



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
12 OCTOBER 2022**

Application Number	22/00964/HOUSE
Location	5 Vicarage Lane – Tillingham – CM0 7TW
Proposal	Demolition of existing conservatory & construction of 1.5 storey extension with new dormers, roof windows, storm porch, additional roof windows & patio and raised patio area to the rear.
Applicant	Ms Jill Ford
Agent	Mr Alex Robinson – A R Property Designs
Target Decision Date	27 October 2022
Case Officer	Hayley Sadler
Parish	TILLINGHAM
Reason for Referral to the Committee / Council	Member Call In Councillor A S Fluker has called in the application for the following policy reasons: LDP policy D1 (Design Quality and Built Environment) and D3 (Conservation and Heritage Assets)

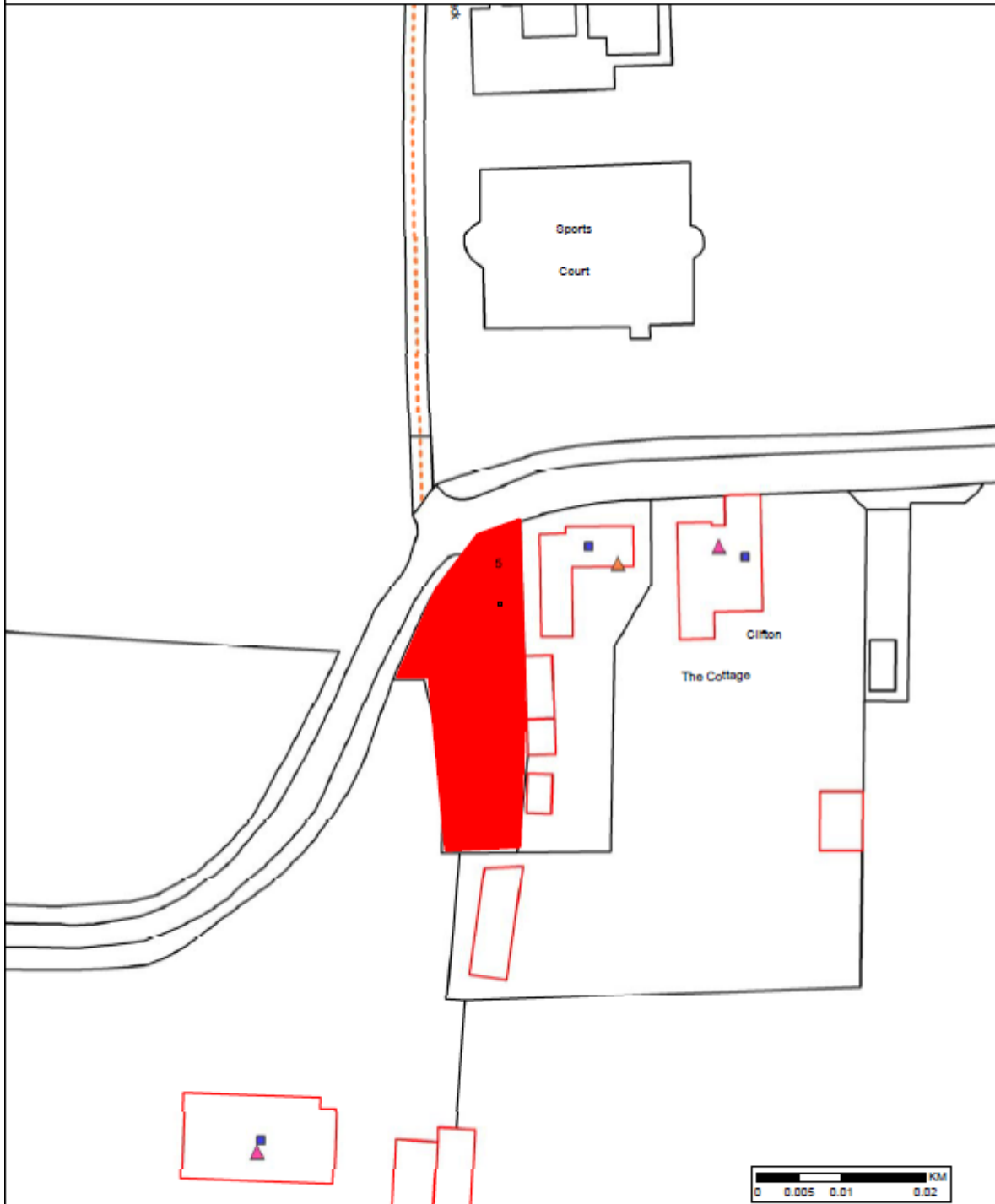
1. RECOMMENDATION


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

2. SITE MAP

Please see below.

5 Vicarage Lane - Tillingham
22/00964/HOUSE



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	SE Area Committee
	Date:	21/09/2022
	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 southern side of Vicarage Lane outside the settlement boundary of Tillingham but within the Tillingham Conservation Area. This site is occupied by a detached bungalow. The surrounding area is rural, with small groups of dwellings located in between agricultural fields. To the north of the site there are recreational grounds. Immediately adjacent to the east of the application site is no. 3 Vicarage Lane, which is a grade II listed building. It is also located within the wider setting of Clifton which is a locally listed building.
- 3.1.2 The site is subject to an article 4 direction which restricts the alterations to any part of the front roof slope and alterations to windows, doors and other openings including the insertion of dormers, other windows within the roof or change of roof materials. The Article 4 direction also places restrictions on the erection of porches, fences, walls, gates and other forms of enclosure to the front of dwellings, vehicle hardstanding's, the exterior painting of dwellings and the erection or removal of chimneys
- 3.1.3 Planning permission is sought for the demolition of the existing conservatory and construction of a 1.5 storey extension to the west of the existing bungalow, adjacent to the highway, with wall dormers, rooflights within the roof of the existing bungalow, storm porch to the north of the extension, with a patio and raised patio area to the rear.
- 3.1.4 The proposed extension would have a gabled roof running in a north south direction with wall dormers to the west, measuring 4.6 meters in width, 9.7 metres in depth, an eaves height of 4.26 metres and an overall height of 6.88 metres. The proposed development would alter the internal layout of the dwelling and would provide accommodation in the form of an additional entrance hall, bedroom, larger bathroom and a larger open plan kitchen/dining/sitting area at ground floor level. At first floor the proposed development would accommodate an en-suite bedroom, and dressing area.
- 3.1.5 The proposed storm porch would be of an L-shape and it would have a part hipped part flat roof, measuring 2 metres in width, 1.4 metres in depth, an eaves height of 2.56 metres and an overall height of 3.28 metres.
- 3.1.6 The raised patio and patio area to the rear would measure combined 7.5 metres in width and 4 metres in depth.
- 3.1.7 The proposal also includes the addition of 3 rooflights within the existing roof of the bungalow.
- 3.1.8 The proposed materials to be used in the construction of the proposed extension would be render, timber featheredged weatherboarding painted white or off white for the walls, plain tiles for the roof and timber framed fenestration with pentice boards painted pale green windows and doors.
- 3.1.9 The submission follows the refusal of planning permission for the demolition of existing conservatory and construction of 1.5 storey extension with new dormers, roof windows, storm porch, additional roof windows & patio and raised patio area to the rear. (reference 22/00474/HOUSE). The reasons for refusal were as follows:

- 1 *The proposed development due to its overall design, scale, relationship with the host dwelling and position, would result in a dominant, disproportionate and an unsympathetic addition to the existing dwelling to the detriment of the character and appearance thereof and the surrounding area. The development would not preserve the character of the Tillingham Conservation Area and although the impact would be less than substantial, the public benefits arising from the development would not be able to outweigh the harm. Therefore, the development would be unacceptable and contrary to policies D1, D3 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.*

3.1.10 No revisions have been made to this re-submitted application.

3.2 Conclusion

- 3.2.1 The proposed extension by reason of its overall design, scale, relationship with the host dwelling and position would result in a dominant, disproportionate and an unsympathetic addition to the existing dwelling to the detriment of the character and appearance of the area and the surrounding area which is a conservation area. The development is, therefore, not in accordance with the stipulations of policies D1, D3 and H4 of the approved Local Development Plan (LDP) and 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 – 57 Planning conditions and obligations
- 109 – 125 Conserving and enhancing the historic environment
- 119 – 123 Making effective use of land
- 126 – 136 Achieving well-designed places
- 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
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Maldon District Design Guide SPD (MDDG) (2017)
- Maldon District Vehicle Parking Standards SPD
- Tillingham Conservation Area Review

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of extending the 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. 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 proposed 1.5 storey extension would be erected to the west of the existing property and it would have a gable roof with decorative timber cable details and exposed rafter feet and dormers to the western side roof slope. The proposal would be highly visible from within the streetscene as the application site is located on a bend of Vicarage Lane. The existing conservatory will be demolished to accommodate the proposed extension. The proposed storm porch to the north of the 1.5 storey extension would have a lean to roof. Fenestration of a more traditional configuration would be incorporated to the west and north elevations, whilst to the south the fenestration would be of a more contemporary appearance with full height glazed patio doors at ground and first floor and a Juliet balcony at first floor. Roof lights are proposed to be installed to the east and south roof slopes of the existing bungalow.
- 5.2.6 The existing dwelling is a small scaled bungalow, read as part of a small cluster of dwellings, including 3 Vicarage Lane, a Grade II Listed timber framed with a thatched roof single storey cottage and Clifton, a locally listed, two storey mid-19th century thatched roofed cottage. All three cottages, although of varying scales and appearance, considered as having value as a group and they are all of a relatively small scale dwellings in comparison to 20th century conventional housing.

- 5.2.7 The proposed 1.5 storey extension, by reason of its scale and design would result in a large, bulky and incongruous addition that would relate poorly to the existing bungalow. In effect, the extension by reason of its scale and height would appear as the main part of the dwelling, with the existing single storey cottage appearing subordinate and secondary to the extension. It is therefore considered that the extension, which by way of its position at a visually prominent location at a road junction, would appear dominant, having a discordant impact on the character and appearance of the existing dwelling and the nearby heritage assets. The adverse impact would be exacerbated by the poor relationship of the extension with the main bungalow. Part of the proposed extension would be erected over the existing roof slope of the dwelling, resulting in a conflict between the existing single storey bungalow and the proposed first floor elements of the development. The proposed extension would not only appear dominant and disproportionate, but it would also appear disintegrated with the main dwelling, resulting in a discordant impact to the visual appearance of the dwelling itself and the group of properties that the cottage forms part of.
- 5.2.8 In terms of the detailed design, whilst it is noted that the development includes some amendments to the original first submission which was refused, concerns remain in relation to the selection of different styles of fenestration, which are considered further reducing the architectural merit of the proposal. The choice of finishing materials is also considered harmful to the character and appearance of the dwelling and the wider conservation area.
- 5.2.9 As noted above, the site is located within Tillingham Conservation Area and adjacent to No.3 Vicarage Lane a Grade II Listed Building and Clifton a locally listed building. The Conservation and Heritage Specialist has identified no harm in relation to the listed building. However, as discussed above the design of the development has a detrimental impact on the character and appearance of the area and therefore, the proposal is considered to not preserve or enhance the special character and appearance of the Tillingham Conservation Area contrary to Policies D1, H4 and D3 of the LDP. Whilst this harm would be less than substantial, it is not considered that the public benefits arising from the proposed development would be able to outweigh the harm identified.

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, The Cottage (No.3 Vicarage Lane) to the east, Clifton to the east and south and The Old Vicarage to the south east.
- 5.3.3 The dwelling at the application site sits along the shared boundary with the neighbouring property to the east, The Cottage (No.3 Vicarage Lane). The proposed extension would sit 3.47 metres from the boundary and 6 metres from the property itself from this neighbouring property to the east. The first floor addition would be highly visible from this neighbouring property as it would sit higher than the existing bungalow. However, the separation distance would be sufficient to ensure the development did not result in harm in terms of dominance or loss of outlook. No windows are proposed at first floor level to the east elevation of the first floor extension and therefore, the development would not result in a material increase in overlooking. There are two roof lights proposed to the existing ground floor roof

slope. Due to the rooflights being located over 1.7 metres from the finish floor level and their tilted position this element of the proposed development would not result in direct overlooking to this neighbouring property. For the reasons stated above, it is considered that the proposed development would not have an adverse impact on the residential amenity of the occupiers of this neighbouring property.

- 5.3.4 The proposed extension would sit over 20 metres from the boundary of the rear garden to the south and over 25 metres to the house at Clifton (No.1 Vicarage Lane). Clifton benefits from a large rear L-shaped garden that wraps around the rear garden of No.5. Although the extension would be visible by this neighbouring property, the two properties are separated by the 'The Cottage'. Whilst the development would result in an extension at first floor, no windows are proposed to the east elevation at first floor level. The distance between the proposed Juliet balcony at first floor on the south elevation would be located 22.9m away from the shared boundary with Clifton to the south and therefore, it is considered that the separation distance and the intervening structures would be able to ensure the development would not result in loss of light, or have an overbearing or overshadowing impact on this neighbouring property.
- 5.3.5 The proposed extension would sit approximately 4.6 metres from the boundary and over 50 metres from the house with the neighbouring property to the south. Due to the separation distance it is not considered that the proposed extension would result in an unneighbourly form of development.
- 5.3.6 The proposed storm porch would not be visible to these neighbouring properties as it would be shielded from view by the host dwelling and therefore, no objection is raised in terms of the impact of this element of the development on residential amenity
- 5.3.7 The proposed patio would result in the increase of the ground level by 0.29 metres. Due to the nature of the proposed works, the existing boundary treatment and the intervening structures within the curtilage of the neighbouring property to the east it is not considered that this element of the development would represent an unneighbourly form of development in relation to overlooking or loss of privacy.
- 5.3.8 Furthermore, it is noted that there are no material differences, in relation to the impact on adjoining residence, between this application and the previous refusal and no objection was raised to the previous application on this matter and it is not considered that there are any new material consideration that would result in a different conclusion as part of this application. Therefore, it is not considered that the development would represent an unneighbourly form of development, in accordance with the stipulations of Policy D1 of the LDP.

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 proposal would increase the number of bedrooms from 2 to 3 and, therefore, would have no impact upon car parking requirements on site and would not reduce the availability of on-site parking. There appears to be a space already on site that can accommodate two reasonable sized cars and this is not proposed to be altered. Therefore, no objection is raised in terms of off-street parking provision. Furthermore, following removal of the originally proposed new vehicular access, no objection is raised in terms of the impact of the development on highway safety.

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 SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms.

5.5.2 The proposed development would result in the increase of bedrooms from two to three. Whilst the proposed development would reduce the size of the garden it would still provide approximately 154m² of private amenity space, in excess of the minimum recommended standards in the SPD. Therefore, the proposal is in compliance with Policy D1 of the LDP.

5.6 Other Material Considerations

5.6.1 The Council's Tree Consultant has advised that the proposed works would not impact on any significant trees within the area.

6. ANY RELEVANT SITE HISTORY

- **95/00265/FUL** - Proposed conservatory, Approved – 13th June 1995
- **02/00949/FUL** - Single storey rear extension and new roof over existing addition, Approved – 11th October 2022
- **21/01108/HOUSE** - Demolition of existing conservatory & construction of 1.5 storey extension with new dormers, roof windows, storm porch, additional roof windows & patio and raised patio area to the rear, Refused – 21st January 2022
- **22/00474/HOUSE** - Demolition of existing conservatory & construction of 1.5 storey extension with new dormers, roof windows, storm porch, additional roof windows & patio and raised patio area to the rear, Refused – 20th May 2022

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tillingham Village Council	No response	N/A

7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Tree Consultant	No objection	Noted in section 5.6 of the report
Place Services Ecology	No response	N/A

7.3 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation and Heritage Specialist	No objection – Conditions in relation to materials are suggested	Noted and discussed in section 5.2 of the report.

7.4 Representations received from Interested Parties

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

8. PROPOSED REASON FOR REFUSAL

- 1 The proposed development due to its overall design, scale, relationship with the host dwelling and position, would result in a dominant, disproportionate and an unsympathetic addition to the existing dwelling to the detriment of the character and appearance thereof and the surrounding area. The development would not preserve the character of the Tillingham Conservation Area and although the impact would be less than substantial, the public benefits arising from the development would not be able to outweigh the harm. Therefore, the development would be unacceptable and contrary to policies D1, D3 and H4 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.