



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

to
**NORTH WESTERN AREA PLANNING COMMITTEE
28 OCTOBER 2019**

Application Number	FUL/MAL/19/00473
Location	Heath Farm Bungalow, Grove Farm Road, Tiptree
Proposal	Extension of residential curtilage and detached garden room.
Applicant	Mr Purdy
Agent	Mr Peter Le Grys
Target Decision Date	29.10.2019
Case Officer	Hayleigh Parker-Haines
Parish	Tolleshunt D'Arcy
Reason for Referral to the Committee / Council	Member Call In – Councillor J V Keyes – policies being D1, H4 & S3

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

19/00473
Heath Farm Bungalow



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is set in a rural location outside of the defined settlement boundary. It is located to the north of Grove Farm Road. The site is occupied by a new two storey detached dwelling and a cart lodge. To the west of the site lies Grove Farm Stables. There are farm buildings to the south and fields to the north and east of the site.
- 3.1.2 Planning permission is sought for the construction of a single storey outbuilding to the north east of the newly built dwellinghouse. The proposed outbuilding would have a maximum height of 5.55 metres with an eaves height of 2.45 metres, with a 1 metre overhang to the roof on the rear elevation, a width of 11.8 metres and a depth of 7.5 metres. This would accommodate a garden store, a gym, sitting area, kitchen and shower and would be constructed of facing brickwork and clay roof tiles
- 3.1.3 It is noted that the application site shown on the location plan that has been submitted with the application is different to the application site that was previously shown for the erection of the replacement dwelling at the site (FUL/MAL/14/00663). It is acknowledged that the site plan and landscaping plans that were approved as part of the replacement dwelling planning permission appear to utilise the land to the north of the dwelling that has been included within the application site of this application. However, in the case of this previous application it is considered that the application site shown on the location plan takes primacy and is the definitive plan to demark the planning unit. Furthermore, plan '1175/02 with dimensions' provided for this application shows a definitive split. Therefore, the proposal includes the change of use of this land to residential curtilage.
- 3.1.4 The development the subject of this application is a resubmission of the previously refused application FUL/MAL/18/00057. The previous application was refused for the following reason:
- 'The proposed outbuilding, when considered alone and cumulatively in addition to other developments that have occurred at the application site, is considered to be an overly large development that would cause harm to the character and appearance of the site and the rural setting. Furthermore, the proposed outbuilding would represent the sprawl of built form into the surrounding countryside outside of the approved planning unit of the site. The proposal would therefore cause material harm to the character and appearance of the site and surrounding rural area by failing to protect the intrinsic character and beauty of the countryside, contrary to policies D1, H4 and S8 of the Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.'*
- 3.1.5 The following revision has been made:
- Under this application, the proposal now includes the change of use of land to residential curtilage.

3.2 Conclusion

- 3.2.1 It is considered that the proposed extension of residential curtilage would result in the unnecessary urbanisation of the countryside to the detriment to the character and appearance of the site and the intrinsic character and beauty of the countryside. This is further exacerbated by the scale of the proposed outbuilding. It is not considered that the proposal has overcome the previous concerns raised when the previous application was refused. Therefore, the proposal is considered to be detrimental to the character and appearance of the rural area, contrary to policies S1, S8, D1 and H4 of the Local Development Plan.

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)
- Maldon District Design Guide Supplementary Planning Document (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 erecting outbuildings within the curtilage of a dwelling to provide facilities in association with residential accommodation is considered acceptable in line with policy D1 of the Local Development Plan (LDP). However, the location of the proposed outbuilding is considered to be outside of the residential curtilage of the site and therefore would be located in the open countryside. As with any new form of

development within the open countryside, they should only be allowed for specific and justified purposes where an applicant can substantiate a need for the development and where the impact of that building would accord with the policies S1 and S8 of the LDP. However, inadequate justification for the use and siting of the proposed outbuilding outside of the residential curtilage has been provided and therefore, it is considered that the proposed development would be contrary to policies S1 and S8 of the LDP particularly having regard to the visual impact that is discussed in section 5.2.

5.1.2 As set out above, the proposed building would be erected on land that is outside the approved planning unit of the replacement dwelling at the application site and as such it is considered that the proposal would represent an alteration to the planning unit. The extension of the grounds of a dwelling into the countryside can be supported under the terms of policy H4 (subject to compliance with the criteria set out within that policy) as discussed below.

5.1.3 Policy H4 of the LDP states that ‘small, unobtrusive extensions of residential curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside, may be approved where the following criteria are met:

- 1) *The proposal will not involve the loss of any important landscape, heritage features or ecology interests; and*
- 2) *Provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.’*

5.1.4 The change of use to the land to the north east of the existing residential curtilage would have an overall area of approximately 2051m², which is not considered to be small or unobtrusive, particularly considering that the existing curtilage measures approximately 1835m². Therefore, it is not considered that the proposal is in accordance with H4 of the LDP.

5.1.5 Having regard to the above assessment it is not considered that the proposal would meet the requirements of policies S1, S8 and H4 of the LDP and therefore, the principle of constructing an outbuilding in this locality has not been established.

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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

“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”

- 5.2.3 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.4 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.5 Although the outbuilding will be located to the rear of the site and therefore partially screened by the existing dwelling, it will still be visible from the vantage points within the public domain and from neighbouring land.
- 5.2.6 It is noted that the dwelling at the application site has recently been constructed and replaces a dwelling that was substantially smaller. The dwelling has therefore already had a considerably greater impact than the built form which preceded it. As well as the size of the main part of the dwelling, the large and attached garage structures to the front of the dwelling also result in the cumulative impact of built form already having a substantial impact on the character and appearance of the site and the countryside.
- 5.2.7 The proposed outbuilding is considered to be a large and dominant addition, which is considered to have a detrimental impact on the character of the countryside, particularly when considered cumulatively with the other developments at the site. Whilst the design of the outbuilding is considered to be acceptable when considered in isolation, the increase in built form is considered to represent a sprawl of built form into the surrounding rural area and is considered to materially harm the character and appearance of the area by failing to protect the intrinsic character of the countryside. It will therefore have a dominant and additional urbanising effect on the site and the surrounding rural area. Therefore, the additional built form in this location and this scale is considered to result in the urbanisation of the countryside.
- 5.2.8 The comments within the Planning Statement about the fall-back position of permitted development rights are noted, but for the reason that is set out above, it is considered that the part of the site in question would not benefit from permitted development rights and in any event the development proposed would not be able to be undertaken under the terms of permitted development rights due to its height. The comments within the Planning Statement are therefore noted but given little weight in this regard. Furthermore, and notwithstanding the above, at this time a full assessment to consider whether a development of this scale and range of facilities would be incidental to the main dwelling is required.
- 5.2.9 For the reasons set out above, the proposal is considered to adversely impact on the rural character and appearance of the surrounding area as the built form intensifies the

level of development within the countryside therefore it would be contrary to policies D1, H4 and S8 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.
- 5.3.2 Due to the location of the outbuilding to the rear of the site, and distance from neighbouring dwellings, it is not considered to impact on residential amenity of neighbouring occupiers to an extent that would justify the refusal of the application. Therefore the proposal is in accordance with policy D1.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development to provide sufficient parking facilities with 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 maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3 The proposed outbuilding would not reduce the amount of parking, nor would it increase the number of bedrooms. Therefore, the proposal is in accordance with policy 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 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 proposed development includes the addition of 2,051m² of residential land, although 92m² of this would be occupied by the outbuilding. Adopted policy requires 100m² to serve the existing dwelling; the existing amenity space is well in excess of this. Therefore, there is no justification to extend the residential curtilage.

5.6 Other Matters

- 5.6.1 It is noted that the block plan states 'Proposed annexe building' in reference to the proposed outbuilding. However, it has been assessed as a garden room as per the proposal.

6. **ANY RELEVANT SITE HISTORY**

- **FUL/MAL/06/00678**– Replacement dwelling - Refused – 21.07.2006.
- **FUL/MAL/12/00426** - Non-compliance with Condition 2 imposed upon planning permission M/MAR/488/67 relating to occupation of dwelling – Approved – 26.06.2012.
- **FUL/MAL/13/00349** - The replacement of single storey bungalow & outbuildings with a two storey dwelling, outbuildings and associated works. – Approved – 20.06.2013.
- **FUL/MAL/13/00831** - Application to amend extant Planning Application (Ref:FUL/MAL/13/00349 - The replacement of single storey bungalow & outbuildings with a two storey dwelling, outbuildings and associated works) to increase the depth of the rear single storey projection by approx. 1.8m and the width of the east wing by approx. 0.8m. – Approved - 01.11.2013.
- **FUL/MAL/14/00663** - Variation of Condition 2 of approved permission FUL/MAL/13/00831 (Application to amend extant Planning Application (FUL/MAL/13/00349 - The replacement of single storey bungalow & outbuildings with a two storey dwelling, outbuildings and associated works) to increase the depth of the rear single storey projection by approx. 1.8m and the width of the east wing by approx. 0.8m) Removal of approved drawing number 1084.L004(B) and replacement with drawing number 1084.L004(C). – Approved – 11.11.2014.
- **FUL/MAL/18/00057** - Detached garden room – Refused – 05.04.2018.

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt D’Arcy Parish Council	The Parish Council are unable to make a decision on this application as there is no information within the documentation with regards to the size of the increase to extend the curtilage.	All documents are available on the website. This information can be found under document number 1630670. The location plan in the top right hand corner shows the divide in the plot.

7.2 **Representations received from Interested Parties** (*summarised*)

7.2.1 No letters of representation have been received.

8. REASON FOR REFUSAL

- 1 The proposed change of use to residential curtilage is considered to be excessive and would result in the unnecessary urbanisation of the surrounding countryside. This is further exacerbated by the scale and bulk of the proposed outbuilding. The proposed development would detract from the open character and appearance of the rural landscape and the intrinsic beauty of the countryside. Therefore, the proposal would be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained in the National Planning Policy Framework.