



**REPORT of
DIRECTOR OF SERVICE DELIVERY**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
24 MAY 2023**

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| Application Number | 23/00147/HOUSE |
| Location | September Barn, Chelmsford Road, Purleigh, Essex, CM3 6QP |
| Proposal | Single storey rear extension |
| Applicant | Mr Ben Strathern |
| Agent | Mr John Crowley - Anthro Architect Ltd |
| Target Decision Date | 21.11.2022 |
| Case Officer | Nicola Ward |
| Parish | PURLEIGH |
| Reason for Referral to the Committee / Council | Member Call-in by Councillor S White citing Policy D1 and S1 |

1. RECOMMENDATION

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

2. SITE MAP

Please see below.

23/00147/HOUSE
September Barn Chelmsford Road Purleigh



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 Maldon District Council 100018588 2014


 MALDON DISTRICT COUNCIL

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|---------------|-------------------------|
| Scale: | 1:1,250 |
| Organisation: | Maldon District Council |
| Department: | Department |
| Comments: | |
| Date: | 26/04/2023 |
| MSA Number: | 100018588 |

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located outside of any development boundary, in the rural area, to the northwest of the village of Purleigh. The application site is located on the southwestern side of Chelmsford Road and comprises a former agricultural barn which has recently been converted to a dwellinghouse following the grant of planning permission on 11 February 2021 for the retention of the existing dwellinghouse (ref. 20/01154/FUL). A single storey front extension has also since been added to the dwellinghouse following the grant of planning permission under application ref. 21/00621/HOUSE.
- 3.1.2 The application property adjoins another dwellinghouse to the west (which is also a converted agricultural building) and Mosklyns Farm farmhouse is to the east. To the rear of the site are agricultural buildings associated with Mosklyns Farm and the wider surrounding area to the south of Mosklyns Farm is predominantly open agricultural fields.
- 3.1.3 Planning permission is sought for the erection of a single storey rear extension. The extension would measure 5.5 metres in depth, 4.1 metres in width, 2.4 metres in eaves height and would have a maximum height of 4.7 metres.
- 3.1.4 The materials would consist of timber weatherboard cladding and clay roof tiles as well as grey coloured aluminum framed / upvc windows and doors, all to match the existing dwelling.
- 3.1.5 The application is a resubmission of a refused application 22/00969/HOUSE which was refused for the following reasons:
- ‘1. *The proposed rear extension, as a result of its height, depth and position, would appear as an unsympathetic addition to the host dwelling that would not be subservient to and which would be out of keeping with the character and appearance of the existing dwelling to the detriment of the character and appearance of the host dwelling and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework (2021).*
 2. *The occupiers of the extended dwelling would not be provided with sufficient usable private amenity space to the detriment of the living conditions of the existing and future occupiers of the dwelling. The proposed development is not therefore in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework (2021).*’
- 3.1.6 The current submission poses no changes to the previously refused application 22/00969/HOUSE.

3.2 Conclusion

- 3.2.1 The proposed resubmission has not overcome the previous reasons for refusal. It is considered that the proposed development would result in harm to the character and appearance of the area and would provide an insufficient amount of private amenity space resulting in a poor living environment for the occupiers of the extended dwellinghouse, although the proposal would not cause harm to the amenity of

neighbouring occupiers and sufficient parking would be provided at the site. The proposal would therefore be contrary to Policies D1 and H4 of the approved Local Development Plan (LDP).

4. MAIN RELEVANT POLICIES

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
- 104-113 Promoting sustainable transport
- 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 (LDP) approved by the Secretary of State

- S1 Sustainable Development
- S8 Settlement Boundaries and the Countryside
- D1 Design Quality and Built Environment
- E1 Employment
- E4 Agricultural Rural Diversification
- H2 Housing Mix
- H4 Effective Use of Land
- N2 Natural Environment and Biodiversity
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its approved 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 (TCPA 1990)).

5.1.2 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, beautiful and sustainable 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 The current submission proposes no changes to the previously refused application 22/00969/HOUSE.
- 5.2.5 The proposed rear extension would have a height of 4.7m which would match that of the ridgeline of the host property and would sit 0.5m above the ridge height of the existing front extension. Whilst it is noted the eaves height of the proposed extension would match that of the main dwelling, as well as the extension to the front, the extension would project a significant distance (5.5m) from the rear elevation. Although the proposed extension would not be excessive in width, it is considered that due to the height and depth of the extension, it would not be a subservient addition to the property and would be of a poor-quality design particularly as, due to the height and bulk of the roof proposed, it would appear overly large and not relate well to the building to which it is proposed to be attached. Furthermore, as the majority of the dwelling is positioned in front of the farmhouse to the east, the extension would be widely visible in views along Chelmsford Road, particularly from the east.
- 5.2.6 Whilst a front extension was recently approved at the property, which had a similar depth to the extension currently proposed, that extension was considered to be subservient as it was single storey with a lower ridge height. As a result, that addition was acceptable particularly, as, historically, the former barn had a front projection of a similar size.
- 5.2.7 The currently proposed development, due to the size, height and position of the extension proposed, would result in an incongruous, dominant extension to the property which would be visually prominent within the street scene, to the detriment of the character of the area and the appearance of the dwelling to an extent that would warrant refusal of the application. Therefore, the current submission has not overcome the previous reasons why the proposed single storey rear extension was refused planning permission.

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 proposed single storey rear extension would be located 5m away from the neighbouring property to the east and 7.3m away from the adjoining neighbour to the west. This separation distance is considered to be sufficient to mitigate against any potential loss of light to these neighbours or the development having an overbearing impact.

5.3.3 It is noted that two rooflights are proposed within the western roof slope of the extension facing towards the adjoining neighbour to the west of the site. Whilst these rooflights would serve a bedroom, due to the height of the proposed rooflights above floor level, it is not considered that these windows would result in any overlooking.

5.3.4 Based on the above, it is considered the proposed development would not result in material harm to the residential amenity of existing neighbouring occupiers, in accordance with 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 Although the proposed development would result in the creation of a third bedroom at the property, the minimum parking provision required for both two- and three-bedroom dwellings is two parking spaces. There are two parking spaces to the front of the dwelling. Therefore, no objection is raised in terms of off-street parking provision.

5.5 Private Amenity Space and Living Conditions of Future Occupiers

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 (2017) 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 existing private amenity space at the rear of the property measures approximately 99m², which is marginally lower than the minimum of 100m² recommended for properties with three or more bedrooms. As the number of bedrooms at the property would increase from two to three, a minimum of 100m² of private amenity space would need to be retained to comply with the recommended standard. The proposed extension would reduce the private amenity space at the property to approximately 74m², which would be significantly below the recommended minimum standard for a property of the size proposed.

5.5.3 Furthermore, the useability of this amenity space would be compromised due to the shape of the remaining space of the garden. The interjection of the extension into the garden would result in a compartmentalised garden area with the largest section being 7.3m in width with a staggered depth of between 5.63m and 7.6m. This gives a single regular shape of approximately 51.6m. Additional space to the rear of the building amounts to an additional 12.4m giving a total garden amenity of approximately 73m (the applicants calculate 74m). Notwithstanding the minor difference, 12.4m of this space is shared between the rear of the extension (a depth of just over 2m to the rear boundary) and the side (a width of just under 2m to the side boundary). Given that the overall amenity provision size is 26m short of the Council's minimum standard of 100m² for a 3-bed dwelling, together with the irregular shape, the amenity space provision for this development is considered woefully substandard.

5.5.4 Whilst a reduction in amenity space below the 100m² could, in certain circumstances, be acceptable the resultant shape of the garden area, following the development as proposed, would be such as to reduce its' effective usability to an unacceptable degree

5.5.5 In further support of this position, an appeal decision at 16 Rydal Drive, Maldon, CM9 5LG (Appeal ref: APP/X1545/D/22/3312187) for a rear extension with garage / store room link) was approved on 15 February 2023. However, in granting permission, the following comments are noted with regard to the Inspector's consideration of the impact of the rear extension on the garden space:

4. *Policy D1 of the Maldon District Approved Local Development Plan 2014-2029 (2017) (the LDP) concerns design quality and the built environment. It requires development to respect and enhance the character and local context, and make a positive contribution against a number of criteria, including to provide sufficient and usable private and public amenity spaces. The Maldon District Design Guide Supplementary Planning Document (SPD) includes detailed guidance and standards to support the policy, including that a three or more bedroom dwelling as in this case should have a minimum of 100m² of private amenity space.*
5. *The Council indicates that the existing garden is around 100m², which therefore meets the expected standard. The extension would result in the available garden area being around 85m².*
6. *The proposal involves a modest single storey extension of 3.5 metres depth, which would result in a quantitative reduction from the requisite standard. The existing garden is the same width as the dwelling where it runs adjacent to the garage, but then opens out to the full plot width behind the garage. Consequently, the configuration of the remaining space means that even with the small extension in place it could reasonably be used and enjoyed for both children's play or sitting outside.*
7. *Therefore, the effect of the proposed extension on the quality of the useable space would be limited. I am mindful that, as a general principle, guidance such as that included in the SPD should be applied judiciously, taking account of the particular circumstances involved. In the circumstances of this case, the effects of the reduction in available space would not be so significant to cause material harm to current or future occupiers' enjoyment and use of the rear garden.*

5.5.6 The notable points from this example is that 1) the resultant garden in the above example is over 10 sq metres larger, and 2) would be of a regular shape than the current proposed garden. The second reason why the previously proposed single storey rear extension was refused planning permission has therefore not been overcome.

5.5.7 Members' attention is also drawn to an application considered by the Central Area Planning Committee of 15 July 2020. Members agreed officers' recommendation to refuse an application involving extensions to the dwelling, the salient reason (in relation to this case), being a refusal on grounds including an unacceptable reduction in the size of the rear garden. In that case, the reduction resulted in the rear garden being reduced from 94m² to 59.7m². Whilst significantly below the Council's standard, the remaining garden was of a regular shape of a greater size than the 'regular shaped area' of the current proposal. In coming to this position therefore, officers have had regard to the need to be acting in a consistent manner to safeguard the integrity and reasonableness in both its decision making under delegated authority and its recommendations to Committee in light of the policies in the development plan.

6. ANY RELEVANT SITE HISTORY

- **15/01096/COUPA** - Change of use of two existing barns from agricultural to dwelling houses. Approved.
- **19/01162/COUPA** - Variation on condition 1 & 2 approved planning permission COUPA/MAL/15/01096 Change of use of two existing barns from agricultural to dwelling houses. – Refusal.
- **20/01154/FUL** - Retention of existing dwelling. – Approved.
- **21/00621/HOUSE** - Erection of single-storey front extension – Approved.
- **22/00668/HOUSE** - Two-storey hipped roof rear extension. – Refused.
- **22/00969/HOUSE** – Single Storey Rear Extension – Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

| Name of Parish / Town Council | Comment | Officer Response |
|-------------------------------|--|------------------|
| Purleigh Parish Council | The proposed development is sustainable and complies with planning legislation and policies. | Noted |

7.2 Representations received from Interested Parties

7.2.1 No representations received for this application.

8. REASONS FOR REFUSAL

- 1 The proposed rear extension, as a result of its height, depth and position, would appear as an unsympathetic addition to the host dwelling that would not be subservient to and which would be out of keeping with the character and appearance of the existing dwelling to the detriment of the character and appearance of the host dwelling and the surrounding area. The proposal is therefore contrary to policies D1 and H4 of the approved Local Development Plan and the guidance contained in the National Planning Policy Framework (2021).
- 2 The occupiers of the extended dwelling would not be provided with sufficient usable private amenity space to the detriment of the living conditions of the existing and future occupiers of the dwelling. The proposed development is not therefore in accordance with Policies D1 and H4 of the Maldon District Local Development Plan and the guidance contained in the National Planning Policy Framework (2021).