



**REPORT of  
DIRECTOR OF SERVICE DELIVERY**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
19 JUNE 2024**

<b>Application Number</b>	<b>24/00283/HOUSE</b>
<b>Location</b>	52 Tollesbury Road, Tolleshunt D'Arcy, Maldon, Essex, CM9 8UA
<b>Proposal</b>	Construction of new drop kerb vehicle crossover on public footpath. Erection of detached garage to the front elevation.
<b>Applicant</b>	Mr Craig Smith
<b>Agent</b>	N/A
<b>Target Decision Date</b>	21.06.2024
<b>Case Officer</b>	Juliet Kirkaldy
<b>Parish</b>	<b>TOLLESHUNT D'ARCY</b>
<b>Reason for Referral to the Committee / Council</b>	Councillor / Member of Staff

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see below.

**52 Tollesbury Road - Tolleshunt D'Arcy**  
24/00283/HOUSE



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Scale: 1:625

Organisation: Maldon District Council

Department: Department

Comments: North West Area Committee

Date: 31/05/2024

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 Tollesbury Road partially within the defined settlement boundary for Tolleshunt D'Arcy.
- 3.1.2 The application site comprises of a two storey semi-detached dwelling set back from the road frontage. There is fairly extensive vegetation on the boundary with the adjoining semi, and to the east, there is a vegetated strip of land which separates the property from the dwelling further to the east. There is currently no off street car parking provision for the dwelling. It is noticed that works, pursuant to the subject application would appear to have started without the benefit of planning consent, with earthworks and the erection of Heras fencing having taken place.
- 3.1.3 The application proposes the erection of a detached garage and construction of a new drop kerb vehicle crossover.
- 3.1.4 The proposed garage would be set forward of the front elevation for the host dwelling. It would have a width of 5.4 metres and a depth of 6 metres. A pitched roof is proposed with an overall height of 4.5 metres and 2.5 metres to the eaves. A single garage door is proposed on the front southern elevation with a width of 2.3 metres.
- 3.1.5 A vehicular dropped kerb is proposed with a width of 3.6 metres off Tollesbury Road. This would facilitate access to a driveway area to the front (south) of the proposed garage. The driveway is proposed to be gravelled finish with a tarmac crossover and concrete kerbs.
- 3.1.6 The proposed external materials of the garage would be timber cladding and slate roof tiles.

#### **3.2 Conclusion**

- 3.2.1 It is considered that the principle of development is acceptable. The proposed development, by reason of its location and design would not harm the appearance or character of the locality and due to its relationship with the adjoining properties, would not result in any undue harm by way of overlooking or loss of amenity. In addition, the proposed development does not detrimentally impact on the provision of amenity space and car parking provision. It is therefore considered that the proposed development is in accordance with the relevant policies contained within the approved Maldon District Local Development Plan and the 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 2023 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

#### **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
- H4 Effective Use of Land

#### **4.3 Relevant Planning Guidance / Documents:**

- National Planning Policy Framework (NPPF)
- Car Parking Standards

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

- 5.1.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004), Section 70(2) of the Town and Country Planning Act 1990 (TCPA 1990), and Paragraph 47 of the NPPF require that planning decisions are to be made in accordance with the Local Development Plan (LDP) unless material considerations indicate otherwise. In this case the Development Plan comprises of the adopted Maldon District Local Plan 2014-2029 (The Local Development Plan or LDP).
- 5.1.2 Policy S1 of the LDP states that “When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the NPPF” and apply a number of key principles in policy and decision making set out in the Policy.
- 5.1.3 The principle of extending an existing dwellinghouse to provide facilities in association with an existing residential use is considered acceptable in line with policies D1 and H4 of the approved LDP.
- 5.1.4 The acceptability of the proposal against policies and all other relevant material planning considerations is assessed 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. 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 local design standards, style guides in plans or supplementary planning documents”.*

- 5.2.2 The proposed garage would be highly visible from within the street scene of Tollesbury Road. Although it would be positioned forwards of the front elevation it would not appear as an incongruous or dominant feature within the street scene particularly given that the adjoining neighbouring property at no.54 has an almost identical garage to that proposed, positioned forwards of the front elevation. The proposal would mirror the form and proportions of this neighbouring garage. It is considered that it would contribute positively to the character and appearance of the surrounding area.
- 5.2.3 The proposed garage given its design and single storey form would not have a detrimental impact on the character and appearance of the host dwelling. It would be a subordinate addition to the host dwelling.
- 5.2.4 The proposal to clad the exterior of the proposed garage with a timber weatherboard would not appear incongruous or harmful to the character and appearance of the surrounding area. It would have a matching appearance to that of the neighbouring garage at no.54.
- 5.2.5 The proposed dropped kerb and driveway (gravelled finish) would also mimic the access/car parking arrangements of the adjoining neighbouring property at no.54. This is not considered to have a detrimental impact on the character and appearance of the host dwelling or the surrounding area.
- 5.2.6 Overall, it is considered that the proposal due to its scale, design and appearance would not cause harm to the character and appearance of the host dwellinghouse and street scene and therefore would accord with policies D1 and H4 of the LDP and the Maldon District Design Guide (MDDG) (2017) Supplementary Planning Document (SPD).

### **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, outlooks, noise, smell, light, visual impact, pollution, daylight and sunlight. This is supported by Section C07 of the MDDG (2017). Policy H4 requires consideration of the effect of development on neighbouring amenity and safety.
- 5.3.2 The nearest neighbouring residential properties are 54 Tollesbury Road to the west (adjoining the site) and 50 Tollesbury Road to the east. The proposed garage would be situated approximately 0.9 metres from the eastern boundary of the site and approximately 8.8 metres from the shared boundary with no.54. The side eastern and western elevations of the proposed garage are blank flank walls and therefore it is not considered the proposal would give rise to overlooking or loss of privacy for neighbouring amenity.
- 5.3.3 No objections have been received from neighbouring properties.
- 5.3.4 Given the distance of separation, the design and layout of the proposal, it is not considered that the development would represent an unneighbourly form of development in terms of its scale or proximity or give rise to a demonstrable impact on the amenities of the occupiers of neighbouring properties with respect to overdominance/shadowing or loss of light.
- 5.3.5 The proposal is therefore in accordance with Policy D1 of the LDP and the NPPF.

## **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 NPPF refers in paragraph 110, to '*ensuring safe and suitable access to the site can be achieved for all users.*'
- 5.4.3 The minimum internal dimension for a 1 car garage is 3 metres x 7 metres as specified in the Maldon District Vehicle Parking Standards. The proposed garage would fall slightly below this minimum size and therefore could not be considered as counting towards the car parking provision as per the definition in the policy. However, cars vary in shape and size, and the use of vehicles smaller than 5.5 is considered to be convenient and economical, as well as the norm. Given that the submitted Block Plan indicate that, there is adequate hard standing proposed to be provided to the front of the dwelling for at least 3 vehicular parking spaces, it is officers view that there is no material conflict with this requirement, and as such the parking provision is satisfactory in this instance.
- 5.4.4 Therefore, the proposed development in relation to parking provision would be in accordance with Policy D1 of the LDP and Vehicle Parking Standards SPD.
- 5.4.5 The Highway Authority (Essex County Council (ECC)) have been consulted on the proposal and raise no objection subject to conditions relating to construction of access at right angle to the highway boundary, no unbound material to the surface treatment of the vehicular access, reception and storage of building materials for the construction of the garage and access on site. Subject to these conditions being imposed the proposed access in terms of highway safety would be in accordance with the NPPF, Policy D1 and T2 of the approved LDP.

## **5.5 Private Amenity Space**

- 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 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25m<sup>2</sup> for flats.
- 5.5.2 The proposed garage would be situated to the front / side of the host dwelling. As such, there is no impact on the private amenity space to the rear of the property. Therefore, the proposal is in compliance with Policy D1 of the LDP.

## **6 ANY RELEVANT SITE HISTORY**

- 6.1 There is no relevant planning history.

## **7 CONSULTATIONS AND REPRESENTATIONS RECEIVED**

### **7.1 Representations received from Parish / Town Councils**

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Tolleshunt D'Arcy Parish Council	We recommend the granting of planning permission.	Noted.

### **7.2 External Consultees**

<b>Name of Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
ECC Highways	No objection subject to conditions relating to construction at right angles, no unbound material within 6 metres of highway, reception and storage of building materials.	Noted.

## **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 approved plans as shown on the decision notice.  
**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.  
**REASON** To ensure the external appearance of the development is appropriate to the locality in accordance with policy D1 of the approved Maldon District Local Development Plan and the guidance contained in the Maldon District Design Guide SPD.
4. As shown in principle on the submitted planning drawing titled 'Block Plan' dated 19/3/24, the vehicular access shall be constructed at right angles to the highway boundary and to the existing carriageway. The width of the access at its junction with the highway shall be no more than 3.6 metres wide and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. Full layout details to be agreed with the Highway Authority.  
**REASON** To ensure that vehicles can enter and leave the highway in a controlled manner in the interest of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan.
5. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.  
**REASON** To avoid displacement of loose material onto the highway in the interests of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan.

6. Areas within the curtilage of the site for the purpose of the reception and storage of building materials for the development shall be identified clear of the highway.  
REASON To ensure that appropriate loading / unloading facilities are available to ensure that the highway is not obstructed during the construction period in the interest of highway safety in accordance with policy T2 of the approved Maldon District Local Development Plan.

**Application Plans/Documents**

Location Plan dated 19/03/2024.

Block Plan dated 19/03/2024.

Plans & elevations 52 Tollesbury Road Tolleshunt D'Arcy

Visibility Plan 19/3/2024

Applicants Cover Letter dated 26/03/2024.