



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

to
CENTRAL AREA PLANNING COMMITTEE
24 July 2019

Application Number	HOUSE/MAL/19/00688
Location	94 Dorset Road, Maldon
Proposal	Part garage conversion, single storey rear extension, first floor side and 2 storey rear extension, material alterations, front canopy/roof alterations and extend existing hardstanding.
Applicant	Mr & Mrs M. Wallis
Agent	Miss Andrea Savill – Athena Architectural Services
Target Decision Date	12.08.2019
Case Officer	Louise Staplehurst
Parish	Maldon West
Reason for Referral to the Committee / Council	Member Call In Councillor Heard – In the public interest

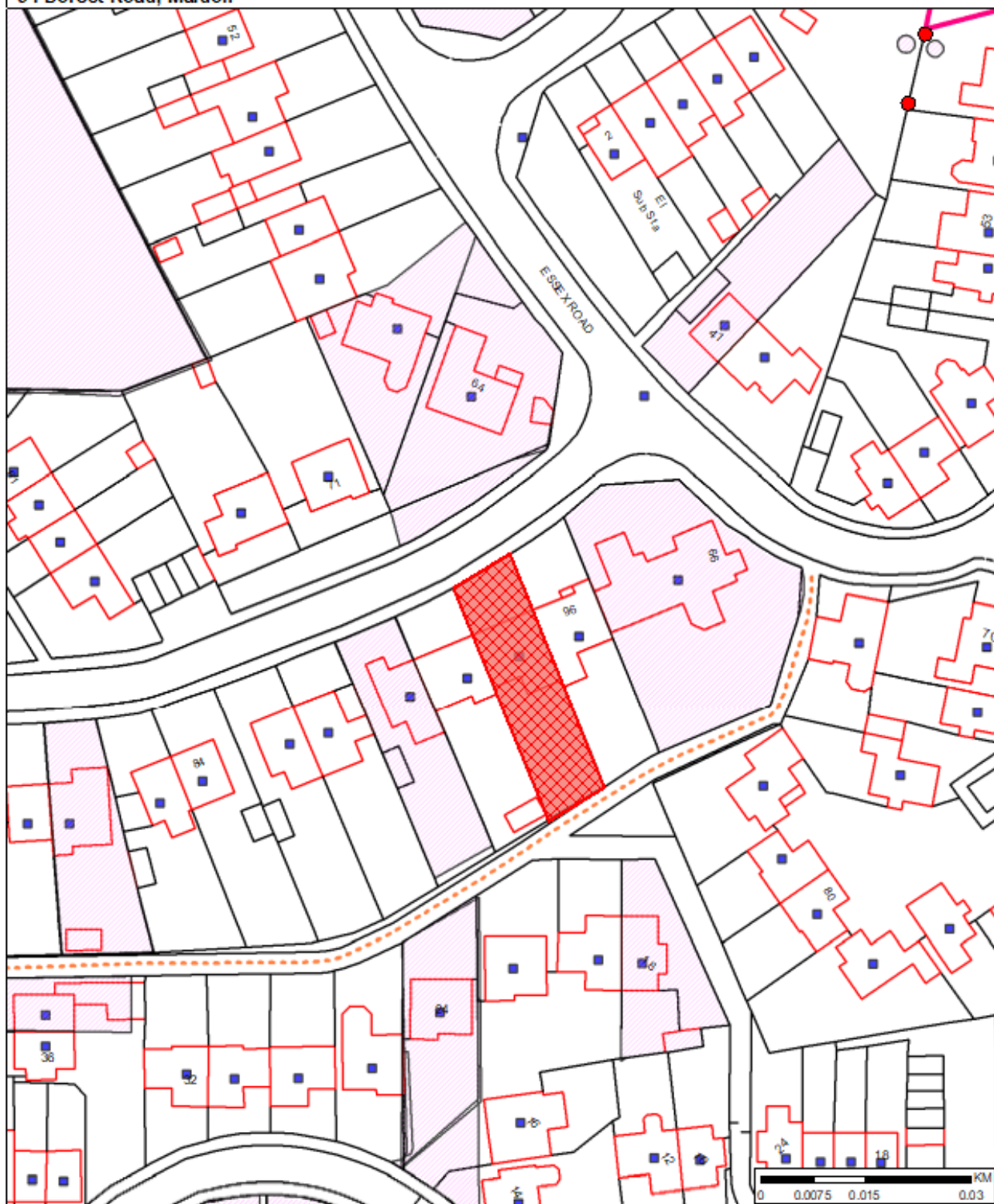
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

19/00688/HOUSE
94 Dorset Road, Maldon



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 Maldon District Council 100018588 2014



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Scale: 1:750

Organisation: Maldon District Council

Department: Department

Comments: CAC

Date: 09/07/2019

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the south side of Dorset Road, within the settlement boundary of Maldon. The site is occupied by a semi-detached dwelling. The dwellings along the southern side of Dorset Road are of a similar design to the dwelling on the application site. The surrounding area consists of dwellings of a mixed design, albeit most of them share similar characteristics of typical 1970s dwellings.
- 3.1.2 Planning permission is sought for a part garage conversion, a single storey rear extension, a first floor side extension, a two storey rear extension, alterations to the front canopy and roofline, alterations to materials and an extension of the existing hardstanding on the driveway.
- 3.1.3 The proposed single storey rear extension will measure 5.2 metres wide, 3.8 metres deep, 2.3 metres high to the eaves and 3.6 metres high overall.
- 3.1.4 The proposed first floor side extension will measure 2.7 metres wide, 7.7 metres deep, 5.1 metres high to the eaves and 7.8 metres high to the ridge.
- 3.1.5 The proposed two storey rear extension will project 3.6 metres from the rear elevation of the dwelling. It will measure 3.9 metres wide, 5.1 metres high to the eaves and 6.4 metres high overall.
- 3.1.6 The garage conversion consists of converting the rear part of the garage into a utility room. The front part of the garage will remain, and the existing garage door will be replaced with a roller shutter door.
- 3.1.7 The material alterations consist of replacing the windows and doors with UPVC units. The roof alteration consists of changing the front single storey flat roof canopy to a small pitched roof.
- 3.1.8 The existing hardstanding on the driveway will be increased in size to provide more space for parking.
- 3.1.9 In terms of materials, the walls will be finished with brick and cement weatherboarding, concrete roof tiles and UPVC and aluminium windows and doors.
- 3.1.10 It is noted that this is a re-submission of a previously refused application, under the terms of HOUSE/MAL/19/00329. The reason for refusal was:

'The proposed first floor side and two storey rear extension, due to its siting in such close proximity to the neighbouring extension at No.92 Dorset Road, would result in a terracing effect, appearing at odds with the prevailing character of the streetscene. The terracing effect created by the proposed development would therefore cause detrimental harm to the character and appearance of the host dwelling, the streetscene and the surrounding area, contrary to policies D1 and H4 of the Maldon

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

- 3.1.11 It must be noted that no amendments have been made to this application since the previous application refused by the Council.

3.2 Conclusion

- 3.2.1 The proposed first floor side and two storey rear extension, is considered to be an unacceptable addition which would create a terracing effect between the dwelling on the application site and the neighbouring dwelling, No.92 Dorset Road, to the detriment of the character and appearance of the site and the surrounding area. Overall, the proposal has not overcome the concerns raised within the previous application. Therefore, the proposal is considered to be contrary to policies H4 and D1 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
- 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
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending a dwellinghouse and providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved 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 proposed first floor side extension will be set 0.1 metres lower than ridge height of the main dwelling and set back 0.2 metres from the principal elevation. Although

this is only marginally lower than the ridge height and a minimal set back from the main dwelling, on balance, it is not considered to be of a scale and bulk that would dominate the host dwelling. In addition, the roof style will reference the design and pitch of the roof on the host dwelling and therefore it will appear in keeping with the existing dwelling on the site. Furthermore, the window on the front elevation of the side extension will be in line with the fenestration pattern on the host dwelling.

- 5.2.6 The proposed two storey rear extension will project 3.6 metres from the rear elevation and will be built level with the proposed single storey element. The ridge height of this element will be set 1.4 metres lower than the ridge of the host dwelling and therefore, although it will expand 3.9 metres in width, it would be considered a subservient addition. The pitched roof style would be in keeping with the host dwelling. In addition, the fenestration pattern would match the existing dwelling. The neighbour has a similar rear projection and although the neighbouring extension is not as wide or high, it would not be out of keeping with the area.
- 5.2.7 Although the proposed side and rear extensions could be considered, on balance, to be of a suitable design when viewed in isolation, it is noted that the neighbouring dwelling to the west, No.92 Dorset Road, has had a similar two storey side extension built, approved under application MAL/335/86. Due to the siting of the proposed extension and its proximity to the neighbouring property, it would create an unrelated terracing effect between these two semi-detached dwellings. Dorset Road is characterised by pairs of semi-detached dwellings, with clear openings between each pair. The proposal would close the gap between these two dwellings, creating the appearance of a large expanse of built form, thus resulting in a terrace which would appear at odds with the prevailing character of the streetscene. The unrelated terracing effect created by the proposed development would therefore cause detrimental harm to the character and appearance of the host dwelling and the surrounding area.
- 5.2.8 The proposed development is identical in nature to one refused planning permission by the Council on the 13.6.2019. Whilst it is noted that the previous decision was made at Officer level, the decision is that of the Council and should be attributed substantial weight when determining this application. Furthermore, the fact that an application is determined at Officer level or at a Planning Committee should not be a material consideration of any demonstrable weight. The current scheme is identical in nature to the previous refused development and there has been no additional information submitted to support the application. It is not considered that there are any new material considerations (e.g. a new policy having been adopted or a recent appeal decision) since the determination of the last application for the Council to come to a different determination.
- 5.2.9 The single storey rear extension is considered to be of a typical style and design for a residential dwelling. Due to its size and height it is considered to be a subservient addition to the host dwelling and therefore there is no objection to this aspect of the proposal.
- 5.2.10 It is proposed to use cement weatherboarding on the principal elevation of the first floor extension above the garage. Although this would not match the materials used on the existing dwelling, there is cement cladding within the streetscene, in particular No.88 Dorset Avenue and at the neighbouring dwelling, No.92 Dorset Avenue.

Therefore, the proposed weatherboarding is not considered to harmfully impact on the visual amenity of the streetscene to an extent that would justify the refusal of the application on these grounds. All other materials, including the replacement UPVC windows and doors, will match the existing materials used on the dwelling and therefore there is no objection to this.

- 5.2.11 The proposed garage conversion consists of internal works which will not impact upon the character and appearance of the dwelling. The garage door will be replaced with a new roller shutter garage door. Although not of a typical residential nature, the proposed replacement garage door is not considered to have a demonstrable impact on the streetscene and therefore there is no objection to this element of the proposal.
- 5.2.12 It is proposed to alter the existing flat roof front canopy and roof above the garage to a pitch roof. This is considered to be a relatively minor alteration and the pitched roof is considered to be more in keeping with the style and design of the main roof on the host dwelling than the existing flat roof. Therefore, there are no objections to this element of the proposal.
- 5.2.13 The proposed extension of the hardstanding will be of a similar appearance to the existing hardstanding at the site. Whilst it is undesirable that the existing soft landscaping at the front curtilage will be partially lost, on balance, there is no objection to this element of the development.
- 5.2.14 The proposed first floor side and two storey rear extension is considered to be an unacceptable addition which would create an unrelated terracing effect between the dwelling on the application site and the neighbouring dwelling, No.92 Dorset Road (both of which are semi-detached), to the detriment of the character and appearance of the site and the surrounding area. The application is identical in nature to that previously submitted and has not overcome the concerns raised within the previous application. There are not considered to be any new material considerations to alter the previous decision by the Council. The proposal is therefore considered to be contrary to policies D1 and H4 of the LDP. No objection is raised to the proposed single storey rear extension, garage conversion and roof alterations.

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 northeast, No.96 Dorset Road, adjoins the dwelling on the application site and has a single storey rear extension. The proposed single storey rear extension on the application site will project level with the neighbouring extension. The neighbouring extension has a flat roof and will be set lower than the proposed extension. However, the proposed extension will have a mono-pitched roof measuring 2.3 metres high to the eaves and 3.6 metres high overall. Although it will have a higher ridge height, this is not considered to result in an overshadowing impact to an extent that would justify the refusal of the application. The two storey element will be located 5.2 metres from this neighbour and will project out 3.6 metres further than the first floor rear elevation of this dwelling. However due to the separation

distance, the two storey element of the proposal is not considered to result in overshadowing to an extent that would justify the refusal of the application. Furthermore, there will only be windows on the rear elevation of the extensions and none facing directly towards this neighbour and therefore there is no objection to the application in regard to a loss of privacy to this neighbour.

- 5.3.3 The neighbouring dwelling to the west, No.92 Dorset Road, is located 0.2 metres from the shared boundary with the dwelling on the application site. There are no windows proposed on the side elevation facing this neighbour and therefore the proposal is not considered to result in a loss of privacy to this neighbour. The two storey extension will project along the side of the shared boundary between these properties. However, there are no windows on the side elevation of the neighbour and therefore this will not result in a loss of light to the side elevation of the neighbour. The two storey rear extension will project 3.4 metres to the rear of the dwelling on the application site. It is noted this neighbour also has a two storey rear extension adjacent to the shared boundary with the application site. Therefore, the proposed rear extension would project 2.2 metres further than the neighbouring two storey rear extension. The proposal is not considered to result in a significant loss of light to the neighbouring first floor window. There is a ground floor window and door and the proposal is likely to result in some loss of light to this window. However, this window serves a utility room, which is not a habitable room and therefore, even though it would cause some loss of light, this is not considered to result in overshadowing to an extent that would justify the refusal of the application.
- 5.3.4 The proposed extension will be located 16.8 metres from the rear boundary. Due to the distance, the proposed developments will not cause a loss of light to any neighbours to the rear of the site. There will be ground floor and first floor windows on the rear elevation of the proposed extensions. However, any views from these windows are not considered to be materially different to the existing windows on the rear elevation of the dwelling.
- 5.3.5 The proposed extension will be located 7.1 metres from the front boundary. Due to the distance, the proposed development will not result in overshadowing to any neighbours to the front of the site. Furthermore, any views from the additional first floor front window are not considered to be materially different to the existing windows on the front elevation.
- 5.3.6 The garage conversion, new hardstanding and replacement windows and doors will not impact on the residential amenity of neighbouring occupiers and therefore there is no objection to this element of the proposal.
- 5.3.7 The front canopy and ground floor roof alteration is considered to be a minor nature and would not cause detrimental harm the amenity of neighbouring occupiers in relation to a loss of light or domination.
- 5.3.8 All other dwellings are located at a distance where the development will not impact on their residential amenity.
- 5.3.9 It is consequently considered that the proposal would not result in a detrimental impact on the residential amenity of neighbouring occupiers, in terms of overlooking

or overshadowing. Therefore, the proposal is considered to be in accordance with this aspect of policies D1 and H4 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 is adding one bedroom, increasing the number of bedrooms from three to four. The adopted Vehicle Parking Standards require a three bedroom dwelling to have two parking spaces, but a four bedroom dwelling requires three parking spaces, measuring 2.9 metres wide and 5.5 metres deep. Part of the garage is also being converted to be part of the dwelling and therefore can no longer be considered as a practical car parking space.
- 5.4.4 Plans have been submitted showing the hardstanding on the site being increased in size to accommodate three parking spaces, of the required bay size. Therefore, although part of the garage is being converted and the resultant garage would not be able to fit a car, it is considered that there will be sufficient parking on the driveway for three cars and therefore there is no objection to the proposal in relation to parking provision. No changes to the existing vehicle access are proposed and thus, no objection is raised in terms of the access and egress from the site.
- 5.4.5 Therefore, the proposal is considered to be in accordance with this aspect of policies 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 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 proposed extension will reduce the private amenity space to the rear of the dwelling. However, the resulting garden will remain in excess of 100 square metres. Therefore, the proposal is in accordance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAB/97/61/6** – Approved – residential development – Approved
- **HOUSE/MAL/19/00329** - Part garage conversion, single storey rear extension, first floor side & two storey rear extension, material alterations, front canopy/roof alterations and extend existing hardstanding. – 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	No response	N/A

7.2 Representations received from Interested Parties

- 7.2.1 No representations have been received at the time of writing this report.

8. REASONS FOR REFUSAL

1. The proposed first floor side and two storey rear extension, due to its siting in such close proximity to the neighbouring extension at No.92 Dorset Road, would result in a terracing effect, appearing at odds with the prevailing character of the streetscene. The terracing effect created by the proposed development would therefore cause detrimental harm to the character and appearance of the host dwelling, the streetscene and the surrounding area, contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.