



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
16 DECEMBER 2020**

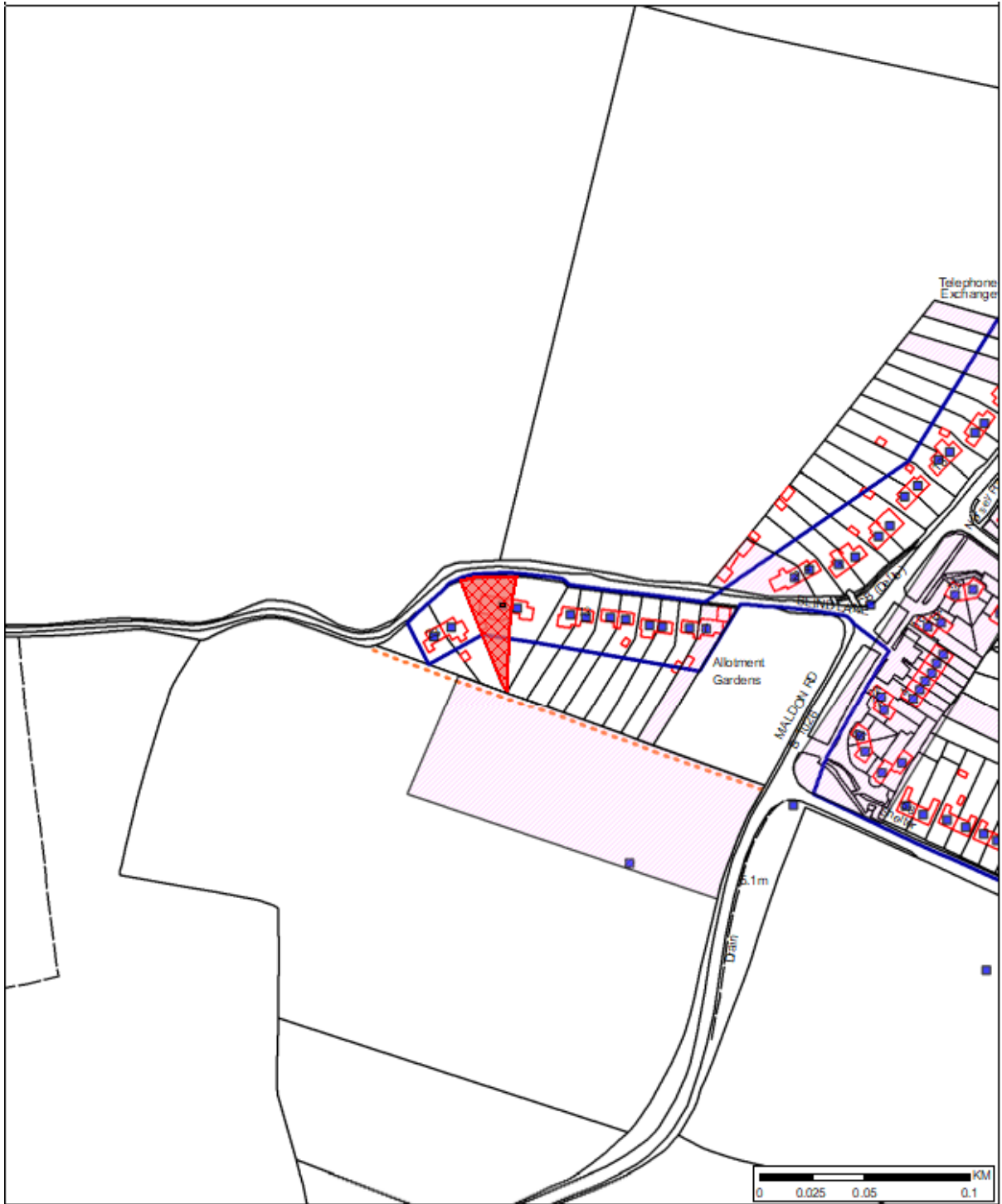
Application Number	20/00974/HOUSE
Location	19 Blind Lane, Goldhanger
Proposal	Double garage with room in roof to the front of existing dwellinghouse
Applicant	Wells
Agent	Paul Lonergan - Paul Lonergan Architects
Target Decision Date	19.11.2020
Case Officer	Hannah Bowles
Parish	GOLDHANGER
Reason for Referral to the Committee / Council	Member Call In from Councillor Mrs M E Thompson - Reason: Goldhanger Parish Council has asked me to call this in as they support the application. The relevant policy is D1, in particular items a & b.

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.



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 Maldon District Council 100018588 2014

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Not Set
Date:	23/11/2020
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 Blind Lane, whilst the majority of the site falls within the settlement boundary of Goldhanger, a small section of the rear garden falls just outside. The site is occupied by a semi-detached dwellinghouse. The surrounding area is semi-rural in nature, with open and undeveloped fields opposite and to the rear of the site, and residential dwellings to the east and west.
- 3.1.2 Planning permission is sought for the erection of a double garage with a room within the roof space. The proposed garage would be sited in a prominent position to the front of existing dwellinghouse. It is also proposed to erect a 1.2m high close boarded fence along the majority of the site's frontage.
- 3.1.3 The proposed outbuilding would measure 6.5m wide, 7.5m deep, 2.3m to the eaves and 5.95m to the ridge of the pitched roof. The proposed external materials are facing brick, red plain tiles and uPVC garage doors and rooflights.
- 3.1.4 The outbuilding would provide a double garage at ground floor level, with adequate space to park two vehicles and a room within the roof space. Correspondence has been received which confirms that the first floor room would provide a personal space for the applicant's severely autistic adult son.

3.2 Conclusion

- 3.2.1 The proposed development would result in a visually prominent addition to the site and streetscene which would dominate the frontage of the site and form an incongruous development within the streetscene. The applicant's personal circumstances have been taken into account however the weight attributed to this does not outweigh the identified harm. Therefore, due to the visual harm to site and surrounding area the proposal would not comply with policies D1 or H4 of the Local Development Plan (LDP).

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:

- 38 Decision-making
- 47-50 Determining applications
- 117-118 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:

- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- H4 Effective Use of Land

- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- 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 an existing dwellinghouse and of providing facilities in association with residential accommodation is considered acceptable in line with policies D1 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 National Planning Policy Framework (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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- 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 MDDG (2017).
- 5.2.5 The application site lies in a semi-rural area in a location where the built-up nature of the settlement of Goldhanger transitions into rural area beyond. The site is located in a string of residential development made up of semi-detached dwellings which front the highway. The frontage of the dwellings within the vicinity of the site are open and free from built form and are served by open frontages or low level boundary treatments.
- 5.2.6 The proposed outbuilding would be sited in a visually prominent position; 1.6m from the front elevation of the dwellinghouse and 1m from Blind Lane. The frontage of the application site, like the surrounding properties is open and free from development. The construction of a double garage with a room within the roof space would have a significant and detrimental visual impact on the site and surrounding area and would form a development which is out of keeping with the existing development within the surrounding area.
- 5.2.7 The scale of the proposed garage exacerbates the harm, at 6.5m wide and 7.5m deep the proposed outbuilding would cover a large portion of the frontage of the dwellinghouse. The ridge height of the proposed garage is 5.95m which results in the outbuilding exceeding the eaves height of the main dwelling. The cumulative impact of the siting, width, depth and height of proposed outbuilding is considered to result in the proposed outbuilding forming a prominent and dominant addition to the site and surrounding area.
- 5.2.8 It is noted that 1 Blind Lane is served by a detached garage to the front of the property. Firstly, it must be noted that, due to the distance and built form between the two properties the developments would not be viewed in context of each other. Secondly, the existing detached garage at 1 Blind Lane is of a lesser scale at 5.5m by 5.5m with a ridge height of 4.5m. Therefore, is not considered that the existence of a detached garage at 1 Blind Lane is directly comparable or justifies the larger and more prominent development proposed as part of this application.
- 5.2.9 Adding to the overall harm of the development is the proposal to include a 1.2m high close boarded fence along the majority of the front boundary of the site. This would be in stark contrast to the existing open frontages or low level boundary treatments present along the frontages of all twelve of the properties that make up this string of development. Given the visual harm that this element of the proposal would cause to the streetscene, it is considered that this would not be acceptable. However, it must be noted that this does not form part of the description of works and therefore, if the application was to be approved a condition could be imposed to ensure that details of an alternative and appropriate boundary treatment is submitted to the Local Planning Authority (LPA) for agreement prior to its installation.
- 5.2.10 Given the above assessment it is considered that the proposed development would result in a visually prominent addition to the site and streetscene which would dominate the frontage of the site and form an incongruous development within the streetscene. The applicant's personal circumstances have been taken into account, and discussed further below, and the weight attributed to this does not outweigh the

identified harm. Therefore, due to the visual harm to site and surrounding area, the proposal would not comply with policies D1 or H4 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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site has two immediately adjacent neighbouring occupiers no. 17 Blind Lane is located to the east of the application site and no. 21 Blind Lane is located to the west of the application site.
- 5.3.3 The proposed outbuilding would be sited 7.1m from the front elevation of no. 17 and 13.7m from the front elevation of no. 21. Given the distance and orientation of the buildings in relation to each other, it is not considered that the proposal would result in an overbearing impact, loss of light or overlooking to the detriment of the neighbouring occupiers.

5.4 Parking Provision

- 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 dwelling at the application site accommodates six bedrooms and therefore there is a requirement of three off street car parking spaces. The proposed double garage is of an adequate size to accommodate space to park two vehicles and a further two spaces could be accommodated to the south of the proposed outbuilding. Therefore, no concerns in terms of parking provision are raised.

5.5 Private Amenity Space

- 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 (MDG) SPD 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 proposed outbuilding would be located to the front of the dwelling on the application site and would therefore not result in a loss of the private amenity space that currently serves the site. Therefore, there are no objections in this respect.

5.6 Other Material Considerations

- 5.6.1 The Applicant has highlighted some personal circumstances that they consider weigh in favour of the planning application and it is considered appropriate to balance the personal benefits of the proposal against the harm highlighted above.
- 5.6.2 In Westminster City Council v Great Portland Estates plc (1985), it was confirmed that the personal circumstances of the applicant could be taken into account as a material consideration. However, it must be noted that in most instances personal circumstances are normally a material planning consideration that should be given minimal weight. This, because although the applicant might apply for permission in person, any permission granted usually applies to the land and property itself, and passes with the property, should it be sold. The Decision Maker is required to have regard to this wider and long-term consideration, rather than any personal factors or characteristics that might apply to the particular applicant at any one point in time.
- 5.6.3 This has resulted, through previous guidance and refined through caselaw, for the personal circumstances of the Applicant needing to be considered as “very special circumstances”. Unfortunately, there is no definite list for what will constitute very special circumstances, but the threshold intrinsically has to be high and will turn on the facts and circumstances of the individual application.
- 5.6.4 The Applicant has provided some information in relation to the reasoning for the application. Whilst the LPA is sympathetic to the needs of the Applicant and his family there is a need to consider the application against the Development Plan unless material considerations indicate otherwise. In this instance the information provided by the Applicant is limited and has not provided a detailed rationale behind the need for the development or why other alternatives, such as a detached single storey structure could not be provided to the rear or why the garage is needed, have been included and therefore, it is not considered that the personal circumstances of the Applicant outweighs the conflict with the Council’s adopted policies highlighted above.
- 5.6.5 Given the siting and scale of the proposed development it is considered reasonable to impose a condition, if planning permission were to be granted, ensuring that the use of the proposed development remains incidental to the main dwelling on site.

6. ANY RELEVANT SITE HISTORY

- **02/00159/FUL** - Proposed single and two storey extensions – Refused
- **02/00784/FUL** - Two storey side and rear extension – Refused
- **04/00703/FUL** - Single storey side and rear extensions – Approve

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Goldhanger Parish Council	Support	Noted.

8. REASON FOR REFUSAL

- 1 The proposed development due to its siting in a visually prominent position, within the sites frontage and close proximity to Blind Lane, combined with the height and bulk of the proposal would form a dominant and incongruous development that would harm the character and appearance of the site and surrounding area. The proposal therefore fails to accord with policies D1 and H4 of the Local Development Plan and Government advice as contained in the National Planning Policy Framework.