



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
10 FEBRUARY 2021**

<b>Application Number</b>	<b>20/01289/HOUSE</b>
<b>Location</b>	Willowbank, 4 Heathgate, Wickham Bishops, CM8 3NZ
<b>Proposal</b>	Alterations to front elevation including new fenestration/glazing, alterations to existing front dormer and new roof light to front roof slope, together with the redesign of steps to the front door. Flat roof dormer to rear elevation with a Juliet balcony. Changes to fenestration and replacement of existing windows to rear. Renovation of the driveway and new decking and paving to rear garden. Extension to the existing garage.
<b>Applicant</b>	Mrs Peter Moore and Karen Routledge
<b>Agent</b>	Mr Luca Arnaud – LAA
<b>Target Decision Date</b>	12.02.2020
<b>Case Officer</b>	Sophie Mardon
<b>Parish</b>	<b>WICKHAM BISHOPS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In – Councillor K W Jarvis. Reason: Development appears bulky and of an overbearing design causing loss of privacy to other neighbouring properties contrary to policy D1 of Local Development Plan (LDP).

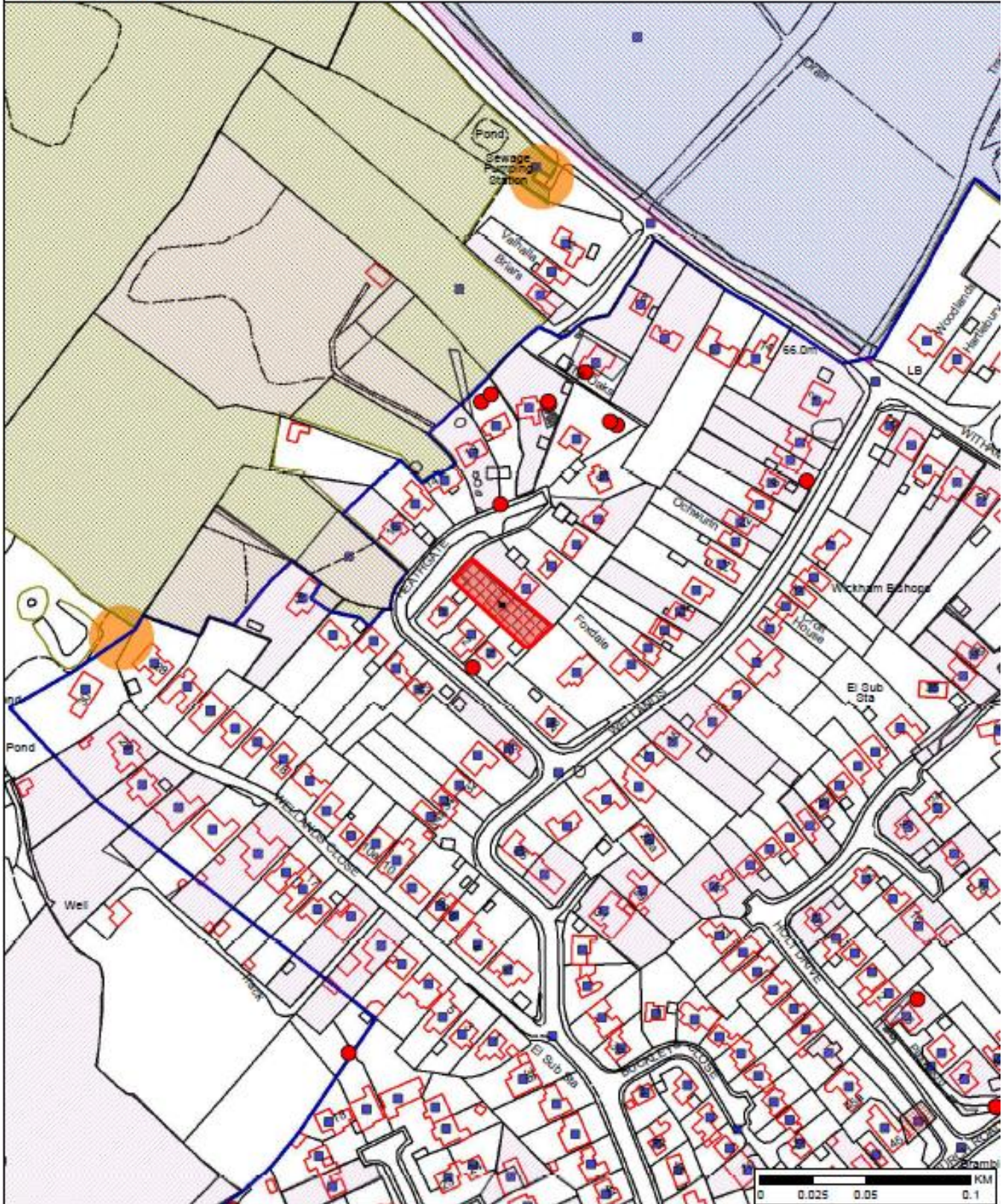
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Willowbank, 4 Heathgate, Wickham Bishops**  
North Western Area Planning Committee



### **3. SUMMARY**

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

- 3.1.1 The application site is located to the south east of Heathgate which is in a cul-de-sac and within the settlement boundary of Wickham Bishops. The site is occupied by a two storey detached dwellinghouse with a canopy projection to the front and a pitched roof dormer which is situated within an elongated roof slope on the principal elevation. A detached garage is situated to the front of the application site. A site visit has been undertaken and the surrounding area is residential in nature with dwellings of similar scale but varying design and appearance, some of which also benefit from canopies to the front and pitched roof dormers in elongated roof slopes of the principal elevations. The use of contrasting materials including cladding is also present within the immediate locality.
- 3.1.2 Planning permission is sought for alterations to the principal elevation of the dwelling and include the removal of the mid-section of an existing ground floor canopy over the door way to facilitate a glazed window element from ground floor level to eaves level with a new door and steps. There would also be a roof light to the front roof slope, the roof of an existing dormer on the principal elevation would change from a pitched roof to a lean-to roof, there would be replacement windows throughout and permeable paving and brick planters would be added to the front of the application site. In terms of materials, the new dormer window would be clad in timber, the new door would be wooden, and all replacement windows would be double glazed with timber frames.
- 3.1.3 Planning permission is also sought for a flat roof dormer in the rear roof slope of the host dwelling which would have a total volume of 35 cubic metres. The dormer would project from the rear roof slope by 2.7 metres, with a width of 7.8 metres and would be 3 metres in height. The dormer would be constructed of cladding and includes a Juliet balcony with glazed sliding doors, glazed balustrade and two additional windows.
- 3.1.4 The proposed development includes changes to the fenestration at the rear of the dwelling. The rear elevation will be partially clad in timber which would protrude 0.25 metres from the rear elevation. The windows on the first floor will be replaced. There will be two sets of glazed sliding doors at ground floor level with a new window. The windows and doors on the south western elevation will also be replaced and new decking and paving is proposed to the rear garden. In terms of materials, all windows and doors would be double glazed with timber frames.
- 3.1.5 Planning permission is also sought for a hipped roof extension to the detached garage within the front of the application site. The garage extension would be 2.9 metres wide with a depth of 5.2 metres, a height of 4.5 metres to the top of the hip and an eaves height of 2.1 metres. In terms of materials the garage would be constructed of brick work to match the existing garage. The drawings submitted suggests that the roof covering would also match the existing building.
- 3.1.6 The development, which is the subject of this application is similar in nature to a previously refused application 20/00665/HOUSE. The previous application was refused for the following reason;

*‘As a result of the design of the additions and alterations to the principal elevation and the scale, bulk and design of the rear extension, the development would be an incongruous and unsympathetic element within the streetscene to the detriment of the character and appearance of the host dwelling and the local area, contrary to policies D1 and H4 of the LDP and the guidance contained within the NPPF.’*

3.1.7 Following the above refusal, the applicant sought pre-application advice from the Local Planning Authority (LPA) and has made the follow revisions, as advised within the pre-application meeting.

- The rooflight situated on the principal elevation of the host dwelling has been reduced in scale
- The format of the glazed window element to the principal elevation has been altered.
- The roof form of the garage extension has been altered from a gabled roof to a hipped roof.
- The two storey extension has been removed and replaced with a more traditional flat roof dormer with French sliding doors. A protruding external frame has been added to the French doors.
- The extent of cladding on the rear elevation has been reduced.

### **3.2 Conclusion**

3.2.1 It is considered that the development, by reason of its scale and design, on balance, would not harm the appearance or character of the host dwelling and the locality. In addition, the development does not detrimentally impact on the amenities of adjoining and nearby residences, the provision of amenity space or car parking provision in accordance with policies D1, H1 and T2 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:**

- 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
- 117-23 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:**

- National Planning Policy Framework (NPPF)
- Maldon Design Guide (MDG) Supplementary Planning Document (SPD)
- Maldon District Vehicle Parking Standards (VPS) SPD

### **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 (MDDG) (2017).

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 development comprises alterations and additions to the principal elevation which includes an alteration to the roof of the front dormer from a double pitched to a lean-to roof with timber cladding added to the dormer, a roof light to the front roof slope, replacement of all existing windows, the removal of a section of existing canopy to facilitate a glazed element which would extend to eaves level and a new front door. Following pre-application advice, the agent has reduced the scale of the roof light and glazed windows. The alteration of the flat roof dormer and the addition of timber cladding is considered to be relatively minor works. Although timber cladding is not a material present on the host dwelling, the extent of the cladding is limited to the cheeks of the front dormer, the front planter, and elements to the rear of the property on the elevation and the dormer. Furthermore, timber cladding can be found within the immediate streetscene on other properties within the locality. On balance, the extent of changes, particularly to the rear, with the removal of the two storey timber extension, together with the modifications to the front elevations, the proposals are not considered to have a detrimental impact on the character and appearance of the host dwelling or locality and as such, the development is considered acceptable. Furthermore, it must be noted that it is likely that this aspect of the proposal would be within the tolerance allowed through the permitted development legislation; this fallback position is a material consideration in the determination of this application.

5.2.7 The development also includes a garage extension, the addition of permeable paving and brick planters to the front of the application site and the relocation of the front steps. Although the garage extension would be visible within the streetscene, it would be located to the rear of the existing garage and adjacent to a neighbouring garage building. Therefore, there would only be fleeting views of the garage extension when travelling from the north. Furthermore, due to its modest scale, bulk and design, it is

considered that the garage extension would be a subservient addition to the site and, with materials to match the existing garage, would be in keeping with the host dwelling and locality. The permeable paving, brick planters and relocation of the steps are considered to be minor works that would not have a detrimental impact on the character and appearance of the host dwelling or the locality.

- 5.2.8 The development includes a flat roof dormer to rear of the dwelling which would include a master bedroom with a Juliet balcony (with glazed sliding doors and balustrade) an en-suite and two additional windows. The dormer is relatively large, taking up approximately two thirds of the rear roof space, and is of limited architectural merit however, it would be set within the roof slope, and down from the main ridge. As the development would be to the rear of the host dwelling, whilst visible to neighbouring occupiers, would only provide fleeting views on approaches from the east along Wellands. It should also be noted that the dormer window is of a size that could be built under permitted development rights, with the exception of the materials. It is therefore considered, on balance, that this element of the proposal would not have a detrimental impact on the character and appearance of the host dwelling or locality.
- 5.2.9 The development includes changes to the fenestration to the rear of the dwelling. The rear elevation will be partially clad and would project 0.25 metres from the host dwelling in order to cover sanitary pipes and create opportunities for foliage on the rear elevation. The cladding will not be visible from the streetscene and is limited in its use on the rear elevation. Furthermore, there are examples of cladding within the immediate area and therefore, on balance, due to its location, would not cause a detrimental harm to the character and appearance of the host dwelling or locality. An existing bay window on the ground floor of the rear elevation would be removed and replaced with double sliding doors. Another set of existing windows on the ground floor will also be replaced with double sliding doors. All existing windows on the rear elevation would be replaced. These works are considered to be minor in nature and due to their position to the rear of the dwelling, would not have a detrimental impact on the character and appearance of the host dwelling or locality.
- 5.2.10 The proposed decking and paving proposed to the rear garden area would not be visible from the public realm, are minor in nature and would not have a detrimental impact on the character and appearance of the locality. Therefore, no objections are raised to this element of the proposal.
- 5.2.11 Based on the above, on balance, it is not considered that the development by reason of its scale, design, position and appearance would result in demonstrable harm to the character and appearance of the host dwelling or locality in accordance with policies D1 and 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 is bordered by five neighbouring properties; to the west are Nos. 3 and 2, Heathgate. To the south is No. 1 Heathgate. To the south east is Wagers, No. 24 Wellands and to the east is No 5 Heathgate.
- 5.3.3 The proposed alteration to the dormer window on the front elevation, the addition of a roof light, fenestration alterations to the principal elevation, garage extension and alterations to the driveway are considered to be minor in nature and will not have an impact on the amenity of any neighbouring occupiers. It is noted that the garage conversion will sit on the boundary and 7.1 metres from No. 3 Heathgate. However, the proposed extension would be situated behind this neighbour's garage and would be single storey in nature. Therefore, the bulk of this extension would be shielded from view and so would not be over-dominating, give rise to overlooking or overshadowing or represent an unneighbourly form of development.
- 5.3.4 The proposed rear flat roof dormer would sit 22 metres from the neighbouring property to the west No.3 Heathgate. The host dwelling would shield this neighbouring property from any views of the proposed development and therefore it is not considered that this element of the proposal would give rise to any overlooking, overshadowing or dominance of this neighbouring occupier. Additionally, the fenestration alterations to the rear and side elevations are considered to be minor in nature and will not have an impact on the amenity of this neighbouring occupier. Therefore, these elements of the proposal would not represent an unneighbourly form of development.
- 5.3.5 The proposed rear flat roof dormer extension would sit 4.9 metres from the boundary and 13.5 metres from the neighbouring property to the west No. 2 Heathgate. The host dwelling would shield this neighbouring property from the bulk of the proposed development. Furthermore, none of the windows proposed would be visible from this neighbouring property and therefore it is not considered that this element of the proposal would give rise to any overlooking, overshadowing or dominance of this neighbouring occupier. Additionally, the fenestration alterations to the rear and side elevations are considered to be minor in nature and will not have an impact on the amenity of this neighbouring occupier. Therefore, these elements of the proposal would not represent an unneighbourly form of development.
- 5.3.6 The proposed rear flat roof dormer extension would sit 5.7 metres from the boundary and 14.8 metres from the neighbouring property to the south No. 1 Heathgate. As previously mentioned in section 5.2 of the report, the flat roof dormer, including the Juliet window, falls within the remit of permitted development whereby the applicant could undertake similar works without the need for planning permission. When assessing if an application falls within permitted development, the outlook of neighbouring occupiers is not a consideration for this type of development except for any windows that may be proposed to the flank of the dormer. Notwithstanding this, although there will be additional windows to the second floor that would have views of this neighbouring occupier, it is not considered that the proposed development would cause any overlooking that is materially greater than what currently exists as there are existing first floor windows with a similar outlook. The applicant has also included an extruding external frame to the proposed windows within the dormer to help to mitigate views of the neighbouring properties. Furthermore, due to the separation distance, it is not considered that the proposed development would cause overshadowing or have an overbearing impact on these neighbouring occupiers and



therefore, on balance, would not represent an unneighbourly form of development. In addition, the fenestration alterations to the rear and side elevations are considered to be minor in nature and will not have an impact on the amenity of this neighbouring occupier. Therefore, these elements of the proposal would not represent an unneighbourly form of development.

- 5.3.7 The proposed rear flat roof dormer would sit 21 metres from the boundary and 40 metres from the neighbouring property to the south east No. 24 Wellands. As previously mentioned in section 5.2 of the report, the flat roof dormer falls within the remit of permitted development whereby the applicant could undertake similar works without the need for planning permission. When assessing if an application falls within permitted development, the outlook of neighbouring occupiers is not considered for this type of development. Notwithstanding the above, due to this significant degree of separation, it is not considered that the proposed development would cause any overshadowing or overdominance of this neighbouring occupier. Although there will be additional windows to the second floor, it is not considered that the proposed development would cause any overlooking that is materially greater than what currently exists as there are existing first floor windows with a similar outlook. Objections have been raised that due to the ill health of the existing hedgerow to the rear garden which borders this neighbouring property and a deciduous tree within the garden of this neighbouring property, the development would result in overlooking of their property. However, as concluded above, it is considered that, due to the separation distances, there would be no materially greater overlooking of this neighbouring property than already exists regardless of boundary treatments and existing vegetation.
- 5.3.8 The proposed rear flat roof dormer would sit 2.1 metres from the boundary and 2.7 metres from the neighbouring property to the east, No. 5 Heathgate. The rear of the host dwelling is set forward of this neighbouring occupier by 4 metres and therefore views of the dormer would be restricted by the neighbouring dwelling. Although there will be some views of this neighbouring occupiers' rear garden, it is not considered that the degree of overlooking would be materially greater than what currently exists as there are existing first floor windows with a similar outlook. In addition, the fenestration alterations to the rear and side elevations are considered to be minor in nature and will not have an impact on the amenity of this neighbouring occupier. As the majority of additional built form would be to the roof of the host dwelling, it is not considered that the proposal would give rise to any overshadowing or overdominance of this neighbouring dwelling and, on balance, would not represent an unneighbourly form of development.
- 5.3.9 Based on the above, on balance, it is considered that the development would not give rise to a material increase in overlooking, overshadowing or dominance of neighbouring properties and therefore the development is in accordance with policy D1 of the LDP.

## **5.4 Access, Parking and Highway Safety**

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposals, inter alia, to provide sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, policy D1 of the approved LDP seeks to include safe and secure vehicle and cycle parking having regard to the Council's adopted parking standards and maximise connectivity within the development and to the surrounding areas including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The Council's adopted VPS 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 Part of the development would affect the layout of the site's frontage but sufficient space to park at least three cars within the site would be retained which would comply with the adopted parking standards. The proposal includes a master bedroom to the second floor but the internal layout of the existing dwelling would be changed and therefore no additional bedrooms are proposed.
- 5.4.4 The proposal includes a garage extension but, the internal space provided would only measure 2.3 metres wide and 5.2 metres deep which is less than the minimum dimensions required in the adopted VPS (3 metres wide by 7 metres deep). Therefore, the garage is not considered to be a usable parking space. Notwithstanding this, there is ample hard standing on the site for the provision of at least 3 vehicles therefore, no objections are raised with respect to parking provisions taking into account the Maldon District VPS SPD and 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 MDG 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 footprint of the host dwelling remains largely unaltered, furthermore, the private amenity space would remain in excess of 300m<sup>2</sup> therefore, the proposal 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>92/00114/FULF</b>	Proposed increase in size of existing garage	Approved
<b>94/00290/FUL</b>	Installation of 1.2m satellite dish to rear facing wall of property	Refused
<b>95/00014/FUL</b>	Installation of satellite dish to rear elevation	Approved
<b>20/00665/HOUSE</b>	Alterations to front elevation including new fenestration/glazing, alterations to existing front dormer and new roof light to front roof slope, together with redesign of steps to front door. Two storey timber clad extension to rear elevation with a Juliet balcony and new fenestration, and replacement of existing windows. Renovation of driveway and new decking and paving to rear garden. Extension to existing garage.	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>
Wickham Bishops Parish Council	Refuse – impact on privacy of neighbouring properties. Development does not conform to policies of LDP	Noted

**7.2 Representations received from Interested Parties**

7.2.1 **3** letters were received **objecting** to the application and the reasons for objection are summarised as set out in the table below:

<b>Objection Comment</b>	<b>Officer Response</b>
Will impact on privacy of property and garden of No. 1 Heathgate. Juliet balcony will have views of habitable rooms.	Comments noted, addressed in section 5.4 of the report.
The photographs submitted by the applicant do not reflect the true extent of overlooking.	Comments noted.
Proposed timber cladding out of keeping with existing property and streetscene contrary to local policy.	Comments noted, addressed in section 5.2 of the report.
Rear extension is dominating and of an	Comments noted, addressed in section

<b>Objection Comment</b>	<b>Officer Response</b>
inappropriate scale, adding mass and bulk to the rear of the property.	5.2 of the report.
Concerns regarding increasing amount of development in the area.	Comments noted.
Overlooking of neighbouring properties, loss of privacy to garden area and habitable rooms	Comments noted, addressed in section 5.4 of the report.
An existing hedge to the rear of the property is in ill health and if the hedge deteriorates current privacy issues with the proposed development will be further exacerbated.	Comments noted, addressed in section 5.4 of the report.
If the development were allowed, it would set a precedent for patio doors on rooftops.	Comments noted, the application is for a Juliet balcony to the rear of the dwelling which is not an uncommon form of development.

7.2.2 **1** letter was received **supporting** the application and the reasons for support are summarised as set out in the table below:

<b>Supporting Comment</b>	<b>Officer Response</b>
Applicants discussed their plans with neighbours which resulted in design modifications to meet their concerns	Comments noted.
Most of the proposal qualifies as permitted development	Comments noted, addressed in section 5.2 of the report.
There is nothing in the plans of reasonable substance to object to the application.	Comments noted.

## **8. PROPOSED 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).
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Location Plan, 001, 002, 003, 004, 005, 006, 007, 008, 009, 010 and 011.  
**REASON** To ensure that the development is carried out in accordance with the details as approved.
- 3 The materials used in the construction of the development hereby approved shall be as set out within the application form/plans hereby approved.  
**REASON** In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.

4 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of addition or opening shall be constructed in the side elevations of the dormer hereby permitted without planning permission having been obtained from the local planning authority.

REASON To protect the amenity of the neighbouring occupiers and also the future occupiers of the approved dwellings, in accordance with policies D1 and H4 of the Maldon District Local Development Plan.