



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
5 AUGUST 2019**

Application Number	HOUSE/MAL/19/00653
Location	Heath House, 13 Heathgate, Wickham Bishops
Proposal	Section 73A application for the removal of existing conservatory and erection of single storey rear extension
Applicant	Mr Gary Howard
Agent	Mr Martin Gray
Target Decision Date	13.08.2019
Case Officer	Hayleigh Parker-Haines
Parish	WICKHAM BISHOPS PARISH COUNCIL
Reason for Referral to the Committee / Council	Member Call In – Councillor M F L Durham – Local Concerns

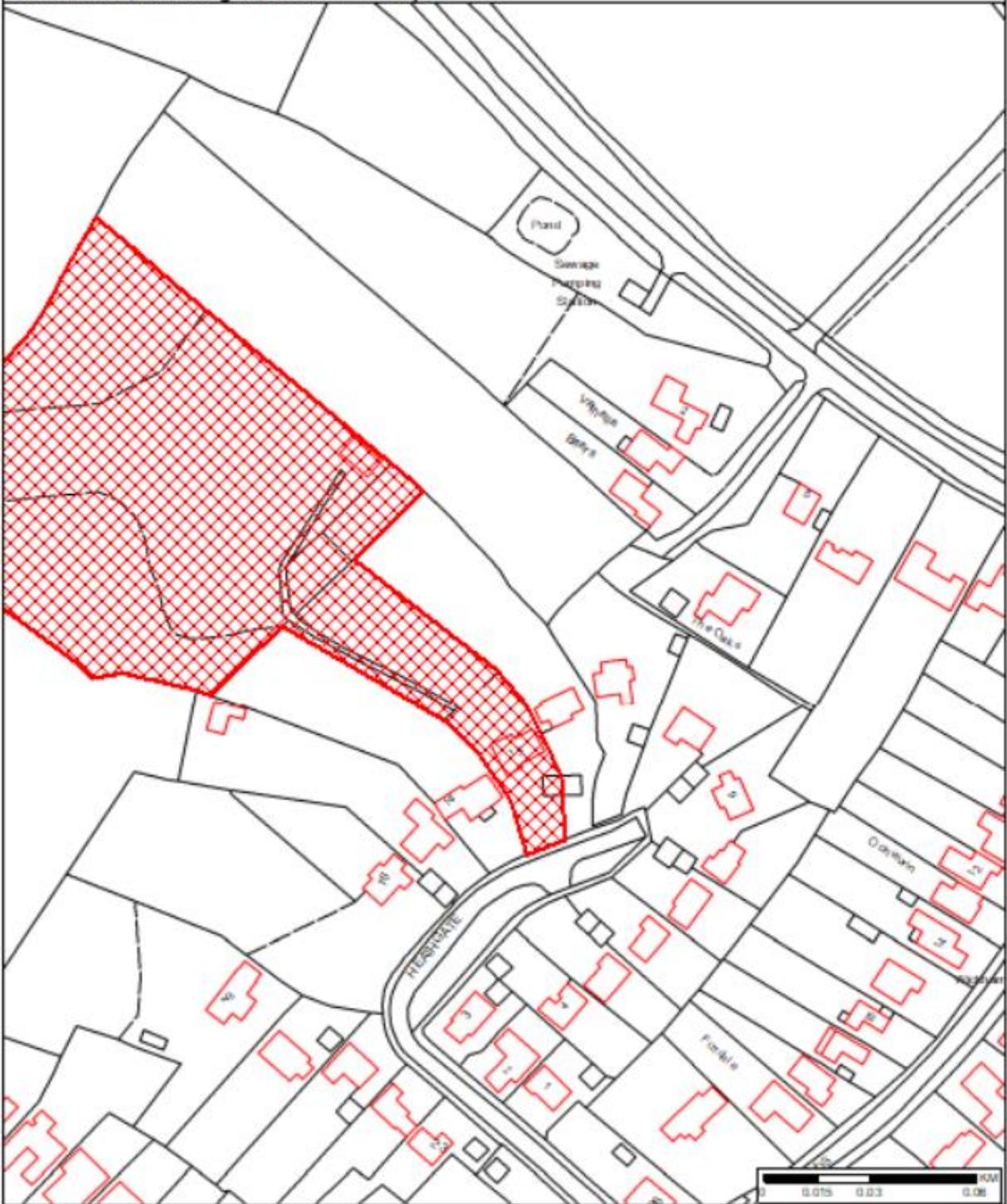
1. **RECOMMENDATION**

APPROVE with no conditions.

2. **SITE MAP**

Please see overleaf.

19/00653/HOUSE
Heath House, 13 Heathgate, Wickham Bishops



 MALDON DISTRICT COUNCIL	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 Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014	Scale: 1:1,500
	Organisation: Maldon District Council	Department: Department
www.maldon.gov.uk	Date: 19/07/2019	MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application seeks retrospective planning permission (under the terms of Section 73A of the Town and Country Planning Act 1990) for the removal of the conservatory which was to the eastern end of the rear elevation of the dwellinghouse and the erection of a single storey rear extension in the same location.
- 3.1.2 The rear extension has a maximum height of 3 metres with an eave's height of 2.3 metres, a depth of 3.3 metres and a width of 6.9 metres, the extension is attached to the plant room giving a total width of 8.2 metres. This is constructed of plain roof tiles and render to match the host dwelling with an element of black cladding to the eastern side elevation of the plant room. The proposed extension includes the change in roof form to the existing plant room, previously the plant room had a mono pitched roof, the plant room now has a pitched roof to incorporate the plant room into the extension.
- 3.1.3 It is noted that there are trees at the application site subject of tree preservation orders. However, it is not considered that the extension has had an effect on any of these trees as the extension occupies a similar footprint as the previous conservatory.

3.2 Conclusion

- 3.2.1 It is considered that the development, by reason of its scale, location and design does not harm the appearance or character of the locality and, due to its relationship with the adjoining properties, the development does not result in any undue harm by way of overlooking, loss of light or loss of amenity in any other respect. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with policies D1, S1 and H4 of the approved LDP.

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
- 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)
- Essex Design Guide (EDG)
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

- 5.2.1 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, liveable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design seek to create a high quality built environment for all types of development.

- 5.2.2 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. The NPPF states that:

“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities”.

- 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 Maldon District Design Guide (MDDG) (2017).
- 5.2.5 The extension is to the rear of the property and is not highly visible from within the public realm. Furthermore, due to the single storey nature of the extension and that it occupies a footprint of 22.7m², it is considered to be a subservient addition to the host dwelling. Therefore, it is not considered to have a significant detrimental impact on the character and appearance of the site or the surrounding area.
- 5.2.6 The materials used are predominately to match the host dwelling and therefore there are no concerns in relation to this. The addition of black cladding is considered to be a slightly incongruous feature to the site. However, as this is to the rear of the property it is not highly visible within the public realm and therefore, this alone would not warrant the refusal of this application.
- 5.2.7 Therefore, it is considered that the development, by reasons of its scale, design and appearance does not result in a demonstrable harm to the character and appearance of the existing dwelling and the locality in accordance with policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered four neighbouring properties. To the south are No. 5 and No.6 Heathgate, to the east is No.12 Heathgate and to the west is No.14 Heathgate.
- 5.3.3 Due to the location of the extension to the rear of the dwelling it is not considered that the single storey extension has resulted in an unneighbourly form of development in relation to the neighbouring properties to the south.
- 5.3.4 The proposed development sits a minimum of 1.5 metres from No.12 Heathgate. However, due to the single storey nature of the development, the hipped roof which slopes away from the neighbouring property and this degree of separation, it is not considered that the development has an overbearing impact on these neighbouring occupiers or results in an unacceptable loss of light to this neighbouring property. Furthermore, there are no windows to the eastern side elevation of the building and therefore it is not considered to result in a loss of privacy to these neighbouring occupiers.
- 5.3.5 The extension sits 12 metres from the shared boundary with No.14 and 15 metres from the neighbouring property to the west. Due to the single storey nature of the extension and this substantial degree of separation, it is not considered that the extension has resulted in an unneighbourly form of development in relation to this neighbouring property.

- 5.3.6 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of 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 development has not altered the current parking provision on site or the number of bedrooms at the application site. Therefore, there are no concerns in relation to parking.

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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The development leaves over 100m² private amenity space. Therefore, the proposal is in compliance with Policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **WTPO/MAL/94/00304** – Removal of branch overhanging path and removal of dead wood and reshaping of crown (TPO/5/76) – Approved
- **FUL/MAL/97/00468** – Proposed single storey front bay extension and infilling of entrance porchway. – Approved

- **WTPO/MAL/98/00026** – Works to Oak trees T14 and T17 including removal of damaged branches and dead wood and selectively thin re-growth by 30%. Prune Apple tree T16 - TPO/5/76 – Approved
- **WTPO/MAL/03/00301** – Crown lift and 30% crown reduction of two Oak trees – Approved
- **WTPO/MAL/09/01067** - TPO 5/76 - T13 & T14 - Oak Tree - Thin out new growth and thin outer crown by 15%, T16 - Apple Tree - Removal of tree and replaced by a small medium size tree, such as a Horn beam, Silver Birch, Etc, T17 - Oak Tree - Crown lift & minor growth reduction (6 metre height overhanging highway) up to level of lowest main limbs – Approved
- **WTPO/MAL/16/01354** - TPO 5/76 - T17 Oak - Thin out new growth, remove dead, damaged branches and reduce the overall size (crown) by 30%, T13 & T14 Oak (back garden) Thin out new growth, remove dead/damaged branches and reduce the overall size (crown) by 30%.- Part Approved, Part Refused, Appeal Dismissed
- **WTPO/MAL/16/01393** - TPO 5/76 - T17 Oak – Remove – Application Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	No letters of representation have been received. Cllr MacGregor reported that retrospective permission was being sought to replace a conservatory with a single storey rear extension on a similar footprint. The Parish Council recommends approval	Comments noted

7.2 Representations received from Interested Parties

7.2.1 Representations **objecting** to the application:

One neighbouring letter of objection has been received.

Objecting Comment	Officer Response
No consideration has been taken by the applicants as to the effect this construction has had on the neighbouring property to the east.	The impact of the proposed development on the neighbouring property to the east has been assessed in section 5.3.4 of this report
The proposed development was built deliberately whilst the neighbouring occupants to the east were away.	This is not a planning consideration

Objecting Comment	Officer Response
The drawings do not reflect the real dimensions of the plant room	The assessment is made on the basis of the information submitted.
Neighbours have not been consulted in regard to a party wall agreement with all that entails. There is no room for maintenance as the extension has been built right up to the boundary fence	This is not a planning consideration.
The plumbing arrangements have resulted in water being blown onto the neighbouring properties to the east windows due to the water flow from the main house guttering being fed down onto the flat roof of the extension.	This is not a planning consideration
The proposed extension is over-bearing and intrusive when viewed from the neighbouring property to the east	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The proposed extension has resulted in a loss of daylight and sunlight and the neighbouring occupiers to the east can no longer see sky from the side of the house – just a dark mass.	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The proposed extension is of a substantial size that is more than half the width of the property and should not be so large as to create a claustrophobic effect or cause a significant amount of visual intrusion and loss of light to neighbouring properties.	The impact of the proposed development on the neighbouring property has been assessed in section 5.3.4 of this report
The neighbouring properties value has undoubtedly reduced	This is not a material planning consideration

8. PROPOSED CONDITIONS

- 8.1 As the application has been submitted retrospectively and is acceptable in its current form, it is considered that it is not necessary to impose any conditions