



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
9 MARCH 2022**

Application Number	22/00035/FUL
Location	Temperance House, 22 High Street, Burnham-on-Crouch, CM0 8AA
Proposal	Addition of rooftop belvedere serving existing 2nd floor apartment
Applicant	Mr & Mrs J Thornton
Agent	Mr Michael Lewis – Bailey Lewis
Target Decision Date	10 March 2022
Case Officer	Hayley Sadler
Parish	BURNHAM ON CROUCH
Reason for Referral to the Committee / Council	Member Call In Councillor V J Bell has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and D3 (Conservation and Heritage Assets)

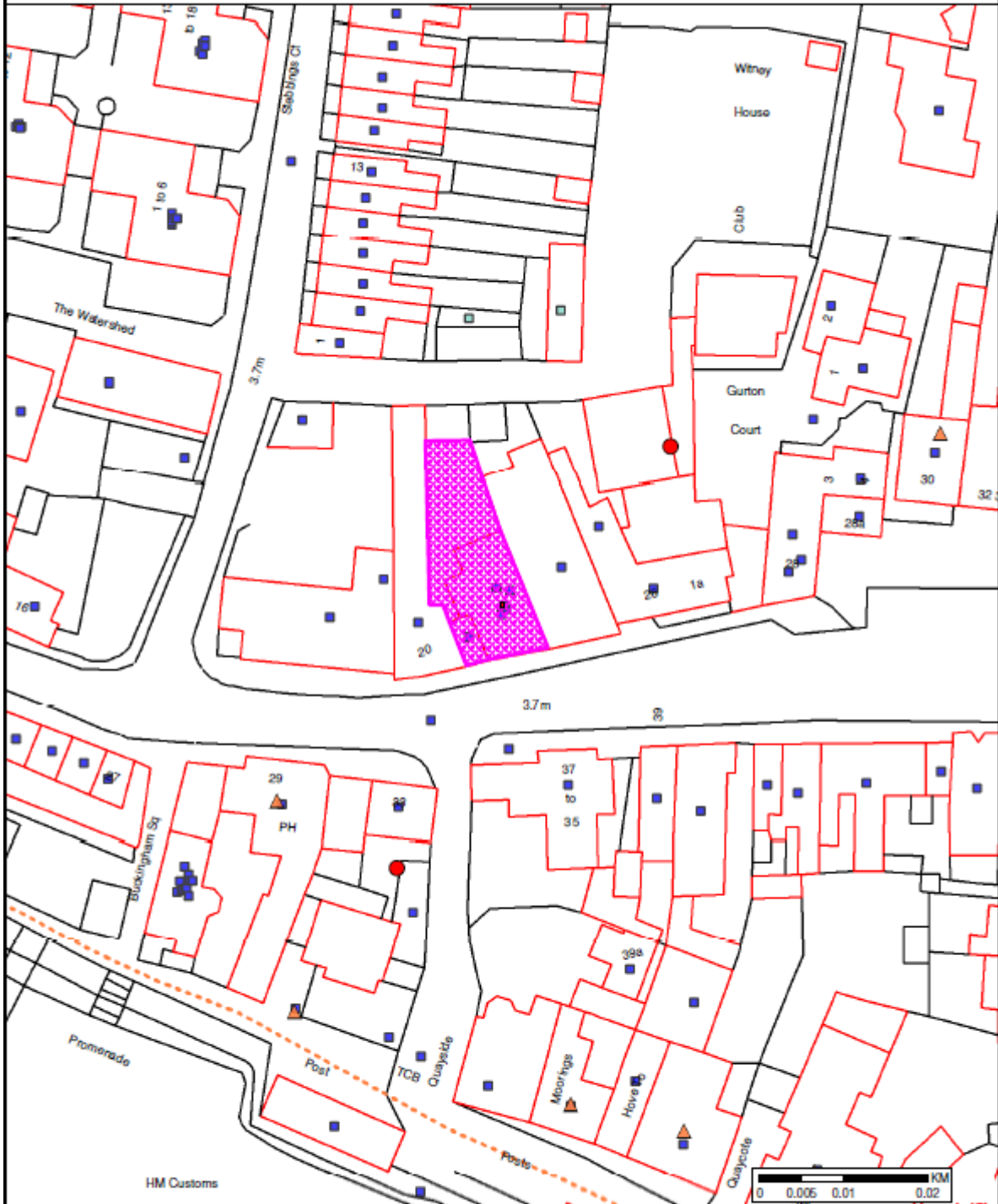
1. RECOMMENDATION

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

2. SITE MAP

Please see below.

Temperance House - 22 High Street - Burnham On Crouch
 22/00035/FUL



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 Maldon District Council 100018588 2014



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Scale:	1:625
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Area Committee
Date:	21/02/2022
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 northern side of the High Street within the settlement boundary and town centre of Burnham-on-Crouch and the Burnham Conservation Area. This site is occupied by a three-storey mixed use building comprising of a café/restaurant to the ground floor and residential apartments on the first and second floors. The surrounding area consists of a mixture of commercial and residential properties of different designs, although none of the buildings in the vicinity are as high as the subject building. The site lies within flood zones 2 and 3. The site is subject to an article 4 direction which restricts the following:

- Installation/alterations to the windows, doors and other openings to the front elevation including the insertion of dormer or other windows in the roofs and the change of roof material.
- The installation of a micro-generation unit to the front roof slope.
- The construction of a porch outside the front of the dwellinghouse.
- The erection or construction of any fences, walls gates and other forms of enclosure to the front of the dwellinghouse.
- The construction of a vehicle hardstanding incidental to the dwellinghouse and the formation of an access to a dwellinghouse.
- The painting of (or application of colour to) the exterior of any part of the dwellinghouse fronting the highway. (This includes the painting over of unpainted brick or stonework but excluded the painting of doors, windows, bargeboards and soffits).
- The erection, alteration or removal of a chimney on a dwellinghouse or on a building in the curtilage of a dwellinghouse whether or not it fronts the highways.

However, article 4 has no impact on the development proposed.

3.1.2 Planning permission is sought for addition of a rooftop belvedere, which would be accessed by the apartment on the second floor via an internal staircase.

3.1.3 The proposed belvedere would measure 3.4 metres in depth, 5.7 metres in width, with an eaves height of 2.2 metres and a ridge height of 2.8 metres. The lower parts of the proposal would not be visible due to the presence of a 1.05 metre high parapet which runs around the perimeter of the subject building.

3.1.4 This application is a resubmission of 21/00902/FUL which was refused for the following reason:

1. *The proposed development, by reason of its siting, scale, bulk, form, design and materials, would result in visual harm to the character and appearance of the conservation area and is therefore contrary to policies S1, D1, D3 and H4 of the Local Development Plan as well as guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.*

3.1.5 The alterations made to the proposed rooftop belvedere has resulted in the reduction of the width by 0.6 metres, the eaves height by 0.2 metres and the overall ridge height by 0.2 metres. The proposed materials have also been changed.

3.2 Conclusion

3.2.1 It is considered that the proposed development, by reason of its location, bulk, scale and design would harm the appearance or character of the building itself and would not preserve the special character of the Conservation Area. Due to its relationship with the neighbouring properties, the proposal would not result in any undue harm by way of overlooking or loss of amenity. It is therefore considered that the proposed development is not accordance with the relevant policies contained within the Local Development Plan (LDP) and the proposal is therefore recommended for refusal.

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 – 57 Planning conditions and obligations
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 148-169 Meeting the challenge of climate change, flooding and coastal change
- 184 – 192 Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 2014 – 2029 approved by the Secretary of State:

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood Risk and Coastal Management
- H4 Effective Use of Land

4.3 Burnham On Crouch Neighbourhood Plan 2016-2029 (Made 7 September 2017)

- EC.5 High Street Character

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide (MDDG) SPD 2017
- Maldon District Vehicle Parking Standards SPD
- Burnham-on-Crouch Conservation Area Review and Character Appraisal

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The principle of enlarging the subject building and of providing facilities in association with residential accommodation is considered acceptable in principle, subject to other material considerations which are considered below.

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. Similar support for high quality design and the appropriate layout, scale and detailing of development is required by Policy D1 and H4 of the LDP and is found within the MDDG (2017).
- 5.2.3 A successful development needs to integrate well with the existing streetscene. Visual cues such as rhythm, proportions and alignments taken from adjacent buildings should be used to inform the design of the development.
- 5.2.4 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to desirability of preserving or enhancing the character or appearance of the conservation area. Similarly, policy D3 of the approved Maldon District Local Development Plan (MDLDP) states that development proposals that affect heritage assets must preserve or enhance its special character, appearance, setting and any features and fabric of architectural or historic interest. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.2.5 The site is located within Maldon Conservation Area and is near to listed buildings, namely The Star Hotel is sited on the opposite side of the High Street, to the south west of the site. No 22 High Street was originally built in the 19th century as the Royal Hotel. There is a date plaque of 1848, although this date should be treated with suspicion as it is set into a modern parapet wall. Stylistically, the building would fit a date of the 1870s or 80s. From 1910 it became the Royal Temperance Hotel. It is a three-storey brick building. It has an original painted timber shopfront with a carriage arch to one side. The upper two storeys of the front elevation are faced with red brick, embellished with pilasters, decorative terracotta panels, stone window surrounds and a cornice, all in a loosely Italianate style. Old photographs and drawings show that there was once a belvedere on the roof, glazed on all sides, each 'light' having an arched head. Although not known, it is understood that the original belvedere was probably made of painted timber. The building makes a very positive contribution to the special character of the Burnham-on-Crouch Conservation Area.
- 5.2.6 The scheme proposes to introduce a new belvedere, partially in place of where the original belvedere was placed. The proposed belvedere rooftop addition would be approximately 3.3 metres wider, 0.9 metres deeper and would have an increased eaves height of 0.13 metres and overall increased ridge height of 0.2 metres greater than the original belvedere. Given these increases in proportions, the proposed development would be significantly larger than the previous belvedere, almost being double the size, and with an increased height also.
- 5.2.7 The proposed belvedere rooftop addition would be highly visible within the wider streetscene of the High Street, and in particularly from the eastern side of the High Street as it will be located on top of a three-storey building within a busy High Street, which forms the heart of the town centre and the Conservation Area and would not benefit from any screening which would reduce its visual prominence. It would also

be highly visible from Chapel Road, due to the height of the subject building in comparison with buildings in the area, the proposal's proximity to the boundaries and its bulk and design. Whilst the original belvedere read as a light and ancillary element to the original building, the proposed belvedere is far more substantial in appearance, and would be a highly prominent addition to a highly visible building in the area.

- 5.2.8 In terms of materials, it is proposed to use clear double glazed in black metal frames for the walls and standing seam grey zinc roof. The materials would not match or be similar to the existing materials of the host property. Whilst this in itself would not necessarily be unacceptable given the historic precedent, due to the proposal's size and siting, the use of such materials is considered to add to its undue visual prominence, resulting in an addition which is not considered to be sympathetic to, or preserve the character and appearance of, the surrounding conservation area.
- 5.2.9 Given the above assessment, it is considered that the proposed development would result in harm to the visual amenity of the street scene due to its scale, form, proportions and detailing which would detract from the special character of the conservation area. Furthermore, the proposed development would be highly visible in long and medium range views from the public realm, as a result of the prominent position of the host building within the High Street, which would exacerbate the harm and would detrimentally impact the existing streetscene and conservation area.
- 5.2.10 As a result of the size, bulk, height, design, materials and position of the development it is considered that the proposed belvedere would harm the character or appearance of the host building and would fail to preserve the character of the wider conservation area, contrary to Policies D1, D3 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 three neighbouring properties, 24 High Street to the east, 20 and 20A High Street to the west.
- 5.3.3 The application site is located within the High Street of Burnham and the neighbouring properties are commercial properties and one and two storey properties. The proposed belvedere would be located on the roof top of No.22 High Street and would be set back from the front principal elevation and the western elevation. It would sit on the boundary line of the property to the east No.24 High Street. However, this is a single storey commercial property. Whilst it is likely to increase the amount of activity on the roof terrace, which could result in an increase in noise and disturbance, the siting of the roof terrace is sufficiently removed from nearby residential properties such that any increase in noise and disturbance would be acceptable. Due to the separation distance in the heights of the neighbouring properties it is not considered that the development would result in a significantly detrimental increase in overshadowing, overlooking or overbearing impact.
- 5.3.4 Therefore, it is not considered that the development would represent an unneighbourly form of development or give rise to overlooking or overshadowing, in accordance with the stipulations of Policy D1 of the LDP in this respect.

5.4 Access, Parking and Highway Safety

- 5.4.1 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.
- 5.4.2 The proposed development would have no impact upon car parking requirements on site and would not reduce the availability of on-site parking. Therefore, no objection is raised in relation to traffic and transport issues.

Private Amenity Space and Landscaping

- 5.4.3 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 SPD 2017 advises a suitable garden size for each type of dwellinghouse, namely 50m² of private amenity space for dwellings with two bedrooms.
- 5.4.4 Whilst the proposed development would reduce the size of the roof terrace it would not result in the level of private amenity space being below the minimum standard recommended in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP in this respect.

5.5 Flood Risk

- 5.5.1 The site is located within Flood Zones 2 and 3. An Environment Agency Flood Risk Matrix has been submitted with the application. As this has been satisfactorily completed, no objections to the proposal are raised with respect to flood risk subject to the imposition of a condition to require that the development is carried-out in accordance with the Matrix.

6 ANY RELEVANT SITE HISTORY

- **BUR/92/67** – Change of use, Refused, allowed on appeal – 23 May 1968
- **99/00554/FUL** - Change of use of redundant office and disused bedroom accommodation to residential flat, Approved – 26 August 1999
- **01/00348/FUL** - Proposal to increase the height of roof parapet, roof top conservatory, internal alterations to provide five bedroom property, Approved – 28 June 2001
- **01/00349/CON** - Demolition of roof top cover to pedestrian access cover, Grant Conservation Area Consent – 27 June 2001
- **06/00817/FUL** - Change of use of ground floor and first floor of building to bar/restaurant and second floor to associated function room. Erection of external fire escape and alterations to fenestration, Approved – 20 October 2006
- **09/00590/FUL** - Conversion of second floor function room to a one bedroom flat for staff accommodation, Approved – 13 November 2009
- **12/00628/FUL** - Change of use on first and second floor from functions rooms to residential use, Approved – 28 December 2012
- **17/00916/FUL** - Subdivision of 1No. existing two storey apartment into 2No. apartments, subdivision of existing ground floor A3 cafe / restaurant to create B1 office usage, Approved – 10 October 2017

- **21/00902/FUL** - Addition of rooftop belvedere serving existing 2nd floor apartment, Refused – 5 November 2021

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Burnham-on-Crouch Town Council	Support the application	Noted

7.2 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objections	Noted

7.3 Representations received from Interested Parties

7.3.1 No letters of representation for the application have been received.

8 PROPOSED REASON FOR REFUSAL

1. The proposed development, by reason of its siting, scale, bulk, form, design and materials, would result in visual harm to the character and appearance of the conservation area and is therefore contrary to policies S1, D1, D3 and H4 of the Local Development Plan as well as guidance contained within the NPPF and the Planning (Listed Buildings and Conservation Areas) Act 1990.