



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
CENTRAL AREA PLANNING COMMITTEE
25 AUGUST 2021

Application Number	21/00588/FUL
Location	9 Acacia Drive, Maldon, CM9 6AW
Proposal	Replacement dwelling.
Applicant	Ms Kay Broadway
Agent	Ms Annabel Brown – Annabel Brown Architect
Target Decision Date	16 August 2021
Case Officer	Hannah Dungate
Parish	MALDON WEST
Reason for Referral to the Committee / Council	Member Call In by Councillor Heard because the Town Council objects to this application on the basis that its bulk, scale and design is out of keeping with the character of the street scene, in contravention of Policy D1.

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

9 Acacia Drive Maldon Essex CM9 6AW
21/00588/FUL



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Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 02/08/2021

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 south western side of Acacia Drive, within the settlement boundary of Maldon. The site is occupied by a detached bungalow, which has an attached garage and outbuildings at the rear of the garden. The surrounding area is residential in character, with properties of a mixed design, ranging from bungalows to two storey dwellings, but all with similar design features and materials. The parking area is located to the front of the site and is made from concrete and gravel.
- 3.1.2 Planning permission is sought for a replacement dwelling. This application follows the granting of planning permission for a replacement dwelling at the site, 20/00202/FUL. Since the approval of this application, the proposal has been amended so that it would now measure 300mm taller than the approved dwelling and would have an overall height of 7.2m. The pitched roof front projection would also be increased in height by 200mm so that it would now measure 7m high and the proposed depth would be reduced by 0.8m to measure approximately 14.2m overall. No changes would be made to the width of the dwelling which would measure 12.4m wide, or to the height of the rear projections which would measure 6.9m.
- 3.1.3 The proposed dwelling would have a pitched roof design with a front gable projection. At the rear, it would have an M-shaped roofline, due to the presence of double gable elements projecting 4.7m from the main body of the dwelling. The front roof slope of the dwelling would include two flat roof dormer windows measuring 1.42m in width and 1.57m in height; these have been reduced in size from the approved proposal where they previously measured 1.6m in width and 1.7m in height. The dormers would also project a reduced depth of 1.7m from the front roof slope of the property compared to the 1.8m depth of the previously approved dormers.
- 3.1.4 The proposed layout of the property would include, at ground floor level, a kitchen, dining area, living room, study, bedroom, bathroom and utility room. At first floor level, there would be a bathroom, two bedrooms, a dressing room, landing, as well as a recessed balcony. This is identical in nature to the extant planning permission.
- 3.1.5 It is noted that the material palette of the proposed dwelling has been amended so that it would now include facing brickwork and clay roof tiles. The materials of the previously approved dwelling include render, brick plinth and slate roof tiles. Zinc cladding would remain to the proposed dormers. Minor amendments would also be made to the first floor window, to the rear of the dwelling, serving the void above the kitchen dining area.

3.2 Conclusion

- 3.2.1 The proposed development would not be materially different to the extant permission (Reference 20/00202/FUL) for a replacement dwelling at the site and is not considered to result in a detrimentally harmful impact on the character and appearance of the site or surrounding area. Furthermore, the proposed development is also not considered to result in a harmful impact in relation to the residential amenity of neighbouring dwellings or in terms of parking provision or private amenity space. Overall, the proposal is considered to be in accordance with policies D1, H4 and T2 of the Maldon District Local Development Plan (MDLDP) 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 2021 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
- 54-58 Planning Conditions and Obligations
- 119-123 Making effective use of land
- 126-136 Achieving well-designed places
- 174-188 Conserving and enhancing the natural 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
- D2 Climate Change and Environmental Impact of New Development
- H4 Effective Use of Land
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

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 Local Development Plan (LDP).

5.1.2 The application site is located within the settlement boundary of Maldon and therefore can be regarded as being sustainable.

5.1.3 The proposed development is for a one for one replacement dwelling which is considered acceptable. Policy H4 requires that developments for replacement dwellings would only be permitted if:

1. *The residential use of the original dwelling has not been abandoned;*
2. *The original dwelling is not a temporary or mobile structure;*

3. *The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;*
4. *The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;*
5. *The proposed replacement dwelling is of a design appropriate to its setting; and*
6. *The proposal will not involve the loss of any important landscape, heritage features or ecology interests.*

5.1.4 Requirements 4 and 5 are assessed within section 5.2 of the report. The development complies with all other requirements and therefore, subject to the assessment below, it is considered acceptable in principle.

5.1.5 Furthermore, an extant permission under the terms of 20/00202/FUL exists at the site for a replacement dwelling, which if constructed would result in a similarly designed dwelling to that proposed under this application. It would therefore be unreasonable to object to the principle of the development, given that a development similar in appearance could be built at the site.

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;

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, the proposal is for a replacement dwelling. Policy H4 seeks to encourage development only if the proposed replacement dwelling is of an appropriate scale and design to the plot and its setting.

- 5.2.6 Although the height of the proposed development would be increased by 300mm, compared to that of the previously approved dwelling, this is considered to be minimal and would not be materially different to the proposal that has been previously approved at the site. The resulting height of the dwelling would be consistent with other chalet style bungalows within the streetscene including at Nos 4 and 14 Acacia Drive. Furthermore, there are many properties along this road which are two storey dwellings, including at both neighbouring sites, and therefore the proposed dwelling would not be a dominating or unduly prominent feature within the streetscene. Furthermore, although the proposed dwelling would expand nearly the whole width of the plot, due to the relatively large size of the site, this is not considered to result in an overdevelopment of the plot. In addition, it is not uncommon for dwellings along this part of Acacia Drive to expand the whole width of the plot and therefore its width would not be considered to be out of keeping with the dwellings within the surrounding area.
- 5.2.7 The principal elevation will consist of a one and a half storey gable projection, with a large glazed window in the apex and a porch to access the front door. It is not uncommon for dwellings along Acacia Drive to have front gable projections. Although most are single storey, the added height is not considered to harm the character and appearance of the site or surrounding area. Furthermore, the style and design including the glazed apex references design features within the streetscene, including at No.4 Acacia Drive. There would also be two small flat roof dormer windows on the front roof slope. Dormer windows are common features along the road. However, most dormers within the streetscene are of a pitched roof design whereas the proposed dormers have a flat roof design. Although this is not entirely in keeping with the style within the area, they are of modest proportions and would not dominate the principal elevation of the dwelling and would therefore not result in significant harm to the character and appearance of the site or surrounding area to an extent that would justify the refusal of the application.
- 5.2.8 The proposal would result in an M-shaped saltbox roofline to the rear projection with glazed doors at ground floor level and glazing to the apex of both rooflines. The view from the rear will have a modern appearance due to the roofline and use of glazing. However, due to its location to the rear of the dwelling, it would not be clearly visible from the public realm. Therefore, it is not considered to have a harmful impact on the visual amenity of the existing site or surrounding area. There would be a balcony within the southern roof apex on the rear elevation. This would be set within the dwelling and will not project out further than the rear elevation of the dwelling. Due to its location to the rear of the dwelling, it would not be visible from the streetscene and is therefore considered to be an acceptable feature.
- 5.2.9 The front of the replacement property would not extend further than the furthest front elevations of any property along Acacia Drive and therefore it is not considered that the proposal would disrupt the prevailing pattern of development within the area.
- 5.2.10 It is proposed to install solar panels on the south east rear roof slope. These would not be visible from the streetscene and therefore are not considered to result in an unacceptable impact on the character and appearance of the area.

In terms of materials, the proposal would now be constructed using brick as the materials for the walls and clay plain roof tiles. Most dwellings along this stretch of road use brick and clay roof tiles, including the existing dwelling on the application site, with some dwellings also using render. Therefore, the materials proposed are considered to be in keeping with the existing site and the surrounding area and therefore there are no objections to these. It is also proposed to use zinc cladding on

the front dormers. Whilst this would not match the materials within the streetscene, it would only be used on the front dormers which are a relatively minor part of the development and therefore this material is not considered to be so harmful as to justify the refusal of the application. Following the previous permission, details relating to the proposed Zinc materials have been discharged as part of application reference 21/05091/DET. These details, including a photo of Zinc roof finish as well as a Zinc specification document, named VMZinc Standing Seam Reprint Feb 2015, have been submitted as part of the current application. Given that these details have been found acceptable as part of the previous Approval of Details application, it is not necessary to include a condition relating to details of this material to be submitted as part of the current application.

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.
- 5.3.2 The neighbouring dwelling to the north west, No.7 Acacia Drive is located a minimum distance of 0.8 metres from the proposed north west elevation of the dwelling. There would be one glazed door on the elevation facing this neighbour however as this is located at ground floor level, it would not result in any harmful loss of privacy. The submitted block plan shows the rear element projecting out 5.7 metres further than the rear elevation of the neighbour. However, it is noted this neighbour has had a two-storey side extension and single storey rear extension, which is not shown on the block plan, under applications 09/00190/FUL and 16/01342/HOUSE. Taking these extensions into account, the proposed rear extension would project approximately 1.8 metres from the rear elevation of the neighbouring dwelling. Although the overall height of the property would be increased by 300mm, the height of the rear projections would not increase as part of the amended proposal. Due to the roof pitch of the rear elements, which would slope away from this neighbour, the proposal is not considered to cause a significant or unacceptable loss of light or domination to this neighbouring dwelling to an extent that would justify the refusal of the application. It is also noted that the ground level along Acacia Drive steps down in a south easterly direction. Therefore, the dwelling on the application site will be located at a lower level than the neighbouring site of No.7 Acacia Drive, which will limit any impacts the proposal may have on this neighbouring dwelling.
- 5.3.3 The neighbouring dwelling to the south east, No.11 Acacia Drive is located 2.2 metres from the proposed dwelling at the closest point. There will be two rooflights on the roof slope facing this neighbour. Due to their positioning and angle on the roof slope, they are not considered to cause significant overlooking. Due to the reduced depth of the proposed development, the dwelling would project 3 metres further than the rear elevation of this neighbour. Although the overall roof height will measure 6.9 metres high at this point, the eaves height of the part adjacent to this neighbour would measure 2.4 metres high. Due to the modest eaves height and the separation distance, the proposed replacement dwelling is not considered to result in overshadowing or domination to an extent that would justify the refusal of the application.
- 5.3.4 There are no dwellings immediately to the rear of the site as the site backs onto the far end of a neighbouring garden. Therefore, the proposed replacement dwelling is not considered to harmfully impact upon any neighbours to the south west of the site.

- 5.3.5 Although the proposal includes a first-floor balcony, it would be set within the first floor of the dwelling and would not project out further than the rear elevation of the dwelling on the application site. The proposed design would result in the roof form acting as a visibility screen that will restrict direct views into adjoining residential amenity spaces. Therefore, it will mainly look out onto the garden of the application site, although there may be some limited views of neighbouring gardens. However, any views of neighbouring gardens would mainly be of an oblique angle and would be of the far end of the gardens and therefore this is not considered to result in an unacceptable loss of privacy to an extent that would justify the refusal of the application. Two rooflights would be proposed to the side roof slopes of the front projection at the property. Given that these rooflights would serve a first-floor bathroom and are secondary windows, it would be reasonable to ensure that these windows would be obscure-glazed; a condition will therefore be attached to this effect.
- 5.3.6 All other dwellings are located at a distance where the development will not impact on their residential amenity.

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.
- 5.4.2 The proposal is increasing the number of bedrooms from two to three, however the requirement for two or three bedrooms remains the same; two parking spaces, measuring 2.9 metres wide by 5.5 metres deep. The proposal includes the removal of the existing garage. However, a front driveway is proposed at the site which would accommodate two car parking spaces of the correct dimensions. The proposed parking area is therefore of a sufficient size to provide at least two parking spaces of the required size which is considered appropriate. It is therefore considered that suitable parking would be provided and the proposal would not result in additional parking on the highway to the detriment of its users.
- 5.4.3 It is noted that the Essex County Council Highways (ECC) have stated that the proposal would be acceptable subject to relevant highways conditions. However, Highways did not comment on the previously approved application, and as such no conditions were included relating to Highways. Given that the proposed development would utilise an existing crossover and no changes are proposed to this access point it is not considered reasonable to include any conditions relating to the access. However, as the proposal includes the provision of two car parking spaces to the front of the replacement dwelling, in the interests of highway safety, it would be reasonable to include a condition relating to the provision of this parking, prior to the first occupation of the dwelling; a condition will therefore be included to this effect.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Policy D1 of the approved LDP requires all development to provide sufficient and usable private and public amenity spaces, green infrastructure and public open spaces. In addition, the adopted MDDG advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.

5.5.2 As a result of the proposed development, the resultant garden would be in excess of 400sqm. Therefore, the proposal is in accordance with this aspect of policy D1 of the LDP.

5.5.3 Although a landscape plan has been provided, it includes minimal details about the soft and hard landscaping proposed. The plan shows where the driveway, path, patio and planting will be located. However, it provides no details as to the material or plants to be used, or what materials would be used for the hard landscaping. It is also noted that the landscape plan does not correlate with the proposed block plan submitted. Therefore, it is not considered that sufficient details have been provided to discharge the previous condition relating to the submission of these details, which was included as part of the previous permission. To ensure that the proposal would enhance the visual amenity of the surrounding area, these details can be secured by an appropriately worded condition which will be included to this effect.

6. ANY RELEVANT SITE HISTORY

Application Number	Description	Decision
14/00733/HOUSE	Single storey side and rear extensions to existing bungalow.	Withdrawn
15/00014/HOUSE	Single storey side and rear extensions to existing bungalow.	Withdrawn
15/00334/HOUSE	Single storey rear extension to existing bungalow.	Withdrawn
15/01150/LDP	Claim for lawful development certificate: Proposed single storey side and rear extension.	Approved
16/00304/HOUSE	Two storey rear extension and part two storey/part single storey side extension to existing bungalow	Approved
19/00449/HOUSE	One and a half storey front, rear and side extension, two front dormers, roof lights to rear, solar panels to rear, rear balcony and change of all materials.	Approved
20/00202/FUL	Replacement dwelling.	Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends refusal of this application due to its bulk, scale and design which is out of keeping with the street scene in contravention of Policy D1.	Noted. Please see Section 5.2.

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways	Acceptable subject to relevant conditions.	

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	Recommended conditions relating to surface water foul drainage and Construction Management Plan.	Noted. Whilst a condition relating to a Construction Management Plan has been recommended, this was not included on the extant permission 20/00202/FUL. Given that a replacement dwelling can be constructed at the site without the need for submitting this information, it would be unreasonable to request this as part of the current application. Nevertheless, an informative has been recommended below to remind the applicant ensure the control of nuisances during constructions works to preserve the amenity of the area.

7.4 Representations received from Interested Parties

No representations have been received.

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: A14390/Loc00; A14390/PP01; A20390A/PP02 Rev B; A20390A/PP01 Rev B; VMZinc Standing Seam Design and Specification Requirement February 2015.
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 and shall be retained as such thereafter.

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 Full details of both hard and soft landscape works shall be submitted to and approved in writing by the Local Planning Authority prior to any works occurring above ground level at the application site. These details shall include, for example:
- i. Proposes finished levels contours;
 - ii. Means of enclosure;
 - iii. Car parking layout;
 - iv. Hard surfacing materials;
 - v. Minor artefacts and structures (e.g. furniture, refuse or other storage units, lighting);

The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the occupation of any part of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the local planning authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.

The hard landscape works shall be carried out as approved prior to the first occupation of the development hereby approved and retained and maintained as such thereafter.

REASON To ensure that the details of the development are satisfactory in accordance with policy D1 of the Maldon District Development Local Plan and the guidance contained in the Maldon District Design Guide SPD and the National Planning Policy Framework.

- 5 Prior to any works above ground level, details of the surface water and foul drainage scheme to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.

REASON To avoid the risk of water flooding and pollution in accordance with policy D2 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 6 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 dormer window or other form of addition or opening shall be constructed in the roof or flank elevations of the building hereby permitted, nor shall any extensions be erected within the site, without planning permission having been obtained from the local planning authority.

REASON To protect the amenity of the area and neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

- 7 Prior to first occupation of the development, the onsite vehicle parking of two off-street parking spaces shall be provided as shown in principle on planning drawing No.A20390A/PP02 Rev A. The vehicle parking areas shall be retained in the agreed form in perpetuity.

REASON To ensure adequate space for parking off the highway is provided in the interest of highway safety in accordance with Policy T2.

- 8 Prior to the first occupation of the building hereby permitted, the first-floor window(s) in the north west and south east elevations as shown on drawing no. A20390A/PP01 Rev B shall be glazed with opaque glass and of a non-openable design with the exception of a top hung fanlight (which shall be at least 1.7m above internal floor level) and shall be retained as such thereafter.
REASON To protect the amenity of the future occupiers and neighbouring sites, in accordance with policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.

INFORMATIVES

- 1 All works affecting the highway to be carried out by prior arrangement with, and to the requirements and satisfaction of the Highway Authority and application for the necessary works should be addressed for the attention of the Development Management Team at SMO2 - Essex Highways, Springfield Highways Depot, Colchester Road, Chelmsford. CM2 5PU or emailed to development.management@essexhighways.org
- 2 Under Section 148 of the Highways Act 1980 it is an offence to deposit mud, detritus etc. on the highway. In addition, under Section 161 any person, depositing anything on a highway which results in a user of the highway being injured or endangered is guilty of an offence. Therefore, the applicant must ensure that no mud or detritus is taken onto the highway.
- 3 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours and to this effect:
 - a) no waste materials should be burnt on the site, instead being removed by licensed waste contractors;
 - b) no dust emissions should leave the boundary of the site;
 - c) consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
 - d) hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.

If it is known or there is the likelihood that there will be the requirement to work outside of these hours or there will be periods where there will be excessive noise that will significantly impact on sensitive receptors Environmental Health at Maldon District Council must be notified prior to the works as soon as is reasonably practicable. The developer is advised to consult nearby sensitive noise premises and may be advised to apply for a Prior Consent under Section 61 of the Control of Pollution Act 1974.

Care must be taken to prevent the pollution of ground and surface waters. This will include during works and the location of any hazardous materials including fuel from vehicles and equipment.

Where any soils that are known to be contaminated are being excavated or exposed a site waste plan must be prepared in order to store, treat and dispose of the materials in accordance with the waste duty of care. It is recommended that advice is sought from the Environment Agency on this matter.

Where there is a requirement for dewatering the site, the relevant consent must be sought from the Environment Agency.