



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**CENTRAL AREA PLANNING COMMITTEE
22 JANUARY 2020**

Application Number	19/01242/HOUSE
Location	56 Viking Road, Maldon
Proposal	First floor extension and alterations.
Applicant	Mr Jalal Uddin
Agent	Mr Mark Crocker
Target Decision Date	24.01.2019
Case Officer	Louise Staplehurst
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In by Councillor C Mayes Reason: Policies D1 and H4 of the Local Development Plan (LDP).

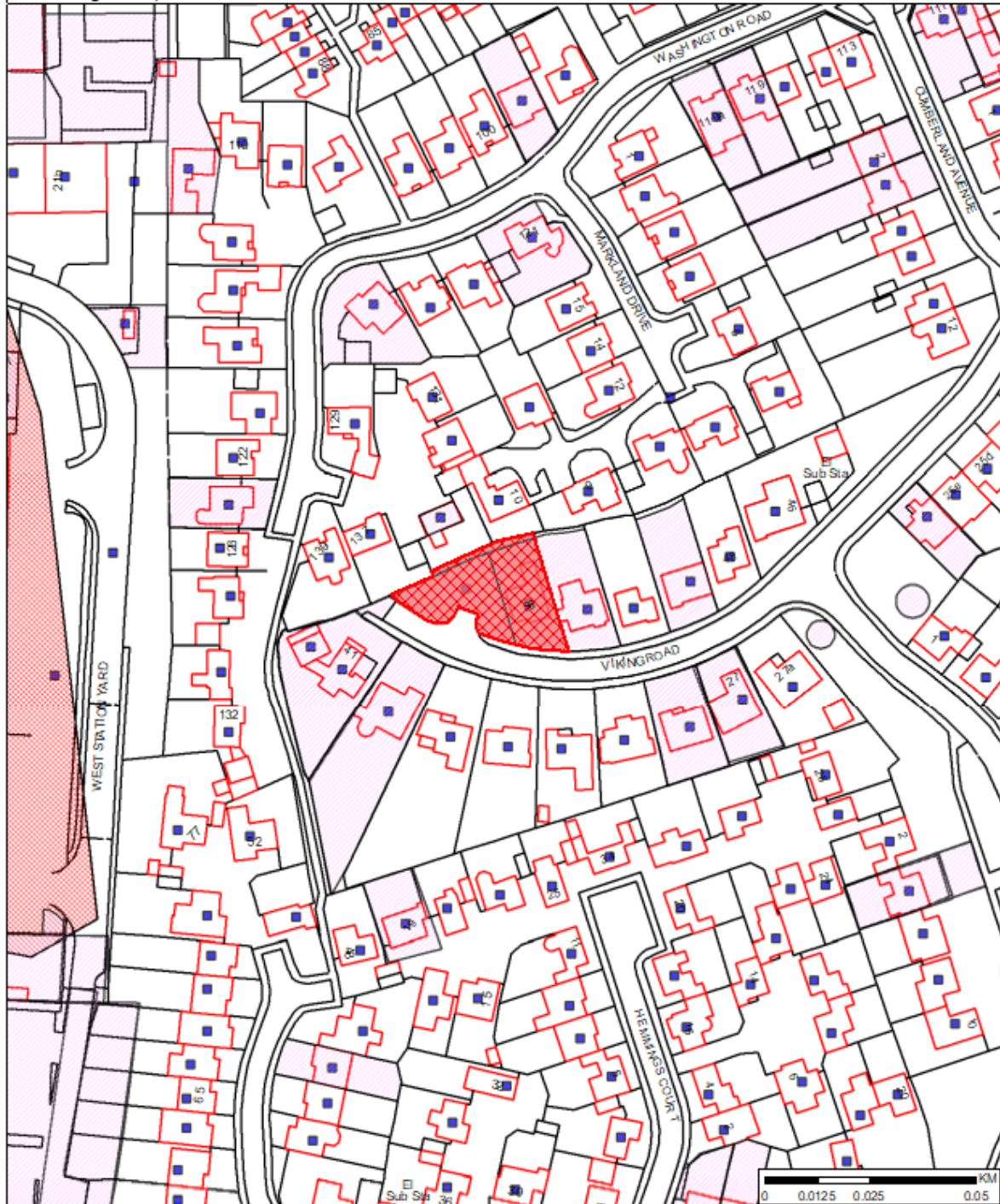
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

19/01242/HOUSE
56 Viking Road, Maldon



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 Stationary
Office © Crown copyright.
Unauthorised reproduction infringes Crown copyright
and may lead to prosecution or civil proceedings.
Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: Central Area Committee

Date: 20/12/2019

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 northern side of Viking Road, within the settlement boundary of Maldon. The site is occupied by a two-storey detached dwelling, which has a single storey side, front and rear projection. The parking is located to the front of the dwelling on the site. The private amenity space is located to the north and west of the dwelling. The surrounding area is residential in nature with properties of a mixed design.
- 3.1.2 Planning permission is sought for a first-floor side and rear extension extending from the existing single storey side and rear projection. Alterations to the roof and materials are also proposed.
- 3.1.3 The proposed first floor extension will consist of a gable style projection to the side of the main dwelling and a gable projection extending from this side element to the rear. The side extension will measure 3 metres wide, 6.3 metres deep, 4.4 metres high to the eaves and 6.7 metres high overall. The rear element will measure 3.2 metres wide, 7.2 metres deep, 4.6 metres high to the eaves and 6.2 metres high overall. The extension will project 13.4 metres along the side of the dwelling in total.
- 3.1.4 The first-floor side extension will include a pitched roof dormer to the front. To accommodate this, the roof slope of the west side element of the extension will cut into the existing roofline.
- 3.1.5 The alterations to the roof consist of the roofline of the front porch changing from a flat roof to a mono-pitched roof, which will measure 2.6 metres high to the eaves and 3.6 metres high overall.
- 3.1.6 The materials will consist of white UPVC for the windows and doors, tiles for the roof and light grey cladding to the walls of the extension and to replace the existing render and tile hanging.
- 3.1.7 This is a re-submission of a previously refused application under the terms of 19/00576/HOUSE. The reasons for refusal were as follows:
- 1 The proposed side and rear extension, by reason of its scale and design, is considered to be a large and bulky addition, which would result in a harmful impact on the character and appearance of the host dwelling and the surrounding area. Furthermore, the design would result in an awkward and contrived roofline to the front. The proposal would therefore be 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 side and rear extension, due to its bulk and depth, is considered to have an overbearing impact on the neighbouring site to the east, No.54 Viking Road. The proposal would therefore result in an unneighbourly form of development, which would have a detrimental impact on the residential amenity of this neighbour and therefore the proposed extension would be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

- 3.1.8 It must be noted that no amendments have been made to this application since the previous application refused by the Council. A supporting statement has been submitted with the application which sets out why the applicant disagreed with the previous decision; this has been explained further in section 5.6 of the report.

3.2 Conclusion

- 3.2.1 Whilst the proposed alterations to the front porch roof and the materials are considered to be acceptable, the proposed first floor side and rear extension is considered to be a large, bulky and contrived addition which would dominate the character and appearance of the host dwelling and would therefore significantly harm the visual amenity of the site and surrounding area. Furthermore, the proposed side and rear extension would result in a detrimental impact on the residential amenity of the neighbour to the east, No.54 Viking Road. No effort has been made to overcome the concerns raised in the previously refused application. The proposal is therefore contrary to policies H4 and D1 of the Maldon District Local Development Plan (MDLDP) and the guidance contained within the National Planning Policy Framework (NPPF). There are not considered to be any new material considerations since the determination of the last application, which outweigh the conflict with national and local policies or the material consideration which is the last application.

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
- 54 – 57 Planning conditions and obligations
- 117 – 123 Making effective use of land
- 124 – 132 Achieving well-designed places

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- H4 Effective Use of Land
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering and extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable, subject to the design and impacts assessed below, in line with policies S1 and H4 of the approved LDP, subject to the assessment below.

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:
- 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;
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG.
- 5.2.5 In addition, policy H4 requires all development to be design-led and to seek to optimise the use of land having regard, among others, to the location and the setting of the site, and the existing character and density of the surrounding area. The policy also seeks to promote development which maintains, and where possible enhances, the character and sustainability of the original building and the surrounding area; is of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area.

- 5.2.6 The application site is located towards the end of the northern side of the cul-de-sac of Viking Road. The surrounding area is residential in nature, with many of the dwellings within the surrounding area having two storey front and side projections.
- 5.2.7 The proposed side extension would measure 13.4 metres deep in total, projecting 4.7 metres past the main rear elevation of the dwelling. The total depth is considered to be overly large and would add a considerable bulk onto the side and rear of the dwelling. Although there is an existing single storey projection at the site, the first-floor extension is considered to result in a dominant and incongruous addition, which, by reason of its bulk and massing, along with its awkward design, is considered to harm the character and appearance of the host dwelling and the surrounding area. The proposed extension would dominate views of the rear elevation. Its appearance would be exacerbated by the lack of any windows to break up the expanse of wall to the rear. Whilst it is noted this is likely to have been done to avoid issues regarding overlooking, it results in the rear elevation appearing as a prominent and dominating feature, to the detriment of the character and appearance of the host dwelling.
- 5.2.8 The change of the front porch flat roof to a pitched roof would be in keeping with the style and pitch of the roof of the main dwelling and therefore there is no objection to this element of the proposal. However, it is noted that this feature would highlight the unbalanced appearance of the altered gable to the front elevation.
- 5.2.9 In terms of materials, it is proposed to use cladding at first floor level on the extension and to replace the existing render and hanging tiles. Whilst this would not match the materials used on the existing dwelling, it would be in keeping with the cladding used on other dwellings within the streetscene and therefore it would not be considered to cause detrimental harm to the character and appearance of the area.
- 5.2.10 The proposed materials and change of the porch roofline would not be considered to detrimentally harm the visual amenity of the site or the surrounding area. However, the proposed side and rear extension are considered to be a large and bulky addition which would harm the character and appearance of the existing dwelling and the surrounding area. The proposal would therefore be contrary to policies H4 and D1 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 The neighbouring dwelling to the east, No.54 Viking Road, is located 1.8 metres from the shared boundary with the application site and 3.6 metres from the proposed first floor extension. This neighbour also has a shed which abuts the shared boundary. There will be two first floor windows on the side elevation of the proposed extension and a rooflight on the side roof slope, which are likely to result in a loss of privacy as they would directly face into the neighbouring dwelling and rear private amenity space. However, both windows serve bathrooms, and the rooflight is not the only window serving the bedroom, and therefore it would be considered reasonable and necessary to include a condition requiring these windows and the rooflight to be obscure glazed and non-opening below 1.7 metres above floor level, if this application

were to be approved. The proposed extension would project 7.1 metres further than the rear elevation of the neighbouring dwelling. Although there would be a separation distance of 3.6 metres between the extension and the neighbouring dwelling, due to its height and the significant depth, the extension is likely to impact on the light received within the neighbouring property. Furthermore, the proposed extension is considered to have a dominating and overbearing impact on the private amenity space of this neighbour. Although, there is an existing single storey extension which measures 13.4 metres along this shared boundary, it is considered that the added first floor level, which increases the height to 6.2 metres, would result in an unneighbourly and overbearing form of development, which would create the feeling of domination and enclosure along the shared boundary and within both the dwelling and the private amenity space.

- 5.3.3 The neighbouring dwelling to the north, No.10 Markland Drive, is located 12.1 metres from the proposed extension. It is noted this neighbour is set at a higher ground level than the application site. Due to the separation distance between these two properties, the proposal is not considered to be harmful in terms of a loss of light or domination. Furthermore, there are no windows on the northern elevation facing this neighbour and therefore the proposal would not result in a significant loss of privacy to this neighbour.
- 5.3.4 The neighbouring dwellings to the north west No.135-137 Washington Road, are located 17 metres and 30 metres from the dwelling on the application site respectively. There will be one window on the west elevation of the extension; however, this will not face directly towards these neighbouring dwellings. Due to this and the separation distance, the proposal is not considered to detrimentally harm the residential amenity of these neighbours to an extent that would justify the refusal of the application.
- 5.3.5 The alteration to the front porch roof is not considered to be a major alteration and will not significantly harm the residential amenity of any neighbouring occupiers.
- 5.3.6 All other dwellings are located at a distance where the proposal would not harm their residential amenity.
- 5.3.7 The proposed extension would be considered to be an unneighbourly form of development, in relation to the neighbour to the east, No.54 Viking Road, and therefore the proposal is considered to be contrary to this aspect of policy 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 proposal results in the dwelling increasing from a three-bedroom dwelling to a four bedroom dwelling. The proposed extension and alterations will not reduce the amount of parking on the driveway. However, the adopted parking standards require a three-bedroom dwelling to have two parking spaces and a four bedroom dwelling to have three parking spaces, measuring 2.9 metres wide by 5.5 metres deep.
- 5.4.4 It is noted that the block plan submitted shows there to be a driveway with an area capable of providing room for three spaces measuring 2.9 metres wide by 5.5 metres deep. However, the existing dropped kerb is located to the south east of the driveway and therefore, due to vehicle movements into and out of the driveway, there would only be provision for two usable parking spaces of the required dimensions.
- 5.4.5 Whilst it is noted that there would only be provision for two usable parking spaces at the site, which is a shortfall of one space, the site is located towards the end of a cul-de-sac where on-street parking occurs. If additional on-street parking were to occur as a result of the proposal, it is not considered that this would result in detrimental harm to highway safety and the free flow of traffic to an extent that would justify the refusal of the application.
- 5.4.6 The proposal, whilst contrary to policy T2, is not considered to result in a harmful impact in regard to parking or highway safety.

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 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 proposal relates to an extension and alterations at first floor level and therefore there will be no loss of private amenity space as it will remain in excess of 370m².
- 5.5.3 Therefore, the proposal is considered to be in accordance with this aspect of policy D1 of the LDP.

5.6 Other Material Considerations

- 5.6.1 A supporting statement has been submitted with the application which sets out why the applicant disagrees with the previous decision.
- 5.6.2 The applicant has stated that the aim of the development is to provide additional residential accommodation for their family and that extending the property does not seem unreasonable. Whilst the Council is sympathetic to the needs of the occupiers, case law is clear that decision makers cannot take into account personal circumstances unless they are very special circumstances; it is not considered that this falls within this category. It is important to note that the principle of extending the dwelling to provide additional accommodation has not been objected to, providing the proposal is policy compliant in all other respects, particularly in relation to design and neighbouring amenity in this case. No effort has been made from the previous application to amend the design to overcome these concerns.
- 5.6.3 The applicant has also stated that the Planning Officers did not allow the previous application to go to committee as would have been the case prior to the removal of the parish trigger, as the town council supported the application. It is important to note that the previous application was not called-in and the mentioning of the parish trigger is not a relevant point. Furthermore, the Planning Committee is bound by the same policies as the Planning Officers.
- 5.6.4 The applicant considers that it would not be feasible to reduce the projection of the extension, however no other plans showing alternative designs have been submitted for the Council to assess or any reasonable argument behind this position.
- 5.6.5 The applicant has also stated that the proposed front elevation is not a problematic design and that there are other examples of this on other houses. However, no examples have been provided and no examples with a similar front roofline were seen in the surrounding area whilst undertaking a site visit; anything further albeit would be of no demonstrable weight in the determination of this application.
- 5.6.6 Finally, the applicant has stated that this application was submitted with the request for it to be called in to be heard at committee. Whilst it is noted that the previous decision was made at Officer level, it must be noted that the decision is that of the Council and should be attributed substantial weight when determining this application. Furthermore, the fact that an application is determined at Officer level or at Planning Committee should not be a material consideration of any demonstrable weight.

6. ANY RELEVANT SITE HISTORY

- **07/00967/FUL** – Two-storey residential house – Refused
- **19/00576/HOUSE** - First floor side/rear extension and external alterations including to roof and materials. – Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Support	Comments noted.

7.2 Representations received from Interested Parties

- 7.2.1 2 letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

Objection Comment	Officer Response
Concerns are the same as with the previous application.	Comments noted.
If the extension is built on the existing single storey rear extension, it will be overpowering and too large for the environment and have a very detrimental impact on the neighbour. No objection if it was just built to the side of the house rather than to the rear as well.	Comments noted. See Section 5.2 and 5.3.
The cover letter with the application says the applicant wants the application to go to committee to get a fair hearing and have the proposal accepted, but the Parish Council and Councillors were appointed to serve neighbours as well.	Comments noted.
The height and bulk of the proposal is overwhelming and will dominate the neighbour's side and rear aspects.	Comments noted. See Section 5.3.

8. REASONS FOR REFUSAL

- 1 The proposed side and rear extension, by reason of its scale and design, is considered to be a large and bulky addition, which would result in a harmful impact on the character and appearance of the host dwelling and the surrounding area. Furthermore, the design would result in an awkward and contrived roofline to the front. The proposal would therefore be 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 side and rear extension, due to its bulk and depth, is considered to have an overbearing impact on the neighbouring site to the east, No.54 Viking Road. The proposal would therefore result in an unneighbourly form of development, which would have a detrimental impact on the residential amenity of this neighbour and therefore the proposed extension would be contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.