



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
3 NOVEMBER 2021**

Application Number	21/00901/FUL
Location	Walden Cottage 58 Walden House Road Great Totham CM9 8PN
Proposal	Replacement dwelling with detached garage and extension to garden land.
Applicant	Mankelow - Bradley David Developments
Agent	Mr Fred McKennon - CITIGROUP
Target Decision Date	11.11.2021
Case Officer	Hannah Bowles
Parish	GREAT TOTHAM
Reason for Referral to the Committee / Council	Member Call In by Councillor J V Keyes Reason: Sustainability and policies S1, H4 and D1

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the northern side of Walden House Road, approximately 50 metres west of the settlement boundary for Great Totham. The site is currently occupied by a single storey detached dwelling at the south east corner of the site. The site is surrounded by open countryside to the north, two neighbouring dwellings to the east and a brook along the western boundary.
- 3.1.2 Planning permission is sought for a replacement of the existing bungalow with a two storey dwelling with a detached garage and an extension to the residential garden land.
- 3.1.3 The proposed replacement dwelling would be sited to the north west of the existing dwelling and would measure 15.1m wide, a maximum of 11.8m deep including the front projection, it would extend 5.4m to eaves and 8.4m to the ridge. The dwelling would be constructed in red facing brick walls with stone corners and a slate roof tile with timber windows and stone cills.
- 3.1.4 The proposed double cartlodge would measure 6.6m wide, 6.37m deep and 4.47m to the ridge. The finishing materials would match those used on the proposed dwelling. The existing vehicular access would remain in situ.
- 3.1.5 The proposed extension to the residential garden land relates to an area of open countryside directly to the rear of the site which amounts to 651.9sqm. This would increase the residential land from 1485sqm to 2136.9sqm.
- 3.1.6 This application follows approved permission 18/00817/FUL which proposed a two storey replacement dwelling at the site, a letter confirming the works had commenced has been received and following a site visit it was apparent that groundworks had begun. Therefore, this permission is extant. The changes when comparing the proposed and previously approved replacement dwellings are as follows:
- The design and appearance of the proposed dwelling has been altered from a traditional farmhouse style to a modern Georgian style dwelling.
 - The overall width has increased by 0.4m
 - The overall depth has increased by 2m
 - The garden land is proposed to be extended by 651.9sqm

3.2 Conclusion

- 3.2.1 The application follows the approval of 18/00817/FUL, which granted permission for a two storey replacement dwelling. The increased scale and alterations to the design and appearance of the proposed replacement dwelling has resulted in a development which is dominant, bulky and wholly out of keeping with the development present within the context of the site. Further, significantly exacerbating the harm of the proposal, the change of use of agricultural land to residential garden land would result in the unnecessary urbanisation of the open and undeveloped countryside, which currently positively contributes to the rural area in which it is set, this element of the proposal did not form part of the previously approved scheme. The proposal would result in demonstrable visual harm to the site and surrounding area contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan (LDP) and Government guidance contained in 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 (NPPF) 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
- 119-125 Making effective use of land
- 126-136 Achieving well-designed places
- 152-158 Meeting the challenge of climate change, flooding and coastal change
- 174-188 Conserving and enhancing the natural environment
- 189-208 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D2 Climate Change & Environmental Impact of New Development
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- Maldon District Vehicle Parking Standards (VPS) SPD
- Maldon District Design Guide (MDDG) SPD
- Planning Practice Guidance (PPG)

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.

Replacement dwelling

5.1.2 The application site lies outside of the defined settlement boundary. However, as the proposal is for a replacement dwelling the principle of a dwelling being located at this site is already established. Policy H4 of the approved LDP states that planning

permission for the replacement of an existing dwelling with a new dwelling will only be granted 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.*

5.1.3 Having visited the site and having regard to the previous applications it is noted that the residential use of the original dwelling has not been abandoned and that it is not a temporary or mobile structure, in accordance with criteria 1 and 2. The existing bungalow on site is not considered to have a particularly strong relationship to the neighbouring dwellings or surrounding area by way of its design and is considered to be of limited architectural merit. Therefore, the existing dwelling is not considered to be worthy of retention and does not conflict with criterion 3.

5.1.4 The assessment of the proposed dwelling in relation to criteria 4 and 5 is undertaken in detail below. Concerns are raised in relation to the design, appearance and overall bulk of the proposed dwelling and the impact it would have on the character and appearance of the site and surrounding area.

5.1.5 The proposal would not result in the loss of any heritage features and no important landscape or ecology interest has been recorded on this site, in compliance with criteria 6.

Extension of Residential Garden Land

5.1.6 Policy H4 of the LDP states that '*small, unobtrusive extensions of residential curtilages into the surrounding countryside, which will not adversely affect the character and rural amenities of the site and wider countryside, may be approved where the following criteria are met:*

- 1) *The proposal will not involve the loss of any important landscape, heritage features or ecology interests; and*
- 2) *Provision is made for suitable landscaping to ensure boundary treatments are of an appropriate rural character and appearance.'*

5.1.7 The change of use to the land to the north of the existing residential curtilage would have an overall area of 651.9sqm. The land is currently open and undeveloped countryside. The proposal would result in an increase of the residential land from 1485sqm to 2136.9sqm.

5.1.8 The extent of the land proposed to change use is not considered to be small or unobtrusive, particularly considering that the existing curtilage measures 1485sqm. Therefore, increasing the residential curtilage by approximately 45%. The proposal would extend the residential garden land into an open and undeveloped area that contributes to the rural character of the area, contrary to the policy H4 of the LDP. In addition, no justification has been provided for the proposed extension of garden land.

- 5.1.9 Whilst the land is not considered to have any overriding landscape, heritage features or ecology interests' that contribute to the character of the area, given the extent of the land proposed to change use and the intrusion into the undeveloped countryside, the proposal is contrary to policy H4 of the LDP and the principal of development cannot be established in this instance.
- 5.1.10 Whilst there is no objection in principle of replacing the existing dwelling, particularly having regard to the extant permission 18/00817/FUL, concerns are raised in respect of the amended design and overall bulk. The proposed change of use of agricultural land to residential garden land did not form part of the previous application and the principle of this element of the proposal is objected to.

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 Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people".*
- "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 to 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;*
 - 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 MDDG.
- 5.2.5 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 The replacement two-storey dwelling approved under the terms of application 18/00817/FUL is significantly larger than the existing bungalow currently occupying the site, given that the permission is extant it provides a fall-back position in the

determination of this application. It should be noted that the proposed extension to the residential garden land did not form part of the previously approved permission.

- 5.2.7 The dwelling proposed under the terms of this application is larger by 0.4m in width and 2m in depth and the design and appearance has been altered from a traditional farmhouse with a gable roof form, to a modern Georgian style dwelling with a hipped roof form. Given the increased scale and change in roof form, the proposed dwelling is notably larger with an overall increase in the bulk and mass than the previously approved dwelling.
- 5.2.8 In terms of appearance the modern Georgian style design is considered to be wholly out of keeping with the development observed within the immediate context of the site. The rural area is largely undeveloped with agricultural buildings, some of which have been converted to other uses and traditional farm dwellings. The proposed modern and Georgian style dwelling would form a prominent and jarring addition to the landscape.
- 5.2.9 It is considered that the dwelling would form a dominant and out of keeping feature within open and rural landscape; even having regard to the previously approved two storey dwelling, it is considered that the proposal would result in demonstrable visual harm to the character and appearance of the site and surrounding area.
- 5.2.10 The proposed change of use of the agricultural land to the rear of the site (north) to residential garden land would result in a loss of 651.9sqm of open and undeveloped countryside. Views of the subject land are available to members of the public travelling along the public highway in both directions, and the open and undeveloped land contributes to the rural feel of the area. The change of use of the land would result in the unjustified domestication of the land and intrusion into the countryside, significantly adding to the overall visual harm of the proposal.
- 5.2.11 Therefore, given the above assessment it is considered that the amended replacement dwelling by reasons of its increased scale, bulk and altered appearance would form in a dominant and wholly out of keeping addition to the streetscene. Further and significantly adding to the visual harm of the proposal is the proposed change of use of the land to the rear of the site. Overall, the proposed development is considered to result in demonstrable harm to the character and appearance of the site and surrounding area contrary to 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. 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 application site has one immediately adjacent neighbouring property; the proposed development would be approximately 35 metres from the eastern boundary which is shared with the dwelling Sam's Song on Walden House Road and approximately 70m dwelling to dwelling.
- 5.3.3 The proposed dwelling would be sited in approximately the same position as the previously approved replacement dwelling, it is pertinent to note that no concerns

were raised in terms of the impact on residential amenity at the time of the previous assessment.

- 5.3.4 Due to the extensive separation distance, it is not considered that the proposed dwelling would have an overbearing effect on this neighbouring property. There would be three first floor windows on the eastern elevation facing the neighbouring property however given the distance from the neighbouring property, it is not considered that this would result in any overlooking and loss of privacy to Sam's Song. There are no other residential properties bordering the remainder of the application site.

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. 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 replacement dwelling would result in a four bedroom property and therefore would require parking provision for three vehicles, the proposed single storey double cartlodge would provide space to park two cars and the further parking could be accommodate to the front of the dwelling and outbuilding. Therefore, there is no objection with regards to car parking.
- 5.4.3 The existing access for the site is to remain. The Highways Authority have been consulted and there is no objection to the scheme in terms of highway safety, subject to the inclusion of a condition regarding construction traffic and storage of materials.

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 The proposed development includes a 651.9sqm extension of the residential garden land it is considered that there is sufficient existing garden space well in excess of the 100m² required to serve the replacement dwelling. Therefore, there is no justification in extending the residential curtilage.
- 5.5.3 The submitted block plan shows that the existing soft landscaping and boundary treatments would be retained and extended. Should the application be approved it is considered a condition relating to the submission of details in respect of boundary treatments and landscaping are imposed, particularly as the hedge running along the western side boundary of the site is not within the applicant's control and due to the location of the trees on the southern part of the site a condition should be included for the submission of the tree retention and protection scheme to ensure that the development maintains the rural nature of the site.

6. ANY RELEVANT SITE HISTORY

- **14/00844/FUL** Replacement dwelling - Refused
- **15/00024/FUL** Replacement dwelling - Approved
- **18/00817/FUL** Replacement dwelling (renewal of planning permission FUL/MAL/15/00024) - Approved

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Great Totham Parish Council	No response received.	n/a

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council Highways	No objection subject to conditions.	Noted.

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

7.4 Representations received from Interested Parties

- 7.4.1 No representations have been received from interested parties.

8. REASONS FOR REFUSAL

- 1 The proposed replacement dwelling, due to its design, appearance and scale is considered to form a dominant and bulky building, wholly out of keeping with the character of the area. Furthermore, the harm, as a result of the change of use of agricultural land to residential, would result in the unnecessary urbanisation of the open and undeveloped countryside, which currently positively contributes to the rural area in which it is set. The proposal would result in demonstrable visual harm to the site and surrounding area contrary to policies S1, S8, D1 and H4 of the Maldon District Local Development Plan and Government guidance contained in the National Planning Policy Framework.