



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

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

Application Number	24/00319/HOUSE
Location	Holmeswood House, Back Lane, Wickham Bishops, Witham, Essex, CM8 3LU
Proposal	S73A Application for additional roof light of previously approved scheme VAR/MAL/23/00592.
Applicant	J Jarvis - Jarvis Developments
Agent	Mr Keith Reynolds - Reynolds Associates
Target Decision Date	26.07.2024
Case Officer	C. Mumford
Parish	WICKHAM BISHOPS
Reason for Referral to the Committee / Council	Member Call In by Councillor S J N Morgan on the basis of Local Development Plan (LDP) Policies S1 and D1 (Sustainable Development and Design Quality and Built Environment).

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

Holmeswood House, Back Lane, Wickham Bishops
 24/00319/HOUSE



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 Maldon District Council 100018588 2014



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Scale: 1:555

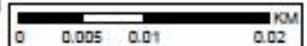
Organisation: Maldon District Council

Department: Department

Comments: Not Set

Date: 18/06/2024

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 western side of Back Lane just outside of the defined settlement boundary for Wickham Bishops.
- 3.1.2 The application site comprises of a two-storey detached dwelling with rooms in the roof, that is set back from the main road by a driveway. There is extensive vegetation and natural screening provided by trees along the frontage. The dwelling is on a fairly large plot of land, with an immediate neighbour to the north of the site (The Summer House) and open countryside to the south. To the east there are a group of larger detached dwellings on Back Lane, which are within the development boundary and to the west is a paddock.
- 3.1.3 The subject application makes reference to the previous application '23/00592/VAR – Variation of conditions 2 and 3 on approved planning permission 20/00490/FUL', which was approved at North Western Area Committee on 11 October 2023. The amendments were sought for internal layout changes to the ground and first floor of the main dwelling, changes to the first-floor garage and the raising of the ridge of the building by 0.2m. Other minor amendments to external fenestrations and a change of materials were proposed. The application was approved with a restrictive condition removing permitted development rights for windows or other openings in the roof slopes. Without such a condition, openings in the roof slope could have been inserted without planning permission, as is the right for any single dwelling house not subject of restrictions (planning conditions, Listed buildings or flats).
- 3.1.4 This application proposes the installation of a single rooflight to the western facing roof slope nearest the southern elevation. A final Building Control sign off certificate was provided as proof of occupation, dated 13/03/2024. This would indicate that the building was complete as a dwelling house and could benefit from permitted development rights not restricted by planning condition. The application is therefore a free standing application and has no impact on the existing restrictive planning conditions which are still relevant and applicable.
- 3.1.5 Two rooflights were added following occupation; to the flat roof in the middle of the front and rear roofs under Permitted Development. This is consistent with the condition referenced above in paragraph 3.1.4 as the said condition refers to roof "slopes" in order to mitigate any potential for overlooking with regards to neighbouring amenity.
- 3.1.6 The proposed rooflight measures 1 metre by 0.75 metres. It would be constructed in the western facing roof slope, nearest the southern elevation, facing the rear roof slope.

3.2 Conclusion

- 3.2.1 The proposed development, by reason of its size and location 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. The development is therefore 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
- 11-14 Presumption in favour of sustainable development
- 38 Decision making
- 47-50 Determining applications
- 55-58 Planning conditions and obligations
- 123-127 Making effective use of land
- 131-141 Achieving well designed places
- 209 Considering Potential Impacts

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)
- Planning Practice Guidance (PPG)
- Maldon District Design Guidance Supplementary Planning Document (SPD)
- Maldon District Vehicle 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 National Planning Policy Framework (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 The principle of extending an existing dwellinghouse to provide facilities commensurate with the domestic occupation and enjoyment of that dwelling is acceptable subject to compliance with policies D1 and H4 of the approved LDP.

5.2 Design and Impact on the Character of the Area

5.2.1 The proposed rooflight would sit on the western facing roof slope toward the southern elevation of the dwelling. The rooflight would be mostly hidden by the adjacent roof slope in a roof "valley". It would be completely obscured by the

eastern facing roof slope to the front of the property and, as it is to a rear facing roof slope, cannot be seen from the public domain or other housing to the north and northwest (Grange Road). The northwest, west and southwest environs to the application site comprise of substantial rear gardens, a paddock (directly to the west) and open countryside to the south west and beyond.

- 5.2.2 As such, the proposal due to its scale, design, siting and appearance would have no impact on the character and appearance of the area and therefore would accord with policies D1 and H4 of the LDP and the Maldon District Design Guide (MDDG) 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 Given the context of the site and the location of the rooflight set out in the preceding section of the report, there is no impact that would occur through limited outlook from the roof light to any residential receptors. The nearest adjoining neighbouring residential property is The Summer House Back Lane, to the North of the site. There are no immediate neighbours to the southern or western boundaries of the site. The proposed rooflight sits on a roof slope with views of its own rear roof.

- 5.3.3 No objections have been received from neighbouring properties.

- 5.3.4 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 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 development of itself, would have no impact on the parking allocated for the dwellinghouse. Whilst additional rooms are created in the roof space, the use of the roof space for purposes incidental to the enjoyment of the dwelling house (storage / games room or any other purpose associated with the enjoyment of the dwelling house) do not need planning permission. Notwithstanding, the site frontage is substantial in terms of space for parking, in addition to the approved double garage. Therefore, the development is in accordance with Policy D1 of the LDP and the Maldon District Vehicle Parking Standards.

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 proposed development would have no impact on the private amenity space which is of substantial size. Therefore, the proposal complies with Policy D1 of the LDP.

6 ANY RELEVANT SITE HISTORY

6.1 The relevant planning history is set out below:

Application Number	Description	Decision
05/00231/FUL	Garage and store	Approved
13/00118/OUT	Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house.	Refused
16/01475/RES	Reserved matters application for the approval of appearance, landscaping and scale on outline planning application OUT/MAL/13/00118 allowed on appeal ref APP/X1545/A/13/2201061 (Demolition of two storey detached double garage with workshop and demolition of storage shed. Removal of hard surfaced tennis court including means of enclosure and erection of single dwelling house)	Approved
20/00490/FUL	Erection of 1No. dwelling (amendment to planning permission ref. RES/MAL/16/01475)	Approved
23/00592/VAR	Variation of condition 2 and 3 on approved planning permission 20/00490/FUL (Erection of 1No. dwelling (amendment to planning permission ref. RES/MAL/16/01475))	Approved

7 CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council (WBPC)	<p>There have been several variations to the original application, approved on appeal for a 4-bed dwelling with no garage but now seemingly a 6-bed dwelling with garage. This particular variation seeks the addition of one Velux roof light but there is no reference to the two Velux roof lights already in place, for which it appears no approval has been granted.</p> <p>The PC has received correspondence from two residents pointing out discrepancies in this application. The PC believes this matter should be regularised in the form of a full application. For this reason, WBPC recommends REFUSAL.</p>	Noted – see paragraph 3.1.6

7.2 Representations received from Interested Parties.

7.2.1 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 In the interest of the character and appearance of the area in accordance with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework and the Maldon District Design Guide.

Application Plans/Documents

Application Form Dated 03/04/2024

Site Block Plan – S02

Site Location Plan – S01 Rev A

Existing Elevations- P110

Proposed Elevations – P111

Existing Floor & Roof Plans – P100

Proposed Floor & Roof Plans – P101

Existing GF & FF Plans – P200

Building Control Final Certificate