



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
7 OCTOBER**

Application Number	HOUSE/MAL/19/00863
Location	2 Brook Lane, Asheldham, Essex CM0 7DY
Proposal	Demolition of existing carport/store & erection of single storey annex, first floor extension over existing kitchen wing & additional surface parking
Applicant	Mrs Hannah Sams
Agent	Mr Patrick Stroud - Sole Practitioner
Target Decision Date	22.10.2019
Case Officer	Annie Keen
Parish	ASHELDHAM
Reason for Referral to the Committee / Council	Member Call In – Councillor R P F Dewick Public interest, scale and bulk

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

19/00863/HOUSE
2 Brook Lane, Asheldham



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 Maldon District Council 100018588 2014



MALDON DISTRICT
 COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	South Eastern Committee
Date:	16/09/2019
MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

3.1.1 Permission is sought for the demolition of a carport/store and the construction of a first floor extension creating an additional bedroom and a single storey side extension. Whilst the application describes the single storey development as a side extension, the plans reflect that this element of the development would form an annexe with a living/dining area, wet room and space which could be used for two bedrooms.

3.1.2 The proposed annexe would measure 3.3 metres in width at the narrowest part widening to 4.2 metres. The depth of the development would measure 12.8 metres in depth along the northern elevation with an eaves height of 2.6 metres and a maximum roof height of 4.1 metres to the top of the gable style roof.

3.1.3 The proposed first floor extension would measure 3.3 metres in width and 5.2 metres in depth with an eaves height of 5.4 metres and a maximum roof height of 7.6 metres.

3.1.4 The materials proposed for the construction of the development would be buff brick with black boarding, red concrete roofing tiles and uPVC windows and doors to match the existing dwelling.

3.1.5 It is noted a supporting statement has been submitted detailing the need for the annexe and first floor side extension. It is stated the requirement for the annexe is due to the applicants wish to house her parents when they retire with the requirement for the first floor side extension being to add an additional bedroom for their daughter to move into, enabling one of the existing bedrooms to be used as an office.

3.1.6 This application is a resubmission of the previously refused application HOUSE/MAL/19/00480, which was refused due to the following:

1 *The proposed first floor extension and single storey annexe, by reason of their scale, bulk and design, are considered to be large additions which in unbalancing the pair of semi-detached dwellings, would fail to reflect and would be out of keeping with and harmful to the character and appearance of the existing dwelling and the streetscene. 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 development, would increase the number of bedrooms on-site from three to six, resulting in the available level of on-site car parking provision being unacceptable and would likely to result in parking on the lane to the detriment of the free flow of vehicles, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.7 The proposed development, which is the subject of this application, has not been altered from the previous submission, with only the annotations from the floor plan having been removed.

3.2 Conclusion

- 3.2.1 It is considered that the first floor side extension and single storey annexe, by reason of their scale, bulk and design, would harm the appearance of the host dwelling and character of the locality, unbalancing the pair of semi-detached dwellings. It is therefore considered that the development is contrary to policies D1 and H4 of the 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:

- 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)
- Planning Practice Guidance (PPG)
- Maldon District Design Guide SPD MDDG)
- Maldon District Vehicle Parking Standards SPD
- Maldon District Special Housing Needs SPD

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of erecting ancillary accommodation to provide facilities in association with the existing residential accommodation are considered acceptable and in line with Policies S1 and H4 of the Local Development Plan (LDP).

- 5.1.2 It is an expectation that annexe accommodation will be ancillary to the host dwelling and good practice for the accommodation to have a functional link, shared services, amenities and facilities and for there to be a level of dependence on the occupants of the host dwelling by the occupants of the annexe.
- 5.1.3 In addition, the Specialist Needs Housing SPD which was adopted September 2018, states that proposals for annexe accommodation will not only be required to meet the criteria in policy H4 but also the criteria within the SPD which is as follows:
- Be subservient/subordinate to the main dwelling
 - Have a functional link with the main dwelling (i.e. the occupants dependent relative(s) or be employed at the main dwelling)
 - Be in the same ownership as the main dwelling
 - Be within the curtilage of the main dwelling and share its vehicular access;
 - Be designed in such a manner to enable the annex to be used at a later date as an integral part of the main dwelling;
 - Have no separate boundary or sub division of garden areas between the annexe and main dwelling; and
 - Have adequate parking and amenity facilities to meet the needs of those living in the annexe and main dwelling.
- 5.1.4 The proposal states an element of the development would be a single storey side extension, which would be used as an annexe. The proposed extension would provide a hallway, wet room, a living area, a sitting room and another large room which, whilst its use is unspecified, could be used as a bedroom. The presence of primary accommodation within the proposed annexe does not necessarily mean that it would not be occupied as ancillary to the main dwelling, it is noted that the proposed annexe would share the same site access and kitchen and there appears to be no separate curtilage of the site, due to this the annexe would remain part of the curtilage of the host dwelling and used ancillary to that dwelling. Whilst no details have been provided regarding the use of and functional link between the host dwelling and the annexe, a condition could be imposed to limit the use of the annexe to ensure its use would be in accordance with the policies outlined above.
- 5.1.5 It is therefore considered that the development can be found acceptable in principle, subject to the imposition of a suitable condition to control the use.

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”.

“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”.

5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character, 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 would create a bedroom within the main dwelling, potentially increasing the number of bedrooms within the main dwelling to four. Whilst it is noted that the applicant has stated that the intention is to use the existing bedroom as an office, it is necessary to consider the development across its entirety and future residents may require this as a bedroom. Due to the scale and bulk of the development the proposed side extension would be a dominant addition to the site, with the ridge height only being 0.3 metres lower than the existing dwelling. Furthermore, the proposed first floor side extension would unbalance the pair of semi-detached dwellings, which are of a handed design and similar in appearance to the two semi-detached dwellings to the south of the site. The proposed development would therefore impact upon the existing symmetry within the streetscene.

5.2.6 The proposed single storey side extension, which would create a annexe, would be a large, bulky addition to the dwelling and would project 12.8 metres in depth along the southern boundary, dominating the site. Additionally, the development would be highly visible from the streetscene, with views of the side extension being seen from the south.

5.2.7 The proposed materials would not have a detrimental visual impact upon the appearance of the host dwelling or the streetscene and therefore are considered acceptable.

5.2.8 It is considered that the development, by reasons of its scale, design and appearance would result in a demonstrable harm to the character and appearance of the existing

dwelling and the locality and therefore would be contrary to 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 neighbouring dwelling to the north, No.1 Brook Road, would be situated 12.3 metres from the proposed development. Due to the position of the first floor extension and annexe, the proposed development would not result in overlooking of the neighbouring private amenity space or result in overshadowing of the neighbouring occupiers.
- 5.3.3 The proposed annexe would be situated 0.9 metres from the shared boundary and 5.6 metres from the neighbouring dwelling to the south, No.3 Brook Road. The plans show the annexe would have a door with windows at ground floor level on the southern elevation, which would face the neighbouring dwelling. However, any views of the neighbouring private amenity space would be shielded by a boundary fence and an outbuilding, therefore the annexe would not result in overlooking of the neighbouring private amenity space. The plans show there are no other windows on this elevation. The first floor extension, which adjoins the southern elevation of the main dwelling would be situated 8.9 metres from the neighbouring dwelling. The plans show there are no windows to the southern elevation of the first floor extension and therefore due to this and the separation distance the first floor extension would not result in overlooking or overshadowing of the neighbouring site.
- 5.3.4 The proposed development site would share the western boundary with the neighbouring dwelling to the west, St Anns, Southminster Road. The proposed development would be situated a minimum of 14.9 metres from the shared boundary. Due to this separation distance, the development would not result in overlooking of the neighbouring private amenity space or result in overshadowing of the neighbouring occupiers.
- 5.3.5 The neighbouring dwelling to the east, The Rest, Southminster Road, would be situated a minimum of 10 metres from the proposed development site. Due to this separation distance, the development would not result in overlooking of the neighbouring private amenity space or result in overshadowing of the neighbouring occupiers.

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 Highways Authority were consulted on the proposed parking scheme, however no response has been received at the time of writing the report.
- 5.4.4 The previous application (HOUSE/MAL/19/00480) showed the proposed side extension would provide provision for two bedrooms, whilst the first floor side extension would potentially increase the number of bedrooms on-site to six. These annotations have been omitted from this revised application with one of the bedrooms at first floor level being labelled as an office. The Maldon District Vehicle Parking Standards SPD stipulates the parking requirements for a three bed dwelling are two car parking spaces whilst a dwelling of four or more bedrooms would require three car parking spaces. The proposed plans show the parking area to the front of the dwelling would be increasing to enable parking for five vehicles, however under the stipulations of the Maldon District Vehicle Parking Standards SPD only three vehicles would fit in the proposed space with parking bays measuring the required 2.9 metres in width by 5.5 metres in depth. Nevertheless, the proposed driveway would provide sufficient car parking space for a dwelling of four or more bedrooms, in accordance with 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 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 25m² for flats.
- 5.5.2 The dwelling sits on a large site measuring in excess of the required 100m² amenity space specified within the Maldon Design Guide. The garden will remain in excess of 100m² after the construction of the proposed development, therefore the proposed development is in compliance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/19/00480** - Demolition of existing single storey carport / store & erection of new single storey side extension. First floor extension over existing single storey kitchen wing – Refused - 11.07.2019

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Asheldham and Dengie Parish Council	Support as it will be a huge improvement on what is currently standing.	Comments noted

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Highways Authority	No comments received at the time of writing.	Noted

External Consultees

Name of External Consultee	Comment	Officer Response
Tree Consultant	No response	Noted

7.3 Representations received from Interested Parties

No representants were received for this application

8. REASON FOR REFUSAL,

- 1 The proposed first floor extension and single storey side extension, by reason of their scale, bulk and design, are considered to be large additions which in unbalancing the pair of semi-detached dwellings, would fail to reflect and would be out of keeping with and harmful to the character and appearance of the existing dwelling and the streetscene. 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.