



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

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
10 FEBRUARY 2020**

Application Number	19/01194/HOUSE
Location	29 Mill Road, Burnham-On-Crouch, Essex CM0 8PZ
Proposal	Demolition of 2 existing conservatories and garage. Erection of side extension incorporating new garage, and entrance porch. Alterations to roof creating a chalet bungalow incorporating rear facing balcony.
Applicant	Mr & Mrs David Marchant
Agent	Michael Lewis - Bailey Lewis
Target Decision Date	EOT 14.02.2020
Case Officer	Annie Keen
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call in – Councillor W Stamp Policy D1

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

29 Mill Road, Burnham-on-Crouch
19/01194/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	South East Area Committee
	Date:	17/01/2020
	MSA Number:	100018588

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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 Mill Road within the settlement boundary of Burnham-on-Crouch. The building on-site is a single storey detached bungalow with a rear projection, two conservatories to the rear, photovoltaic panels to the southern roof slopes and a detached garage. The dwelling and garage are finished in cream render.
- 3.1.2 Planning permission is sought for extensive development of the site including the demolition of two conservatories to the rear of the dwelling and a garage located to the west of the dwelling. Permission is sought for the erection of a rear extension, the provision of habitable accommodation within the roof, a porch to front of the dwelling and an attached garage. The existing roof would be altered from a hip to a gable and would be raised to form a chalet bungalow. Solar panels are proposed to the roof as well as a recessed balcony to the rear.
- 3.1.3 The proposed increase in roof height to the front of the dwelling would create a one and a half storey dwelling measuring 8.7 metres with width with a maximum measurement of 9.2 metres in width. The dwelling would measure 7.5 metres in depth with an eaves height of 3.6 metres and a ridge height of 6.5 metres, creating two bedrooms at first floor level to the front of the dwelling. This would increase the roof height of the front of the dwelling by 1.1 metres in height, creating a gable style roofline with two dormer windows measuring 1.6 metres in width and 2.9 metres in depth with an eaves height of 1.6 metres and a pitched roof height of 2.3 metres.
- 3.1.4 The proposed one and a half storey rear extension would measure 2.6 metres in width at ground floor level and 12.7 metres in depth, linking to the proposed garage which would measure 3.5 metres in width and 7.5 metres in depth. The proposed eaves height would measure 2.5 metres with a maximum height of 5.6 metres. This would result in an increase of 0.8 metres in height to the top of the flat roofed section. The proposed inset balcony would measure 3.5 metres in width and 2 metres in height.
- 3.1.5 The proposed porch would measure 2.1 metres in width, 1.2 metres in depth with an eaves height of 2.6 metres and an overall roof height of 3.5 metres to the top of the gable style roof.
- 3.1.6 The proposed finished materials would be rendered in sand/cement and painted with HardiePlank weatherboarding at first floor level. The roofing tiles would be plain tiles to match that of the existing with white uPVC window and doors.
- 3.1.7 This application is a resubmission of the previously refused application 19/00906/HOUSE which was refused for the following reasons:
- 1 *The proposed development by reason of its scale, bulk and design, is considered to be a large, unsympathetic and incongruous addition to the existing dwelling, which would detrimentally impact upon the character and appearance of the dwelling itself, the streetscene and the locality. 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, as a result of its bulk, depth, height and proximity to the boundaries, be dominant and overbearing and result in an unneighbourly form of development to the adjoining neighbours at 31 and 27 Mill Road, to the detriment of residential amenity and 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 The alterations made to the current application are a reduction in the proposed height of the roof to the front of the dwelling by 0.6 metres. This would result in an increased roof height of 1.1 metres from what is currently in situ and the removal of a flat roof section to the front of the garage. The proposed plans therefore show a very limited reduction in the scale of the development overall.

3.2 Conclusion

3.2.1 The proposed development, by way of its scale, bulk and design is considered to be a large and unsympathetic form of development that would detrimentally impact upon the character and appearance of the dwelling and the locality. Whilst it is noted some amendments to the design have taken place these are not considered to have overcome the concerns identified previously. Additionally, the development would result in an unneighbourly form of development due to its height and depth being overbearing along the eastern and western boundaries.

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
- 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:

- 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 Section 38(6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises the approved Local Development Plan (LDP).
- 5.1.2 The principle of extending an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies S1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

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

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

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

“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 This principle has been reflected to the approved LDP. 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

- 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 and where possible enhances the sustainability of the original building; and does not involve the loss of any important landscape, heritage features or ecology interests.
- 5.2.6 The proposed development would raise the roof of the existing dwelling and include the installation of dormer windows to the front elevation and a recessed balcony to the rear elevation, enabling accommodation at first floor level. The development would also project to the west of the dwelling creating a rear/side extension to form a garage and closet at first floor level. The resultant development would raise the roof height of the existing dwelling by 0.6 metres.
- 5.2.7 The proposed design of the first floor extension to the main dwelling would create a raised gable style roofline with two dormer windows to the front elevation. The proposed design of the front elevation takes cues from neighbouring dwellings. However, whilst the increase in roof height of 1.1 metres would result in a roof height similar to No.31 Mill Road, due to the orientation and narrow width of the neighbouring roof line and the subservient side projection, the gable style roof has a lesser impact on the streetscene than the proposal. In contrast, the dwelling to the east of the application site, No.27 Mill Road, which is of a similar style to the host dwelling, has a lower ridge line and eaves height which is considered to be more in keeping with the street scene. Furthermore, the proposed development would include two dormers to the front which would add additional bulk to the development. It is therefore considered, that taking into account the proposed increase in roof height to the main dwelling in combination with the proposed roof design, the development significantly alters the character of the dwelling and the locality more widely.
- 5.2.8 The proposed ground floor extension would extend from the existing rear projection and the rear elevation of the dwelling, resulting in an increase in accommodation at ground and first floor levels and including the creation of a garage. The roof height of the existing rear projection would increase by 0.8 metres to match that of the proposed addition. The proposed roofline would form a hipped to gable style roof with a large flat roofed section. Due to the proposed development having different roof styles than that of the main dwelling, the proposed development would result in a contrived roofline that would further reduce the limited architectural merit of the scheme. Due to the overall scale of the extension and the inconsistent mix of roofing styles, the proposed extension would form an unsympathetic and bulky rear/side projection which would detrimentally impact upon the appearance of the host dwelling, which is a small-scale bungalow, and the locality.
- 5.2.9 The front porch would be located centrally on the front elevation with a pitched roof and glazed panels either side of the front door. It is considered the design of the porch

is in keeping with the host dwelling and therefore no objections are raised in regard to the porch.

- 5.2.10 The design of the proposed windows and doors are considered acceptable and the proposed balcony to the first floor rear projection would not detrimentally impact upon the appearance of the host dwelling.
- 5.2.11 The proposed finished materials would be sand/cement painted render with HardiePlank weatherboarding at first floor level and plain roof tiles. It is considered the proposed materials are in keeping within the locality and therefore are considered acceptable.
- 5.2.12 The proposed solar panels would be fitted to the southern roof slope of the main dwelling. Whilst the solar panels detract from the appearance of the dwelling, they are functional in design and are located to the rear and therefore would not impact upon the appearance of the streetscene. It is noted the solar panels would provide an alternative energy source, however this would not outweigh the concerns raised in the report.
- 5.2.13 This application is a resubmission of a previously refused application 19/00906/HOUSE, which proposed a similar form of development. This previous application was refused due to the proposed scale, bulk and design of the development. The proposed increase in height was considered to result in a bulky form of development with the flat roofed projection to the front of the proposed garage being considered unsympathetic. Furthermore, the proposed roof design to the rear projection which included a flat roofed middle section was considered to result in a contrived roofline when read in conjunction with the gable roof to the front. The current application has removed the flat roof section to the front of the garage and reduced the height of the roof to the front elevation, however no other changes have been made. It is therefore considered the proposed development has not addressed all the concerns raised by the previous application.
- 5.2.14 It is therefore considered the proposed development, due to its scale, bulk and design would detrimentally impact upon the appearance of the host dwelling and the streetscene contrary to policies D1 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 The basis of policy D1 in 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. Similarly, policy D2 of the approved LDP requires all development to minimize all forms of possible pollution including air, land, water, odour, noise and light. Any detrimental impacts and potential risks to the human and natural environment will need to be adequately addressed by appropriate avoidance, alleviation and mitigation measures.
- 5.3.2 The proposed development would be situated 3.1 metres away from the neighbouring dwelling to the east, No.31 Mill Road. The development would project 13.2 metres beyond the rear elevation of the neighbouring dwelling and would be located 1.2 metres from the shared boundary. Due to its bulk, height and depth it is considered

the development would result in an overbearing and dominating form of development which would be an unneighbourly addition to the site, creating a sense of enclosure along the shared boundary. Whilst it is noted a representation has been made regarding the proposed door at ground floor level it is considered this would not result in overlooking of the neighbouring dwelling, furthermore the plans show a window at ground floor level and rooflights facing the eastern boundary. It is considered, whilst the ground floor door and window would not result in overlooking due to the boundary fencing shielding views of the neighbouring private amenity space, the proposed rooflights which appear to be set 1.5 metres above floor level, are likely to result in overlooking and therefore if the application was to be approved a condition could be imposed for the rooflights to be obscure glazed. These rooflights are secondary to bedroom 1 and thus would not result in poor living conditions of the future occupiers.

- 5.3.3 The neighbouring dwelling to the west, No.27 Mill Road, would be situated 1.8 metres from the proposed development site and 4.9 metres from the proposed dwelling. The proposed development would be a minimum of 0.8 metres from the shared boundary. Due to the bulk, depth, two storey nature of the development and proximity of the development to the shared western boundary, it is considered the development would result in an overbearing form of development, impacting upon the private amenity space of the neighbouring occupiers. Additionally, the plans show there would be a window on the western elevation at first floor level. Whilst it is considered the proposed window would result in overlooking of the neighbouring occupier's private amenity space the plans state this window, which serves as a dressing room, would be obscure glazed and therefore no objections are raised in regard to this, subject to this being secured by a condition.
- 5.3.4 The proposed development site would be situated a minimum of 8.1 metres from the neighbouring site to the north and 20 metres from that neighbouring dwelling. Due to the separation distance it is considered the proposed development would not detrimentally impact upon the neighbouring occupiers by way of overlooking or overshadowing.
- 5.3.5 The proposed development would be situated 38.5 metres from the rear boundary. There are no dwellings to the rear of the site and therefore the proposed development would not result in overlooking or overshadowing of any occupiers to the rear of the application site.
- 5.3.6 As described above, this application is a resubmission of previously refused application 19/00906/HOUSE which was refused due to the impact upon the neighbouring dwellings. Whilst the proposed development to the front of the dwelling has been reduced in height, no alterations are proposed to the rear/side extension which, due to the scale and close proximity of the development to the boundaries, was considered to have an overbearing impact on the neighbouring dwellings to the east and west. It is therefore considered the proposed development has not addressed these concerns.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T1 of the approved LDP seeks to create additional sustainable transport opportunities. Policy T2 aims to create and maintain an accessible environment,

requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.

- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as minimum standards. This takes into account Government guidance which recognises that car usage will not be reduced by arbitrarily restricting off street parking spaces. Therefore, whilst the Council maintains an emphasis of promoting sustainable modes of transport and widening the choice, it is recognised that the Maldon District is predominantly rural in nature and there is a higher than average car ownership. Therefore, the minimum parking standards seek to reduce the negative impact unplanned on-street parking can have on the townscape and safety, and take into account the availability of public transport and residents' reliance on the car for accessing, employment, everyday services and leisure. The key objectives of the standards is to help create functional developments, whilst maximising opportunities for use of sustainable modes of transport. This will enable people to sustainably and easily carry out their daily travel requirements without an unacceptable detrimental impact on the local road network, or the visual appearance of the development, from excessive and inconsiderate on street parking.
- 5.4.3 The proposed dwelling would have four bedrooms, with the proposed development creating three bedrooms at first floor level. The Maldon Vehicle Parking Standards SPD states the required parking provision for a dwelling of four bedrooms or more is three car parking spaces measuring 2.9 metres in width by 5.5 metres in depth with garage parking measuring 3 metres in width and 7 metres in depth. The plans show there would be adequate parking provision to the front of the dwelling and within the proposed garage (minimum of 1 space within the garage and 2 within the front curtilage of the dwelling). It is therefore considered the proposed development would be in accordance with policy 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 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 existing garden on the site is in excess of the standard contained within the Essex Design Guide of 100m². The garden area will remain in excess of 100m² after the construction of the proposed development; therefore the proposed extension is in compliance with policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **MAL/104/86** – Extension – Conditional
- **19/00906/HOUSE** - Demolition of two existing conservatories and garage. Erection of rear extension, porch, garage, Juliette balcony, solar panels and alterations to dwelling to create a chalet bungalow. - Refused

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support	Comments noted

8. REASONS FOR REFUSAL

- 1 The proposed development by reason of its scale, bulk and design, is considered to be a large addition to the existing dwelling, which would detrimentally impact upon the character and appearance of the dwelling itself, the streetscene and the locality. 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, as a result of its bulk, depth, height and proximity to the boundaries, be dominant and overbearing and result in an unneighbourly form of development to the adjoining neighbours at 31 and 27 Mill Road, to the detriment of residential amenity and contrary to policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.