



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**CENTRAL AREA PLANNING COMMITTEE  
2 DECEMBER 2020**

<b>Application Number</b>	<b>20/00862/HOUSE &amp; 20/00863/LBC</b>
<b>Location</b>	7 All Saints, London Road, Maldon, CM9 6HE
<b>Proposal</b>	Single storey front extension to provide entrance, cloakroom and snug.
<b>Applicant</b>	Mr and Mrs Broom
<b>Agent</b>	Ms Annabel Brown – Annabel Brown Architect
<b>Target Decision Date</b>	06.11.2020
<b>Case Officer</b>	Hannah Dungate
<b>Parish</b>	<b>MALDON NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member call-in by Councillor C Mayes Reason: D1 and D3

**1. RECOMMENDATION**

**APPROVE** subject to the conditions (as detailed in Section 8 of this report).

**2. SITE MAP**

Please see overleaf.

**7 All Saints, London Road, Maldon**  
 20/00862/HOUSE & 20/00863/LBC



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 Maldon District Council 100018588 2014

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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	Not Set
Date:	20/10/2020
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 London Road and is within the Maldon Conservation Area. All Saints is a Grade II listed building constructed of red brick in a Tudor-revival style. The building was a former Victorian school which was converted to 8 residential units in 2018 (APP/X1545/W/16/3153893 refers). The first phase of the school fronts onto London Road and comprised a pair of staff houses in the centre, flanked by tall gabled classrooms which extend to the rear, once forming a U-shaped plan. The classrooms on the west side were for boys and the classrooms on the east side were for girls.
- 3.1.2 The application property, No. 7 All Saints, forms part of the eastern rear extension which was the girls' side of the school. Having been converted to housing in 2018, there is now associated amenity space along the inner and outer periphery of the building, a parking area located in the south eastern corner of the site, and a shared communal area located in the south western corner of the site. Access to the site is taken from the north eastern corner of the site, from London Road.
- 3.1.3 Permission is sought for the construction of a single storey lean-to extension to the eastern elevation of No. 7 All Saints. The proposed extension would be used as the entrance to the property as well as an additional snug and water closet. It would have an L-shaped plan so that the existing window within the east elevation of the building is retained.
- 3.1.4 The proposed development would measure 4 metres in depth, 6 metres in width and would have an eaves height of 2.4 metres and a maximum height of 3.5 metres.
- 3.1.5 The proposed materials would be a red brick façade with lighter brick detailing and rendered plinth. The proposed windows and doors would have white painted timber frames and the roof would be slate.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the development, by reason of its scale and design does not harm the appearance or character of the area or the listed building and would not result in any unacceptable harm by way of overlooking, overshadowing or through being unduly overbearing to the neighbouring property. Additionally, the development does not detrimentally impact on the provision of car parking or private amenity space. Therefore, it is considered that the development is in accordance with policies D1 and D3 of the Local Development Plan (LDP), sections 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* and the guidance 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 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
- D3 Conservation and Heritage Assets
- 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 of the approved 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, Setting and Fabric of the Listed Building**

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 in 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;
- 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 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 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. In the terminology of the NPPF, the Council must consider whether the proposal will ‘harm’ the listed building’s ‘significance’.

- 5.2.7 Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect a heritage asset must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.8 The proposed development consists of a lean-to extension to the east elevation of the existing building to be used as additional habitable accommodation for No. 7 All Saints. The proposal would extend from a rendered section of this elevation, which is considered to detract from the original design of this part of the building. The proposed lean-to would be a modest addition which would reference the materials and detailing of the earlier 19<sup>th</sup> century phases of the complex. The extension would be sited in a position where a flat roofed toilet block once existed, adjacent to the east wall of No. 7. There is also an existing lean-to addition located on the corresponding western range of the existing buildings. Given this context, the lean-to extension would therefore relate to its setting and would not appear overly dominant within the site or detrimentally impact upon the significance of the listed building. Whilst the lean-to would be partially visible from London Road through the access into the site, due to its design, location and form, it is considered that the development would not detrimentally impact upon the character or appearance of the Conservation Area or wider locality.
- 5.2.9 A Consultation response from the Council's Specialist in Heritage and Conservation has raised no objections to the proposed development commenting that the proposal would result in 'no harm to the significance of the listed building or conservation area.' The development would therefore be in accordance with policy D3 of the Maldon LDP, chapter 16 of the NPPF, or the duties set out in sections 16(2) or 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.
- 5.2.10 While there are no objections raised in regard to the proposed materials, it would be reasonable to approve their details prior to use so that they would not harm the significance of the listed building; conditions are therefore attached to this effect.

### **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 extension would be located 2.3m away from the shared boundary with the neighbouring property located north of the application site. Given the staggered building line of the existing properties, this neighbour projects forward of No. 7 by approximately 0.9m. The proposal would therefore only project beyond the front wall of this neighbour by 2.9m. Given the sufficient separation distance between the

properties and the single storey nature of the proposed development, it is considered that the proposal would not detrimentally impact on any neighbouring residential amenity.

#### **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. The Council's adopted VPS SPD contains the parking standards which are expressed as minimum 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 VPS SPD contains the parking standards which are expressed as minimum standards. The standard required for a 2-bedroom flat is two car parking spaces. The existing on-site car parking provision at the site is located south east of the application property in a communal car parking area comprising 13 spaces, two of which are associated with No. 7 All Saints. Due to the position of the proposed lean-to extension within the front garden area associated with the property, it would not detrimentally impact upon the existing on-site car parking provision at the site and therefore the proposed development would be in accordance with policy D1 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 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.
- 5.5.2 In 2016, planning permission was refused by Committee on the basis that the proposal to convert the former primary school to 8 residential units would result in 'restricted amenity space that would fail to provide an appropriate level of private amenity space for the individual units' (16/00279/FUL refers). At appeal, the Inspector determined that the 'external amenity space within the development would not be unduly contrived and restricted' as the resultant average of amenity space per unit would be 29.4sqm which would comply with the minimum of 25sqm of amenity space per flat; the appeal was therefore allowed on this basis (APP/X1545/W/16/3153893 refers).
- 5.5.3 The existing private amenity space at the complex comprises an area within the central courtyard of the buildings, as well as designated communal amenity space at the rear of the site. While there is an additional 600sqm of amenity space distributed on all sides of the buildings at the site, this would not be considered 'private' due to the lack of screening around its edges as well as its proximity to the parking and highway uses at the site. In addition to the 134sqm of designated communal amenity space located at the rear of the site, No. 7 All Saints benefits from approximately

22sqm of rear amenity space located within the central courtyard west of the building. Given that the proposed extension would be sited within the front garden area of the property, private amenity space at No. 7 All Saints would remain in excess of the minimum size recommended. Therefore, the proposed development is in compliance with policy D1 of the LDP.

**6. ANY RELEVANT SITE HISTORY**

<b>Application Number</b>	<b>Description</b>	<b>Decision</b>
<b>18/05094/DET</b>	Compliance with conditions notification of application FUL/MAL/16/00279 approved on appeal APP/X1545/W/16/3153893 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 11 - Refuse storage.	Conditions Cleared
<b>18/00016/FUL</b>	Reinstatement of 3no. 'roundel' windows in front & rear gables to new Flats 4 & 8 (application is submitted to align with new amending Listed Building Consent, ref: LBC/MAL/17/01186)	Approved
<b>17/01186/LBC</b>	Amendments to LBC/MAL/16/00280. Removal of lowered ceilings & formation of gallery levels within flats 1, 4 & 8. Restoration of 'roundel' windows in front & rear gables to Flats 4 & 8.	Listed Building Consent Granted
<b>17/05117/DET</b>	Compliance of conditions notification of approved application LBC/MAL/16/00280 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 3 - Window and door details. Condition 4 - Boundary treatments. Condition 5 - Materials.	Conditions Cleared
<b>17/05116/DET</b>	Compliance of conditions notification of application FUL/MAL/16/00279 approved on appeal APP/X1545/W/16/3153893 (Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking). Condition 3 - Materials. Condition 4 - Boundary treatments. Condition 6 - Landscaping. Condition 8 - Surface water drainage scheme. Condition 9 - Foul drainage scheme. Condition 12 - Cycle storage.	Conditions Cleared
<b>16/00089/FULREF</b>	Conversion of former All saints CE Primary School to 8 residential units, associated amenity space and parking.	Appeal Allowed
<b>16/00280/LBC</b>	Conversion of former All Saints CE	Listed

	Primary School to 8 residential units, associated amenity space and parking.	Building Consent Granted
<b>16/00279/FUL</b>	Conversion of former All Saints CE Primary School to 8 residential units, associated amenity space and parking.	Appeal Allowed
<b>15/00605/LBC</b>	Conversion of former All Saints CofE Primary School to 8 residential units, associated amenity space and parking.	Listed Building Consent Granted
<b>15/00604/FUL</b>	Conversion of former All Saints CofE Primary School to 8 residential units, associated amenity space and parking.	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>
Maldon Town Council	No response received	Noted

### 7.2 **Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Specialist – Heritage and Conservation	<p>This proposal would result in no harm to the significance of the listed building or the conservation area. The proposal therefore poses no conflict with policy D3 of the Maldon LDP, chapter 16 of the NPPF or sections 16(2), 66(1) and 72(1) of the <i>Planning (Listed Buildings and Conservation Areas Act) 1990</i>.</p> <p>I recommend that the applications are approved subject to conditions.</p>	Comments and recommended conditions noted

### 7.3 **Representations received from Interested Parties**

7.3.1 No representations received.

## 8. **PROPOSED CONDITIONS – 20/00862/HOUSE**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.

REASON: To ensure that the development is carried out in accordance with the details as approved.

- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.

REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.

### **PROPOSED CONDITIONS – 20/00863/LBC**

**GRANT LISTED BUILDING CONSENT** subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with Section 91(1) The Town & Country Planning Act 1990 (as amended) and Section 16(2) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*.

- 2 The development hereby permitted shall be carried out and retained in accordance with the following approved plans and documents: A20633/PI01; A20633/PL02; A20633/PL05; A20633/PL06/A.  
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 3 Prior to their use details and photographs of the materials to be used in the construction of the external surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.  
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 4 The external brick work shall be constructed in an English bond to match existing and shall be retained as such thereafter.  
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 5 Prior to the installation of any doors or windows as part of the development hereby approved, large scale drawings [1:20] showing all new windows, rooflights and doors including sections [1:2] through the head, cills and glazing bars shall be submitted to and approved in writing by local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.  
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 6 All external joinery shall be in timber with a painted finish and shall be retained as such thereafter.  
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.
- 7 All rainwater goods shall be of cast metal with a black painted finish and retained as such thereafter.  
REASON: To protect the established character of the site and to comply with the policies set out in Chapter 16 of the National Planning Policy Framework and D3 (Conservation and Heritage Assets) of the Local Development Plan.