for a rear dormer at No.35 Victoria Road (HOUSE/MAL/17/00422) was refused and, although it was a larger dormer, it is relevant to note that an appeal against the refusal was dismissed as it would appear as a 'strident interloper that would fail to harmonise with the style and form of the host property or the roof scape of the terrace more generally'.
- 5.2.10 It is noted that a rear dormer window was approved at 25 Victoria Road under the terms of application HOUSE/MAL/18/00678. This was approved following several revisions, and the approved dormer was of a smaller scale and more appropriate style design than the dormer proposed as part of this application.
- 5.2.11 Although there are some dormers on the rear of properties along Victoria Road, they appear to have been constructed under permitted development before permitted development rights were removed from the properties along Victoria Road in 2001. They are also of materially better design and more appropriate size.
- 5.2.12 In terms of proposed materials, there is no objection to any of these as they are in keeping with the existing dwelling.
- 5.2.13 The proposed dormer window is considered to be out of keeping with the existing dwelling and the surrounding area, to the detriment of the character of the property and conservation area. It is considered that the concerns with the previous application have not been overcome and therefore the proposal is contrary to this aspect of policies D1 and D3 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The neighbouring dwelling to the north west, No.19 Victoria Road, adjoins the dwelling on the application site. The dormer will abut the shared boundary. However there will be no windows on the elevation facing this neighbour. There may be some

views of the neighbouring garden from the dormer window. However these are not considered to be materially different from the existing first floor windows and therefore this would not enable overlooking that would warrant the refusal of the application. Furthermore, the dormer is not considered to be an overbearing addition which would impact on this neighbour by way of overshadowing.

- 5.3.3 The site to the south west hosts a block of flats. The proposed dormer will be located 1.8 metres from the shared boundary. There will be no windows on the elevation facing the neighbour. There may be some views of the neighbouring garden from the dormer window. However these are not considered to be materially different from the existing first floor windows and therefore this would not enable overlooking that would warrant the refusal of the application. In addition, the dormer is not considered to be an overbearing addition which would impact on the neighbours by way of overshadowing.
- 5.3.4 There are two sites adjacent to the south east boundary of the application site, No.13 and No.11 Victoria Road. The proposed dormer would be located 10 metres and 14 metres from the closest rear boundaries of these sites respectively. The site located south west of the application site, No.9 Edward Bright Close, is located over 20 metres from the proposed dormer. The proposed dormer may have some views of the rear gardens of these sites. However these are not considered to be materially different from the existing first floor windows and therefore this would not enable overlooking to an extent that would warrant the refusal of the application.
- 5.3.5 It is consequently considered that the development would not detrimentally impact on the residential amenity of neighbouring occupiers and therefore the proposal is in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an

unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.

- 5.4.3 The proposal will add one bedroom to the dwelling, increasing the number of bedrooms from three to four. The site currently has no off-street parking. Whilst there is no off street car parking provision on site, permit parking is available along Victoria Road and it is considered that due to the access to public transport and distance from the High Street, the site is within a sustainable location where a relaxation in on-site car parking provisions is reasonable. Therefore, the proposal is not considered to have such a detrimental impact on vehicle parking as to warrant a reason for refusal.

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

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/10/00349** – Loft conversion – Approved
- **HOUSE/MAL/14/01213** – Loft conversion – Approved
- **HOUSE/MAL/18/01240** – Loft conversion with rear dormer – Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommend approval	Comments noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	The application is an amended version of a recently refused proposal. The size of the roof extension has been reduced slightly and a small recess has been introduced beside the	Comments noted.

Name of Internal Consultee	Comment	Officer Response
	<p>window in an effort to create the impression of a smaller dormer. The adjustments have made it slightly more sympathetic but still appear rather bulky and out of proportion in this context and would fail to harmonise with the host property. The proposal would cause harm to the character and significance of the conservation area.</p> <p>This application is similar to a scheme which was approved twice before (refs 10/00349 and 14/01213), and that the previous conservation officer did not raise an objection to the proposal. However, the 2017 appeal decision establishes the parameters of how such proposals should be judged.</p>	

7.3 No representations have been received from Interested Parties)

8. REASON FOR REFUSAL

- 1 The proposed rear dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the surrounding conservation area. The proposal is therefore contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.