



**REPORT of
ASSISTANT DIRECTOR: PLANNING AND IMPLEMENTATION**

to
**NORTH WESTERN AREA PLANNING COMMITTEE
17 JULY 2024**

Application Number	24/00367/HOUSE
Location	Syringa, Chimney Lane, Purleigh, Chelmsford, Essex, CM3 6RQ
Proposal	Removal of conservatory, conversion of bungalow to two storey dwelling with rooms within roof, single storey rear extension and alterations.
Applicant	Mr and Mrs Stokes
Agent	Mr Ashley Robinson
Target Decision Date	18.06.2024
Case Officer	J.Kirkaldy
Parish	PURLEIGH
Reason for Referral to the Committee / Council	Member Call In – Councillor S White regarding Policies D1 and S1

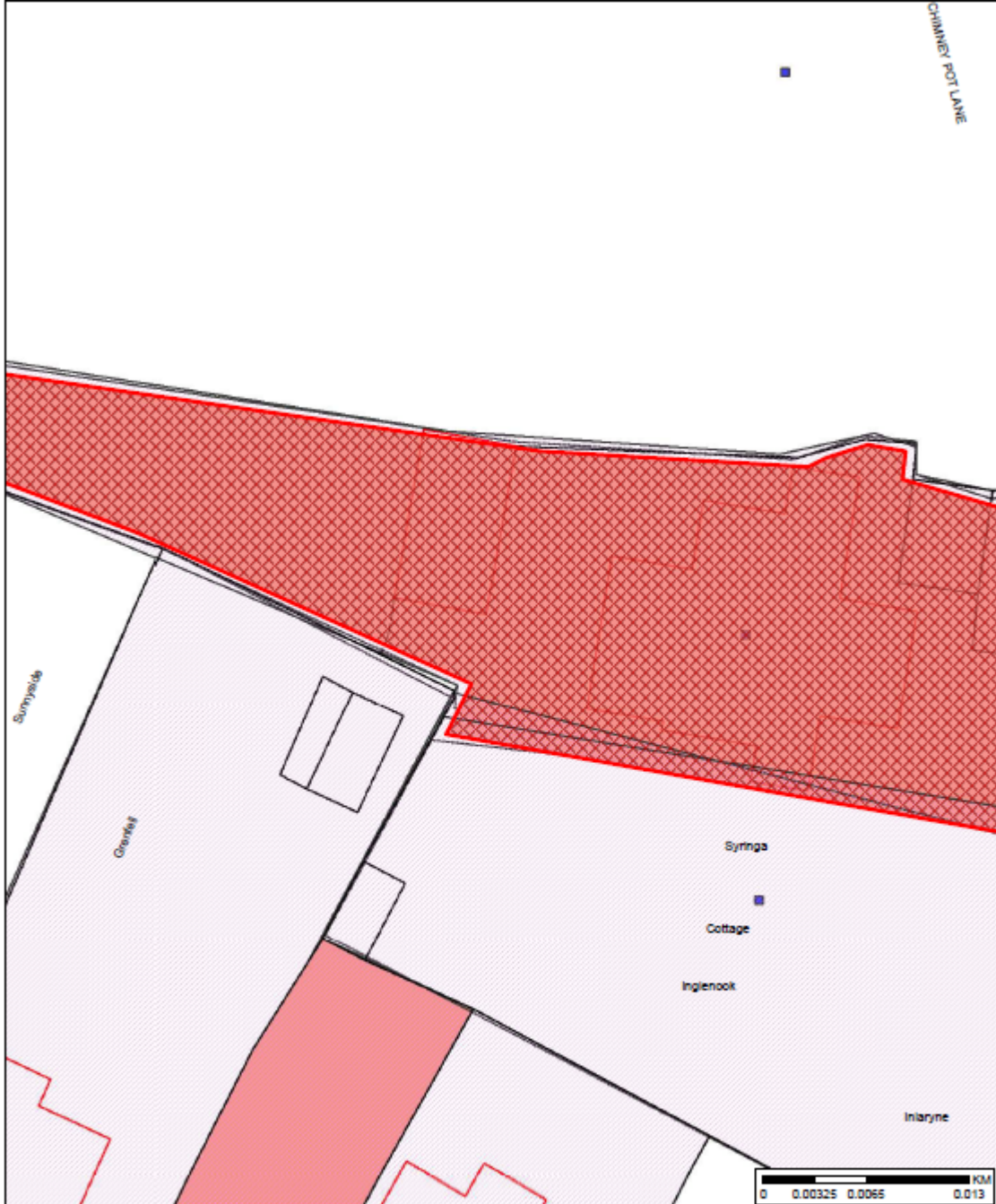
1. **RECOMMENDATION**


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

2. **SITE MAP**

Please see below.

24/00367/HOUSE
Syringa, Chimney Lane, Purleigh



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Not Set
	Date:	04/07/2024
	www.maldon.gov.uk	MSA Number:

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of Chimney Lane to the north of the settlement of Cock Clarks. It is situated partially within the defined settlement boundary for Cock Clarks with the land to the north, east and west of the dwelling situated outside of it.
- 3.1.2 The existing dwelling is an expansive single storey property with a detached garage positioned forwards of the front eastern elevation of the dwelling. There are bedrooms in the roof accommodation of the existing dwelling lit by rooflights. To the south of the dwelling is the existing private amenity space and to the rear west of the dwelling there is further amenity space and a large outbuilding. The dwelling is set on a level site however, the northern boundary of the site is delineated by a stepped drop which separates the northern boundary with a densely wooded area.
- 3.1.3 The existing dwelling has a slate roof and is finished in a coloured weatherboarding that gives it a distinctive appearance.
- 3.1.4 Planning permission is sought to remodel the dwelling by removing the existing conservatory projection with the addition of further habitable accommodation to form a three storey dwelling, having rooms within the roof space. The existing footprint of the dwelling would be utilised with the exception of the conservatory extension which would be removed. The addition of a first and second floor is proposed with the ridge raised to a height of 8.81 metres.
- 3.1.5 To the front (eastern) elevation, which fronts Chimney Pot Lane, the dwelling would incorporate a hipped roof projection with lean-to roof entrance porch. The gable end projections to the side (northern) elevation would also be visible above the retained garage.
- 3.1.6 The northern side elevation would incorporate three gabled elevations with a gabled covered balcony within a dormer. The rear (western) elevation would also comprise a gable end elevation with an asymmetrically placed chimney stack. The southern side elevation would comprise a single storey gable end projection, covered walkway and two sets of rooflight windows across the roof slope. The ridges from two of the gabled projections on the northern side elevation would be visible as peaks within the main ridge.
- 3.1.7 In terms of fenestration, the dwelling would incorporate a mixture of window designs with contrasting opening sizes and glazed sections. The materials proposed would be a weather boarded exterior with a brick plinth and slate roof.
- 3.1.8 An application for an identical proposal to that being currently considered was approved (21/00497/HOUSE) under Officer delegation in June 2021. This permission was not implemented and lapsed on 26 June 2024.
- 3.1.9 It is noted that this scheme is also identical to that of a previously allowed appeal (APP/X1545/D/18/3203701) under 18/00259/HOUSE. The Planning Inspector concluded that, *'the project would not cause unacceptable harm to the character of the locality. Moreover, the appeal scheme would provide useful additional space and would, thereby, add to the stock of residential accommodation in the area, albeit in a very limited way'*.

3.2 Conclusion

- 3.2.1 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. The proposed development is in accordance with the relevant policies contained within the approved Maldon District Local Development Plan (LDP) and 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 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 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 previously approved scheme (21/00497/HOUSE) and allowed appeal (APP/X1545/D/18/3203701) for an identical proposal to that of the submitted application are material considerations in the assessment of this current application.
- 5.1.5 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.
- 5.2.2 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”.*
- 5.2.3 It is noted that the Planning Inspector concluded in assessing an identical proposal at the site (APP/X1545/D/18/3203701) that, *‘The project that is the subject of this appeal would create a substantial two storey building but its narrower elevation would face the lane and it would be set back from the public highway. The longer elevations would face the garden land to the south and the woodland to the north; indeed, the striking fenestration of the proposed northern elevation would face this woodland, away from residential neighbours. In its context, the design would not be unduly intrusive and it would be in harmony with its surroundings. It would cause no material harm to the street scene, or to the character or appearance of the surroundings more generally, and the site is contained within the visual confines of the village at this point’.*
- 5.2.4 In a previously approved application (21/00497/HOUSE) for an identical proposal, the Officer report concluded that, *‘the scale, bulk and design of the proposed development is something that was considered acceptable by the Inspectorate at the time of the appeal whereby it was founded that the design would not be unduly intrusive and would be in harmony with its surroundings and therefore would cause no material harm to the street scene, or the surrounding area’.*
- 5.2.5 There are no alterations/amendments proposed to the submitted proposal from that of the previously approved application and the proposal allowed on appeal. Therefore, taking into account these previous decisions the development, by reasons of its scale, design and appearance would not result in demonstrable harm to the character and appearance of the locality in accordance with policies D1 and H4 of the LDP and the Maldon District Design Guide (2017) (MDDG) 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 There are residential neighbouring properties to the south of the site. The nearest properties 'Inglebrook' and 'Inlaryne' are situated approximately 30 metres from the site. There is an established tree/shrub boundary along the southern edge of the site which would provide screening of the proposal to some extent.
- 5.3.3 In considering the appeal (APP/X1545/D/18/3203701) at the site for an identical proposal the Planning Inspector concluded that, *'there is a good degree of separation between 'Syringa Cottage' and its residential neighbours.'*
- 5.3.4 In the previously approved application (21/00497/HOUSE) the Officer report concluded that, *'due to this degree of separation 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'.*
- 5.3.5 Given the submitted proposal is identical to that of previously approved scheme and allowed appeal there are no concerns raised regarding impact on neighbouring amenity.
- 5.3.6 No objections have been received from neighbouring properties.
- 5.3.7 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 Officer report of the previously approved application (21/00497/HOUSE) stated that, *'No concerns were raised as part of the previously allowed appeal in relation to parking and access, furthermore this would remain unchanged with the garage remaining and therefore, it is considered the site provides sufficient provision for a minimum of three vehicles and therefore, no objection is raised in relation to traffic and transport issues'.*
- 5.4.4 Given the submitted proposal is identical to that of the previously approved scheme and allowed appeal there are no concerns raised regarding car parking provision and access. Therefore, the proposed development would be in accordance with Policy D1 of the LDP and Vehicle Parking Standards SPD.

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 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25m² for flats.
- 5.5.2 The application site would provide in excess of 100sqm of private amenity space to accord with the MDDG standard.
- 5.5.3 The existing garden for the dwelling, to the south of the site, is situated outside of the submitted red line plan, however, it is within the applicant's control. It is proposed to erect a 1.8 metre high fence along this boundary separating this part of the site from the dwelling. The proposed amenity space would be to the west of the dwelling.
- 5.5.4 The proposal accords with Policy D1 of the LDP and the MDDG SPD.

5.6 Trees

- 5.6.1 Policy S1 of the LDP states that decision making should conserve and enhance the natural environment. Policy D1 of the LDP advises that all development must respect and enhance the character and local context and make a positive contribution in terms of landscape, setting, townscape setting and skylines and in terms of the natural environment.
- 5.6.2 The NPPF states in paragraph 136, *'Planning policies and decisions should ensure that opportunities are taken to incorporate trees elsewhere in developments and that existing trees are retained wherever possible'*.
- 5.6.3 The Council's Arboricultural Consultant has been consulted and stated that, *'The trees on site are not close enough to the proposed extension to be significantly impacted by the proposed works, no trees have been noted for removal and facilitation pruning has not been indicated. Any encroachment into the Root Protection Area (RPA) should be under the 20% deemed to cause significant impact to trees. The main concern is the movement and storage of plant and materials on site and the use of damaging construction practises such as the use of fires or mixing of concrete within the RPA of retained trees. If suitable tree protection and construction exclusion zones are used on site the work should be able to proceed without impacting the retained trees. If the application is granted a Tree Protection Plan in line with BS5837 (2012) should be conditioned as part of the Decision Notice'*.
- 5.6.4 In the previously approved scheme (21/00497/HOUSE) and allowed appeal there were no conditions imposed relating to submission of a Tree Protection Plan. Therefore, Officers consider that it would be unreasonable to impose such condition on this current submitted application which is identical to previous applications.

5.7 Surface Water and Foul Drainage

- 5.7.1 Policy D5 of the LDP sets out the Council's approach to minimising flood risk. Policy S1 of the same Plan requires that new development is either located away from high-risk flood areas or is safe and flood resilient when it is not possible to avoid such areas. Policy D5 of the LDP also acknowledges that all development must demonstrate how it will maximize opportunities to reduce the causes and impacts of

flooding through appropriate measures such as Sustainable Drainage Systems (SuDS).

- 5.7.2 The site is entirely within Flood Zone 1 and presents a low risk of flooding.
- 5.7.3 The proposal has been reviewed by the Council's Environmental Health Officer (EHO) who has recommended that conditions are imposed relating to foul drainage and surface water disposal.
- 5.7.4 In the previously approved scheme (21/00497/HOUSE) and allowed appeal there were no conditions imposed relating to submission of foul drainage and surface water details. Therefore, Officers consider that it would be unreasonable to impose such conditions on this current submitted application which is identical to previous applications.

6 ANY RELEVANT SITE HISTORY

- **93/00458/FUL** – Additions to existing bungalow. Approved
- **96/00467/FUL** – Additions to existing single storey dwelling. Approved.
- **97/00462/FUL** – Use of existing recreational building as preschool. Refused.
- **97/00205/FUL** – Use of existing recreational building as preschool. Refused.
- **17/00957/HOUSE** - Removal of conservatory, conversion of bungalow to two storey dwelling with rooms within roof, single storey rear extension and alterations. Refused.
- **18/00259/HOUSE** - Removal of conservatory, conversion of bungalow to two storey dwelling with rooms within roof, single storey rear extension and alterations. Refused. Allowed on appeal.
- **21/00497/HOUSE** - Removal of conservatory, conversion of bungalow to two storey dwelling with rooms within roof, single storey rear extension and alterations. Approved.

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Purleigh Parish Council	We recommend the refusal of planning permission. The proposed development, by virtue of its scale, bulk, height and design, will appear visually inharmonious, conspicuous and demonstrably discordant within this very rural street scene which is characterised by much	Noted. The matters raised by the Parish council have been addressed in Section 5.2 of this report

Name of Parish / Town Council	Comment	Officer Response
	<p>smaller dwellings congruous with their surroundings, to the detriment of the locality's character, contrary to policies D1 and H4 Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon Design Guide. The development, if approved, will be detrimental to the occupiers of neighbouring properties in terms of overlooking, contrary to policies S1, D1 and D2 of the approved Maldon District Local Development Plan, the Maldon District Design Guide and guidance contained within the National Planning Policy Framework.</p>	

7.2 Internal Consultees

Name of Consultee	Comment	Officer Response
Arboricultural Consultant	No objection subject to conditions relating to retention and protection of existing trees.	Noted. Discussed in paragraph 5.6.
Environmental Health	No objection subject to conditions relating to foul drainage and surface water drainage.	Noted. Discussed in paragraph 5.7.

7.3 Representations received from Interested Parties.

7.3.1 There were no representations received from interested parties.

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.

Application Plans

- L1A Location Plan
- 02B Proposed Ground Floor Plan and Block Plan
- 03B Proposed First Floor Plan and Elevations
- 04B Proposed Second Floor Plan and Elevations