

**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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

<b>Application Number</b>	<b>20/00271/HOUSE</b>
<b>Location</b>	7 Riverside Road, Burnham on Crouch CM0 8JY
<b>Proposal</b>	Garage conversion with bow window and detached single cart lodge.
<b>Applicant</b>	Mrs A Owers
<b>Agent</b>	Mr Ashley Robinson - A R Property Designs
<b>Target Decision Date</b>	1.05.2020
<b>Case Officer</b>	Sophie Mardon
<b>Parish</b>	<b>BURNHAM SOUTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor Wendy Stamp. Reason: Does not breach NDP or LDP. No loss of amenity or parking creates additional room in compliance with H4 of LDP.

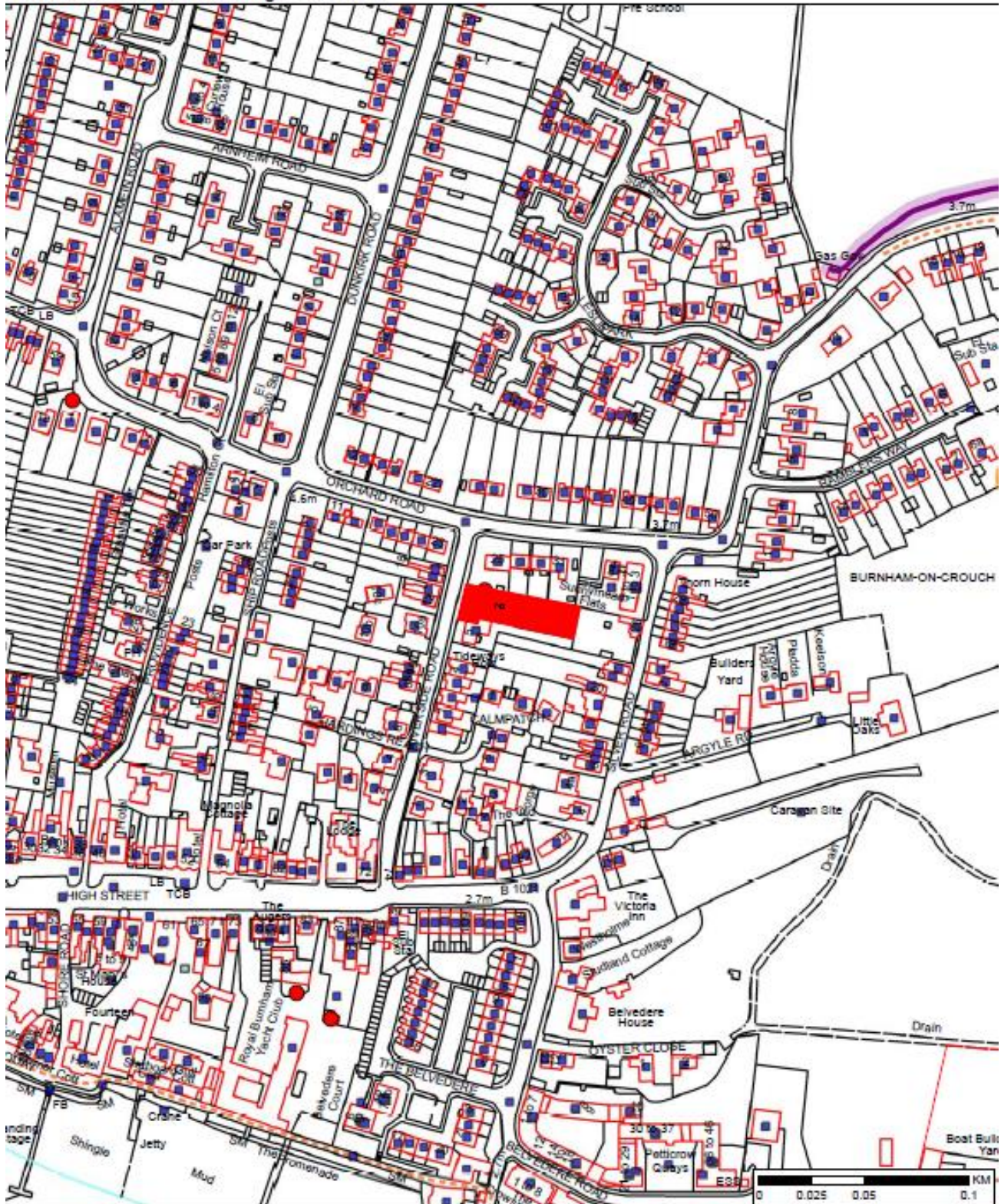
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

# 7 Riverside Road, Burnham-on-Crouch South Eastern Area Planning Committee



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: 20/00271/HOUSE

Date: 20/04/2020

MSA Number: 100018588

### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

- 3.1.1 The application site is located to the north east of Riverside Road within the settlement boundary of Burnham on Crouch and the Burnham Conservation area. The site is occupied by a bungalow with an integrated garage projecting from the front/side elevation. The surrounding area is residential with an eclectic mix of single storey and two storey dwellings of varying design.
- 3.1.2 Planning permission is sought for a garage conversion to the front of the dwellinghouse to facilitate a shower room, utility and additional bedroom. The existing garage door would be replaced with a bow window which would project 0.2 metres from the existing dwelling, the window would have a width of 2.3 metres and an overall height of 2.2 metres.
- 3.1.3 On 16 March 2020 the agent submitted amended plans to include the erection of a cart lodge with hipped roof to the front of the dwelling which would measure 3.3 metres deep, have a width of 5.5 metres, a height to the eaves of 2.2 metres and a maximum height of 3.5 metres. Cart lodges are characterised by an open sided aspect (or aspects) to their design,
- 3.1.4 In terms of materials, an amended plan was received on 9 April 2020 to change the materials of the bow window from Mahogany framed aluminium to a hardwood frame (white sadolin finish) to match the frame of the neighbouring property, with face brickwork below the window. The proposed cart lodge would be open sided and supported by Oak posts, the roof of the cart lodge would be constructed of natural slate tiles.
- 3.1.5 The development which is the subject of this application is a resubmission of the previously refused application 19/01047/HOUSE. The previous application was refused for the following reasons;

*'1. The proposed car port by virtue of its scale, positioning, design and appearance would represent an incongruous and dominant addition to the streetscene, to the detriment of the character and appearance of the surrounding area which is a conservation area. The development is therefore contrary to policy D1, D3 and H4 of the Maldon District Local Development Plan, Policy HO.8 of the Burnham-on-Crouch Neighbourhood Design Guide and the guidance contained within the National Planning Policy Framework.'*

*'2. The proposed development, creating a four bedroom dwelling and reducing the onsite parking space available, will result in insufficient provision of on-site car parking, which is likely to result in on-street parking to the detriment of pedestrian and highway safety and the free flow of traffic within the area, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.'*



### 3.1.6 The following revisions have been made;

- The proposed cart lodge has increased by 0.2 metres in depth and 0.5 metres in width.
- The overall height of the cart lodge has been reduced by 0.2 metres
- The roof form of the cart lodge has been amended from a gabled to a hipped roof.
- The roof materials of the cart lodge have been amended from concrete tiles to match the existing dwellinghouse to natural slate.
- The agent has also amended the proposed site plan to include the proposed car parking spaces.

## 3.2 Conclusion

- 3.2.1 The proposed cart lodge is to be sited to the front of the property which would result in a development clearly visible from public vistas and such forms of development are not common within streetscene. The proposal would therefore result in a dominant and incongruous addition which would be out of keeping with and harmful to the character and appearance of the site and surrounding conservation area. In addition, the proposed development would not make adequate provisions for off street car parking. It is therefore considered that the proposal is contrary to the guidance contained within the National Planning Policy Framework (NPPF), policies D1, D3, H4 and T2 of the Maldon District Local Development Plan (MDLDP) and policy HO.8 of the Burnham-on-Crouch Neighbourhood 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:

- 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
- 184-202 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
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility
- D3 Conservation and Heritage Assets

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

- National Planning Policy Framework (NPPF)
- Maldon Design Guide SPD
- Maldon District Vehicle Parking Standards SPD
- Burnham on Crouch Neighbourhood Development Plan

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The Council is required to determine planning applications in accordance with its Local Development Plan (LDP) unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990)).
- 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, taking into account any local design standards or style guides in plans or supplementary planning documents”.
- 5.2.3 The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character 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.
- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017) (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 Policy H0.8 of the Burnham-on-Crouch Neighbourhood Development Plan states that proposals for housing development should produce high quality schemes that reflect the character and appearance of their immediate surroundings.
- 5.2.7 In accordance with section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, the Council must have special regard to the character and appearance of the conservation area. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the ‘significance’ of the conservation area. Policy D3 of the LDP states that ‘development proposals that affect A heritage asset will be required to preserve or enhance its special character, appearance, setting and any feature and fabric of architectural or historic interest.’
- 5.2.8 The proposed bow window would be to the front elevation of the dwellinghouse and would therefore be visible from the street scene however, there is significant screening when travelling from the south and therefore the property is not prominent from this direction. Furthermore, due to the minor nature of the proposed bow window and as it would be constructed of materials that are found within the existing street scene, it is not considered to have a detrimental impact on the character and appearance of the site and the surrounding conservation area. Therefore, this aspect of the proposal is considered to comply with policies D1, D3 and H4 of the approved LDP and policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan.
- 5.2.9 Amendments have been made to the proposed cart lodge which differ from the previous refused application (19/01047/HOUSE). The height of the cart lodge has been reduced by 0.2 metres, the roof form of the development has changed from gabled to hipped, the roof tiles have been amended from concrete tiles (to match the existing) to slate and proposed cart lodge has increased by 0.2 metres in depth and 0.5 metres in width.

- 5.2.10 The proposed cart lodge would be detached and would sit uncharacteristically forward of the defined building line of the road. Therefore, the development would be highly visible within the public realm due to its location. It is noted that a detached garage is sited to the north of the proposed cart lodge however, this detached garage sits to the rear of property No. 25 Orchard Road and is therefore, materially different. Its relationship with the street is dictated by the corner location of that plot, with the host property orientated to its principle street aspect. Furthermore, whilst this garage is visible within the Riverside Road street scene, it has a subservient relationship with the street due to its set back position (which is further back from the street edge than the proposed cart lodge), and its relationship with its host property is evident in its matching materials. Furthermore, traditional garages are common within urban areas, and it is noted that where garages to residential curtilages exist in Riverside Road, these are modest structures of traditional design and fit in with the urban context. In contrast, the proposed cart lodge is more suited to rural development or within larger plots where their appearance would not be over dominant or out of scale with the prevailing context. Comparison of the proposed cart lodge with the garage at 25 Orchard Road therefore does not stand up to scrutiny when considering the site circumstances and the prevailing context of the local area, which is cramped and tight, with restricted spaces between the dwelling and the back edge of the pavement. As such, the garage at 25 Orchard Drive cannot reasonably be used as a precedent for this current application.
- 5.2.11 The proposed cart lodge would occupy a footprint of 18.1 metres, whilst this is considered to be a relatively minor increase in built form, the positioning of the cart lodge, and as the main bulk of the built form would front the road, the building would result in a dominant and cramped form of development close to the highway that would have a detrimental visual impact through its incongruous design and relationship with the streetscene.
- 5.2.12 Furthermore, the specialist in heritage and conservation has raised concerns in relation to the proposed cart lodge. The proposal is that of a rural building type and would look peculiar in an urban street scene. It is acknowledged that the proposal has been amended, in particular to the roof structure and materials, however it is considered that these minor changes do not overcome the previous reasons for refusal in that the cart lodge would be prominent and awkward in appearance from the street scene. The specialist concludes that it would cause less than substantial harm to the significance of the conservation area as a heritage asset and this harm must be weighed against any public benefits of the proposal. As discussed above, there are substantial concerns arising from the positioning of the cart lodge and the affect it would have on the street scene and application site and as such there are no public benefits to the streetscene and the wider area.
- 5.2.13 Concerns have also been raised in terms of access to the proposed cart lodge. As three car parking spaces are required on the site, it is not clear how the applicant would be able to access the cart lodge with two additional cars blocking the entrance to the cart lodge. In order for the cart lodge to be used as a car parking provision, two cars would have to reverse out of the site each time in order to gain access to the cart lodge or for a car to leave the application site. Therefore, it is considered that the siting of the cart lodge to be used as a car parking provision is not viable with the current proposed access to the application site.

- 5.2.14 It is considered that the proposed cart lodge, by reason of its scale, siting, design and appearance would result in demonstrable harm to the character and appearance of the area within which is a conservation area, contrary to policies D1, D3 and H4 of the LDP and policy HO.8 of the Burnham-on-Crouch Neighbourhood Development Plan.

### **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the approved LDP seeks to ensure that development will protect the amenity of its surrounding areas taking into account privacy, overlooking, outlook, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site is bordered by eight neighbouring properties; to the north is No.25 Orchard Road, to the north east are No's.27, 29 and 31 Orchard Road, to the south is No.5 Riverside Road and to the west are No's.12, 14 and 16 Riverside Road.
- 5.3.3 The proposed bow window would sit approximately 3.3 metres from the shared boundary with No.5 Riverside Road and approximately 3.3 metres from this neighbouring property. There is a ground floor window on the northern side of this neighbouring property facing the application site. However, as the proposed bow window is situated on the western elevation of the host dwelling, it is considered that the development would not result in a loss of privacy or overlooking for the neighbouring occupier and therefore, would not represent an unneighbourly form of development. The proposed cart lodge would sit approximately 8.4 metres from the shared boundary of No. 5 Riverside Road and approximately 9.3 metres from this neighbouring property. Due to the degree of separation, the single storey nature of the development and as it would be adjacent to the neighbour's front garden, the cart lodge would not cause overshadowing or dominance to the neighbouring property No. 5 Riverside Road.
- 5.3.4 The proposed bow window would not impact on 25 Orchard Road due to the extent of separation and intervening boundary treatment, garage and vegetation. Similarly, due to the site conditions, in particular the proximity of the cart lodge to the garage of 25 Orchard Road, there would be no material amenity impacts.
- 5.3.5 With respect to the properties opposite, the bow window proposal' given the separation and intervening street, would not distort the relationship of the existing buildings and as such there would be no overlooking impacts materially different that currently exists. The proposed cart lodge however, would be sited close to the back edge of the pavement within the application site. However, it is sufficiently distanced and of a design that would not cause overshadowing or dominance to these neighbouring properties.
- 5.3.6 Although the application site borders No. 27, 29 and 31 Orchard Road, the proposal is to the front of the application site therefore, the proposal is not considered to have an unneighbourly impact on these dwellings.
- 5.3.7 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of policy D1 of the LDP in relation to residential impacts.



## **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 are 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 development would create an addition of one bedroom resulting in the dwelling becoming a four-bedroom property. Therefore, the minimum required parking provision increases from two vehicles to three vehicles. The proposed cart lodge would be situated to the north of hardstanding which is currently used to accommodate parking for 1 vehicle. The proposed cart lodge has been enlarged from the previous application and although this still falls short of the minimum standard size stipulated within the Maldon District Vehicle Parking Standards SPD of 3 metres wide by 6 metres deep for 1 car port space, it is considered that on balance, due to the open nature of the cart lodge, the proposed dimensions of 5.5 metres wide by 3.5 metres deep are acceptable.
- 5.4.4 The agent has outlined provisions for two additional car parking spaces to the east of the proposed cart lodge, which would be over the existing hard standing. However, it is not considered that the provisions would accommodate two additional cars, the minimum standards for two car parking provisions would be 6 metres deep and 6 metres wide, the submitted block plan states the provisions for two vehicles would be 4.9 metres deep and 4.9 metres wide. Notwithstanding the Council's policy position, an area of this size would not be able to accommodate two reasonably sized cars. Therefore, it is considered that the proposed development would not provide sufficient parking in line with the SPD.
- 5.4.5 Furthermore, as stated in section 5.2.13 of this report it is not clear how the applicant would be able to access the cart lodge with two additional cars blocking the entrance to the cart lodge. In order for the cart lodge to be used as a car parking provision, two cars would have to reverse out of the site each time in order to gain access to the cart

lodge or for a car to leave the application site. The plans therefore demonstrate that the parking arrangement, having regard to the location of the proposed cart lodge, the existing hard standing and the existence of the Maple trees, is incoherent to conducive parking arrangements and movements within the site and as such fails to satisfy policy requirements and is not viable with the current proposed access to the application site.

- 5.4.6 Whilst it is noted that Riverside Road is predominately used by the residents of the street, it does lead directly off Burnham-on-Crouch High Street therefore it is not uncommon for a high number of cars to be parked along this narrow road. Therefore, it is considered that the increased accommodation combined with a lack of parking is likely to result in more vehicles parking on the road and therefore the resulting shortfall of two parking spaces is considered to have a demonstrable impact on pedestrian and highway safety within the area.

## **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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.5.2 The proposed development would not result in any loss of private amenity space. Therefore, the proposal is in compliance with Policy D1 of the LDP.

## **5.6 Other Material Considerations**

- 5.6.1 There is a Maple tree within the application site which would be retained as part of the proposed works. Following consultation with the tree consultant, it is considered that the proposed concrete pad system and floor of the cart lodge would be too invasive so close to the tree and would therefore have a detrimental impact on the protected tree. However, an acceptable construction system and tree protection measures could be secured by condition if planning permission were to be granted.

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

- 6.1 The relevant site history is set out in the table below:

Application Number	Description	Decision
BUR/37/74	Additional Room	Approved
<b>90/00822/FULF</b>	Construction of new attached garage new conservatory and ground floor extension to	Approved
<b>96/00294/FUL</b>	New garage and rear extension	Approved
<b>96/00294/FULA</b>	New garage and rear extension. Amended plans - revised design	Approved
<b>00/00977/TCA</b>	Proposed works to 4 no. Leylandii Trees	Allowed to Proceed
<b>03/01008/TCA</b>	Reduction in height to previous pruning points of 3 leyland cypress trees	Allowed to Proceed
<b>12/00394/TCA</b>	Reduce width of tree overhanging garage roof of	Allowed to Proceed

Application Number	Description	Decision
	25 Orchard Road by 4 metres	
<b>13/01159/TCA</b>	T1 Atlantica Glauca - Fell, T2 Holly - Fell, T3 Fir Tree - Fell	Allowed to Proceed
<b>16/00157/TCA</b>	Fell Maple in front garden.	Serve TPO
<b>19/01047/HOUSE</b>	Garage conversion with bow window and erection of detached single cart lodge.	Refused

## **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>
Burnham Town Council	Support this application on condition that the conservation officer approves this application regarding the cart lodge	Noted

### **7.2 Statutory Consultees and Other Organisations**

<b>Name of Statutory Consultee / Other Organisation</b>	<b>Comment</b>	<b>Officer Response</b>
Tree Consultant	The use of a standard slab construction is not acceptable in this case because it will involve covering the bare soil with more hard surfacing that will restrict moisture absorption and gaseous exchange. With the right construction method the structure can be erected and have little or no impact on the tree and its future longevity. Suggests the applicant contacts a company that specializes in such surface constructions to assist in design and installation methodology.	Please see sec 5.6.1

### 7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Specialist in Heritage and Conservation	Object – The application would fail to preserve or enhance the conservation area.	Please see sec 5.2.12

### 8. **REASONS FOR REFUSAL**

1. The proposed car port by virtue of its scale, positioning, design and appearance would represent an incongruous and dominant addition to the streetscene, to the detriment of the character and appearance of the surrounding area which is a conservation area. The development is therefore contrary to policy D1, D3 and H4 of the Maldon District Local Development Plan, Policy HO.8 of the Burnham-on-Crouch Neighbourhood Design Guide and the guidance contained within the National Planning Policy Framework.
2. The proposed development, creating a four bedroom dwelling and reducing the onsite parking space available, will result in insufficient provision of on-site car parking, which is likely to result in on-street parking to the detriment of pedestrian and highway safety and the free flow of traffic within the area, contrary to policies D1 and T2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.