



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

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
25 NOVEMBER 2019**

|                                                       |                                                                                 |
|-------------------------------------------------------|---------------------------------------------------------------------------------|
| <b>Application Number</b>                             | <b>FUL/MAL/19/01016</b>                                                         |
| <b>Location</b>                                       | East Cottage, Witham Road, Tolleshunt Major                                     |
| <b>Proposal</b>                                       | Replacement dwelling                                                            |
| <b>Applicant</b>                                      | Mr E King                                                                       |
| <b>Agent</b>                                          | Mr Peter Le Grys – Stanfords                                                    |
| <b>Target Decision Date</b>                           | EOT: 29.11.2019                                                                 |
| <b>Case Officer</b>                                   | Devan Hearnah                                                                   |
| <b>Parish</b>                                         | <b>TOLLESHUNT MAJOR</b>                                                         |
| <b>Reason for Referral to the Committee / Council</b> | Member Call In by: Councillor J V Keyes<br>Reason: Policies D1, D2, S1, H2 & H4 |

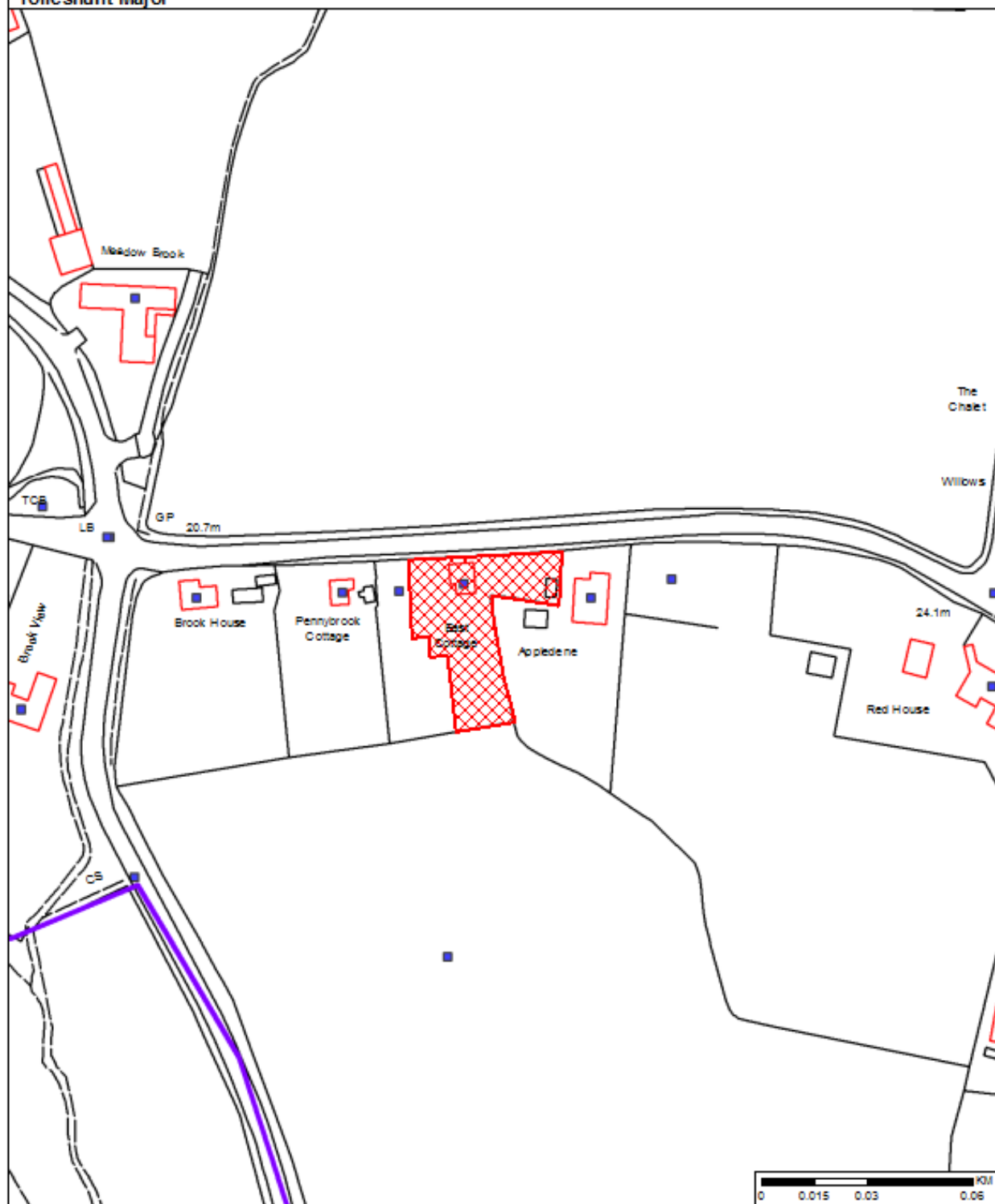
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

# **East Cottage, Witham Road** Tolleshunt Major



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |               |                         |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Organisation: | Maldon District Council |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Department:   | Department              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Comments:     |                         |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Date:         | 25/04/2019              |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 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 southern side of Witham Road, outside of the defined settlement boundary of Tolleshunt Major. The area is predominantly rural in character. The application site lies between Appledene and Pennybrook Cottage. Pennybrook Cottage is Grade II listed. The site is occupied by a two-storey detached dwellinghouse on the northernmost part of the site adjacent to Witham Road. The dwelling is currently vacant and dilapidated.
- 3.1.2 Planning permission is sought to demolish the existing dwelling and to replace it with a new chalet style dwelling with four bedrooms. It is noted that two of the bedrooms are located on the ground floor and there is the potential that more of the ground floor rooms such as the dining room and study could be used as bedrooms. However, as this would not involve an increase in things such as vehicle parking requirements or amenity space provision it is not considered fundamental to the consideration of this application.
- 3.1.3 On the ground floor the dwelling would accommodate a hall, kitchen, study, living room, dining room, utility room, sun room, two bedrooms, one with an en-suite and a WC. On the first floor the dwelling would accommodate two bedrooms, both with en-suites. The proposed dwelling would be 'L-shaped' and would have an overall width of 16 metres, an overall depth of 18.7 metres and a height of 6 metres. The projection to the rear which forms the 'L shape' would measure 6.4m in depth and 6.1m in width. The dwelling would be located 13.5 metres from the front boundary of the site with a driveway to the front and a new vehicular access. The existing vehicular access would be closed off and the existing garage demolished.
- 3.1.4 The proposed dwellinghouse would be finished with red brick walls and a red tile roof. There would be two gable style dormer windows within both the front and rear roof slopes and there would be a rooflight between the two dormer windows on the principal roof slope. There would also be two hipped roof projections to the front of the dwelling measuring 4.2m in width, 1m in depth and 4.5m in height. There is also a gable porch projection proposed on the principal elevation, which measures 4.1m in height 1.5m in depth and 2.8m in width. The rear of the dwelling would feature three hipped roof projections, which create a 'stepped' appearance, due to their differing depths. The largest rear projection, which is made up of part of the kitchen and sunroom, measures 6.4m in depth, 6.1m in width and 5.3m in height.
- 3.1.5 It is noted that the red line boundary on the location plan has been drawn to exclude the flood zone to the west of the site. Therefore the area outlined in blue, which is also owned by the applicant, would not form part of the residential curtilage of the property should permission be granted and does not form part of the development site. It is however, therefore, noted that the doors as shown on the floor plan leading from the dining room would lead out onto an area which does not form part of the application site, therefore restricting their use. Nevertheless, it is noted that there are other doors to the rear of the proposed dwelling leading out onto the rear amenity space, within the application site.

- 3.1.6 Planning permission was refused both in 2018 and earlier in 2019 for a similar development for a replacement dwelling (reference FUL/MAL/18/01004, FUL/MAL/19/00261). The reason for refusal of the 2018 application was:

*The proposed development represents a substantial building that would, as a result of its excessive width, scale, bulk, mass, height and unsympathetic design, create a prominent and visually intrusive development on this part of Witham Road. The proposed development would be detrimental to the visual amenity and character of the site, its immediate surroundings, the setting of the Grade II listed building Pennybrook Cottage, and the wider rural area. The proposal would therefore be contrary to policies S1, S8, D1, D3 and H4 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.*

- 3.1.7 Further to this the previous 2019 application was refused for one reason, which was:

*'The proposed development represents a substantial building that would, as a result of its excessive width, scale, bulk, mass and unsympathetic design, create a prominent and visually intrusive development on this part of witham road. The proposed development would be detrimental to the visual amenity and character of the site, its immediate surroundings and the wider rural area. The proposal would therefore be contrary to policies s1, s8, d1 and h4 of the maldon district local development plan and government advice contained in the national planning policy framework.'*

- 3.1.8 From the most recent application (FUL/MAL/19/00261) the following main changes have been made:

- The ridge height of the dwelling has been reduced from 8.6 metres to 6.6 metres, creating a chalet style dwelling with dormers within the roofspace.
- The use of weatherboard/cladding has been omitted.
- The overall depth of the dwelling has been increased from 14.3m to 18.7m, although the main width and depth has not been altered.
- The proposed chimney has been omitted

## **3.2 Conclusion**

- 3.2.1 Although a number of alterations have been proposed to the previously refused scheme, including the height of the proposed dwelling which has been reduced by 2 metres, it is not considered that the amendments made to the proposed development sufficiently overcome the Council's previous concerns with regard to the width, scale, bulk and mass of the dwelling. While there is no objection in principle for a replacement dwelling on this plot, it is considered that the proposed dwelling is excessive in its overall size in comparison to the neighbouring residential properties. Also, the design and appearance of the dwelling would create a prominent and visually intrusive development out of keeping with the existing dwellings in the locality. The proposal would therefore fail to accord with policies D1 and H4 of the Local Development Plan (LDP) and government advice contained within the National Planning Policy Framework (NPPF).

#### **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       | Achieving sustainable development                                    |
| 11      | The presumption in favour of sustainable development                 |
| 47-50   | Delivering a sufficient supply of homes                              |
| 102-105 | Promoting sustainable transport                                      |
| 117-118 | Making effective use of land                                         |
| 124-128 | Achieving well-designed places                                       |
| 148-165 | Meeting the challenge of climate change, flooding and coastal change |
| 184-199 | Conserving and enhancing the historic environment                    |

##### **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      |
| D3 | Conservation and Heritage Assets          |
| D5 | Flood Risk and Coastal Management         |
| H2 | Housing Mix                               |
| H4 | Effective Use of Land                     |
| T1 | Sustainable Transport                     |
| T2 | Accessibility                             |

##### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Essex Design Guide
- Car Parking Standards

#### **5. MAIN CONSIDERATIONS**

##### **5.1 Principle of Development**

- 5.1.1 The application site lies outside of the defined settlement boundary. However, as the proposal is for a replacement dwelling the principal of a dwelling being located at this site is already established. Policy H4 of the approved Maldon District Local Development Plan (MDLDP) states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

- 5.1.2 Since the previous application (FUL/MAL/19/00261) which was determined by the Council on the 15 May 2019, the existing property at the site has deteriorated rapidly, most notably the roof has been removed. However, having regard to the previous applications it is noted that the residential use of the original dwelling has not been abandoned and that it is not a temporary or mobile structure, in accordance with criterion 1 and 2. The cottage lacks architectural merits and is simple in design. Therefore, there is no objection in principle to the refurbishment or replacement of the existing building, subject to all other considerations. While the site is next to Pennybrook Cottage, a Grade II listed building, the proposal would not result in the loss of any heritage features. No important landscape or ecology interest has been recorded on this site. The proposal would accord with Policy H4 (1) (2) (3) and (6) of the LDP. With regards to points 4 and 5, this is discussed in the report below.

## **5.2 Housing Mix**

- 5.2.1 The NPPF is clear that housing should be provided to meet an identified need as set out in Paragraph 61 of the NPPF where it requires local authorities *‘to determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance – unless exceptional circumstances justify an alternative approach which also reflects current and future demographic trends and market signals’* and to plan for houses needed including *‘the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies (including, but not limited to, those who require affordable housing, families with children, older people, students, people with disabilities, service families, travellers, people who rent their homes and people wishing to commission or build their own homes)’*.
- 5.2.2 The proposal seeks to demolish the existing three-bedroom dwelling and to replace it with a four (or more) bed dwelling house. Policy H2 of the LDP contains a policy and preamble (paragraph 5.2.2) which when read alongside the evidence base from the Strategic Housing Market Assessment (SHMA) shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units. Policy H2 therefore encourages the provision of a greater proportion of smaller units to meet the identified needs and demands. The Council’s updated Strategic Housing Market Assessment (SHMA), published in June 2014, identifies the same need requirements for 60% of new housing to be for one or two bedroom units and 40% for three bedroom plus units.
- 5.2.3 The Council is therefore encouraged in Policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. While the principle of development is acceptable, the Council considers that the residential scheme proposed in this application would fail to provide smaller units for the District in accordance with the SHMA. However, as the existing dwelling contains three bedrooms and the replacement dwelling will have four (or more) bedrooms, it is considered the proposal would make a neutral contribution, in respect of social sustainability.

### 5.3 Design and Impact on the Character of the Area

5.3.1 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.

5.3.2 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”.*

5.3.3 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.

5.3.4 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).

5.3.5 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.

5.3.6 In addition, the proposal is for a replacement dwelling. Policy H4 seeks to encourage development only if the proposed replacement dwelling is of an appropriate scale and

design to the plot and its setting. It is not considered that the existing dwelling is worthy of retention because of its design and relationship to the surrounding area.

- 5.3.7 Although the proposed dwelling would be set back further into the site than the existing dwelling, at 13.5 metres from the road, it would still be visible within the public realm. This would be emphasised by the substantial width of the proposed building which would be much greater (8.9m) than the existing dwelling and the surrounding dwellings along Witham Road. Therefore, although the impact on the streetscene would be slightly reduced in relation to the previous application due to the reduction in height of the proposal, it is still considered that the proposed development would have a demonstrable impact on the streetscene and the character of the area.
- 5.3.8 The proposal is for the construction of a four-bed (or more) detached dwelling house. The application site is located between two modest dwellings Pennybrook Cottage (Grade II listed) and Appledene, where they both stand within large plots with good amounts of space surrounding. In the previous appeal decision, for a new dwellinghouse at the land to the west of East Cottage (reference FUL/MAL/14/00320 and APP/X1545/A/14/2228672), the Planning Inspectorate had noted that the plots along Witham Road have spacious settings with views between buildings, above planting on the highway boundary in some areas, towards the undeveloped countryside beyond. This creates a distinctly rural, green and spacious character. This is particularly so in the immediate vicinity of the site where buildings are more modest and spaced out than the row of dwellings on Plains Road on the opposite side of the crossroads to the west.
- 5.3.9 The proposed dwelling would be larger than its immediate neighbouring properties. In terms of width, the dwelling would increase from 7 metres to 16 metres. Although the ridge height would be reduced in relation to the previous property, the exaggerated roof profile in order to fit two levels of accommodation, further exacerbates the overall bulk of the proposed dwelling. The replacement dwelling would be significantly larger where the total floor area of the new build will be approximately 350m<sup>2</sup> when compared to the existing dwelling of East Cottage which measures 98m<sup>2</sup>. The dwelling would be symmetrical in design and suburban in appearance however it is considered that the scale and bulk of the new build is such that it would be out of keeping with the modest sized cottages to the east and west of the application site. As the characteristics of this part of Witham Road is a rural and spacious environment, it is considered that the new build would significantly reduce the gap between the proposed and existing dwelling Pennybrook Cottage thus eroding the sense of openness and views between properties.
- 5.3.10 Although the existing dwelling and the neighbouring properties Pennybrook Cottage and Brook House are located directly adjacent to Witham Road, the neighbouring property at Appledene is set back further into the site. The proposed dwelling would result in a staggered building line as it would be set back further than the building line of Pennybrook Cottage but not as far back as the building line of Appledene. Therefore it is not considered that the dwelling's location, set back into the site, would form a reason for refusal.
- 5.3.11 It is noted that the height of the proposed dwelling has been reduced by 2 metres since the previously refused application (FUL/MAL/19/00261). This is considered to result



in some reduction in the impact of the proposal, however the proposed width, and siting of the proposed dwelling would remain as per the previous application and the depth would be increased which formed part of the reason for refusal. Therefore, it is not considered that all the Council's previous concerns have been satisfactorily overcome.

- 5.3.12 The Council's Conservation Officer objected to the previous 2018 application on the grounds that it would result in some harm to the setting of this heritage asset and its significance. However, when considering the previous 2019 application the Conservation Officer considered that the amendments to the scheme would overcome the previous concerns in relation to the impact on the neighbouring listed building. The Conservation Officer's previous concerns in relation to the 2018 application (FUL/MAL/18/01004) were regarding the scale and bulk of the dwelling resulting in an overbearing relationship with the listed building, in particular the central roof which was considered to look 'awkwardly tall'. However, the Conservation Officer has now stated that the reduction in height has resulted in the proposal having a much less overbearing relationship with the listed cottage than the previous scheme. Therefore, the Conservation Officer has not objected to the current application.
- 5.3.13 Having taken into account the design and appearance of the development, it is considered that the proposal would harm the rural character of the area. While it is noted in the submitted Planning Statement that there is an opportunity to introduce additional soft landscaping to the front of the dwelling now that it is set back some distance from the highway, it is considered that this would not be a justification to allow the development in the countryside as the benefit of planting would not outweigh the environmental harm the development would have on its rural setting. In this respect, the proposal would fail to accord with Policies D1 and H4 of the LDP.

#### **5.4 Impact on Residential Amenity**

- 5.4.1 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).
- 5.4.2 The application site would have two neighbouring properties, Pennybrook Cottage on Witham Road to the west and Appledene on Witham Road to the east.
- 5.4.3 The boundary of Pennybrook Cottage would be 15 metres from the proposed development and is a grade II listed building. The proposed dwelling would also be set back into the plot by 13.5 metres compared to the dwelling at Pennybrook Cottage which is in close proximity to the road. Therefore, it is not considered that the proposed dwelling would have an overbearing impact on this neighbouring dwelling. There would be no first-floor windows in the side elevations of the proposed development. Therefore, as any windows in the side elevation are ground floor only, it is not considered that they would result in any overlooking into the dwelling and private amenity space of Pennybrook Cottage.
- 5.4.4 The boundary of Appledene would be 1.5 metres from the proposed development and the main dwelling at Appledene would be 22 metres from this proposed dwelling, although it is noted that there are some outbuildings on this neighbouring site which

would be closer. Due to the distance from the main dwelling, although the proposed dwelling would be significantly larger than the existing building on site in terms of footprint, it is not considered to have an overbearing impact on Appledene. As the proposed windows in the side elevations are on ground floor level only, it is not considered that they would result in a loss of privacy to the neighbouring dwelling to the east.

- 5.4.5 The proposed dwelling does have two dormer windows on the rear elevation. However, although the property is set back further into the site, it is not considered that these windows would result in a level of overlooking which is significantly different than the first floor windows of the existing property on the site.
- 5.4.6 Therefore, is not considered that the replacement dwelling would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of D1 of the LDP.

## **5.5 Access, Parking and Highway Safety**

- 5.5.1 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.
- 5.5.2 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.
- 5.5.3 The site plan shows two car parking spaces to the front of the proposed dwelling. As the proposed dwelling would have four bedrooms, the vehicle parking standards would require a minimum of three car parking spaces and therefore the proposed development would not be in accordance with this requirement. However, it is shown that more hardstanding would be provided at the site which would be able to provide additional parking and therefore this would not form a reason for refusal.

- 5.5.4 The Highways Authority has been consulted on the proposed development in relation to the amended access point to the site from Witham Road and have no objections subject to the inclusion of seven conditions.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.6.2 The proposed site plan shows a private amenity space of around 340m<sup>2</sup> and therefore this would be in accordance with the requirement in the SPD. It is noted that this only includes the area within the red line boundary of the site, any other land also owned by the applicant would be outside of the residential curtilage.
- 5.6.3 Limited details haven been provided regarding the hard and soft landscaping for the site and therefore it is considered reasonable for a condition to be imposed for the details to be submitted should the application be approved.

## **5.7 Flood Risk**

- 5.7.1 The proposed dwelling will be located outside the area of flood risk but having considered the close proximity of the site and to the flood zones, it is considered appropriate to address this in this application as the existing planning unit appears to include this land, but the application site has been amended to exclude this land.
- 5.7.2 The Environment Agency Flood Data shows that the land immediately to the south west and west of the application site and the proposed dwelling lies within Flood Zones 2 and 3. In zones 2 and 3 defined by the 'Planning Practice Guidance: Flood Risk and Coastal Change' as having a high and medium probability of flooding. New dwellings and residential uses are classified as more vulnerable as defined in the NPPG and previously in the technical guidance to the NPPF, therefore to comply with the NPPG and NPPF new built form would be expected to comply with the sequential test and the exception test.
- 5.7.3 In addition to the above, policy D5 of the LDP states that the Council's approach is to direct strategic growth towards lower flood risk areas, such as Flood Zone 1 as identified by the Environment Agency. Where development is not located in Flood Zone 1 and in order to minimise the risk of flooding, it should be demonstrated that the Sequential and Exception Tests, where necessary, have been satisfactorily undertaken in accordance with national planning policy.
- 5.7.4 The proposal is for a replacement dwelling on this site. It is noted that the replacement dwelling has been positioned just outside the area of flood risk (Flood Zone 2) edged in red and the flood risk area edged in blue. As such, no Flood Risk Assessment would be required as the application site does not include any land within the flood zone and it is also noted that the dwelling is proposed to be erected on land outside the flood zones.

5.7.5 As per the previous applications (FUL/MAL/18/01004 and FUL/MAL/19/00261), the Council has taken a pragmatic approach when assessing the proposal and while no Flood Risk Assessment has been submitted by the Applicant to demonstrate that the relevant tests have been applied or met. Having considered the dwelling's position within the plot on land that is outside Flood Zone 2, it would not be reasonable to object to the proposed dwelling on the grounds of flood risk.

5.7.6 It is noted that the Council's Environmental Health team has not responded to this application but previously objected in relation to the previous application due to the absence of a flood risk assessment. However as discussed above, the proposed dwelling is located outside of the flood zones 2 and 3 and therefore a flood risk assessment and consultation with the Environment Agency is not a statutory requirement.

## **5.8 Other Matters**

5.8.1 Concerns have been raised within the letters of representation regarding a drainage ditch which runs across the front of the site. However, the Council's Environmental Health team previously made no reference to a ditch on the site and therefore it is not considered that this would form a reason for refusal. Should the application be approved a condition could be included regarding surface water drainage to ensure that any existing methods of drainage on the site are to be retained or replaced sufficiently.

## **6. ANY RELEVANT SITE HISTORY**

East Cottage, Witham Road, Tolleshunt Major:

- **FUL/MAL/19/00261** -Replacement dwelling – refused.
- **FUL/MAL/18/01004** – Replacement dwelling – Refused
- **FUL/MAL/14/00320** – New dwelling house – Refused and dismissed at appeal

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

| <b>Name of Parish / Town Council</b> | <b>Comment</b>                                                                                                                          | <b>Officer Response</b>  |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|--------------------------|
| Tolleshunt Major Parish Council      | A smaller dwelling would be more suitable for the site. The proposal is excessive in bulk and would be prominent and visually intrusive | Addressed at section 5.3 |

## 7.2 Statutory Consultees and Other Organisations

| Name of Statutory Consultee / Other Organisation | Comment                                                                                                            | Officer Response                                                                        |
|--------------------------------------------------|--------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| Highways Authority                               | The Highways Authority does not object to the proposals as submitted subject to the inclusion of seven conditions. | Comments noted and conditions would be included if the application were to be approved. |

## 7.3 Internal Consultees

| Name of Internal Consultee | Comment                                                                                                                                                                                          | Officer Response |
|----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------|
| Conservation Officer       | The proposal would not cause harm to the setting of the listed building, Pennybrook Cottage to the west of the application site, subject to the inclusion of one condition relating to materials | Comments noted   |

## 7.4 Representations received from Interested Parties

- 7.4.1 1 letter was received **commenting** on the application and the reasons for objection are summarised as set out in the table below:

| Comment                                                                                                                                                                                                                                                               | Officer Response                                                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| No objection to the principle of a replacement dwelling.                                                                                                                                                                                                              | Addressed at section 5.1                                                                                                                                                        |
| The reduced height reduces the impact on the amenities of the neighbouring occupier.                                                                                                                                                                                  | Addressed at section 5.4                                                                                                                                                        |
| A garage could be constructed under permitted development                                                                                                                                                                                                             | Possible developments cannot be considered as part of this application. A condition could be included to restrict permitted development rights on the site if deemed necessary. |
| The removal of much of the existing planting has had an adverse impact on the appearance of the area and a landscaping scheme should be required. The finished development should incorporate appropriate landscaping to enable it to blend into the rural landscape. | Discussed in section 5.6                                                                                                                                                        |

| Comment                                                                                                      | Officer Response          |
|--------------------------------------------------------------------------------------------------------------|---------------------------|
| There is a drainage ditch that runs across the front of the site, which should be maintained and not filled. | Discussed in section 5.8. |

**8. REASON FOR REFUSAL**

- 1 The proposed development represents a substantial building that would, as a result of its excessive width, scale, bulk, mass and unsympathetic design, create a prominent and visually intrusive development on this part of Witham Road. The proposed development would be detrimental to the visual amenity and character of the site, its immediate surroundings and the wider rural area. The proposal would therefore be contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government advice contained in the National Planning Policy Framework.