



**REPORT of
DIRECTOR OF PLACE, PLANNING AND GROWTH**

to
**SOUTH EASTERN AREA PLANNING COMMITTEE
11 FEBRUARY 2026**

Application Number	25/00921/HOUSE
Location	Paton Place, Nipsells Chase, Mayland CM3 6EJ
Proposal	Construction of dormer windows to facilitate loft conversion, including one balcony, and two Juliet balconies to the rear.
Applicant	Mr & Mrs K Paton
Target Decision Date	13 February 2026 (Extension of Time)
Case Officer	Matt Bailey
Parish	Mayland
Reason for Referral to the Committee / Council	Councillor / Member of Staff

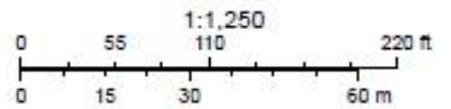
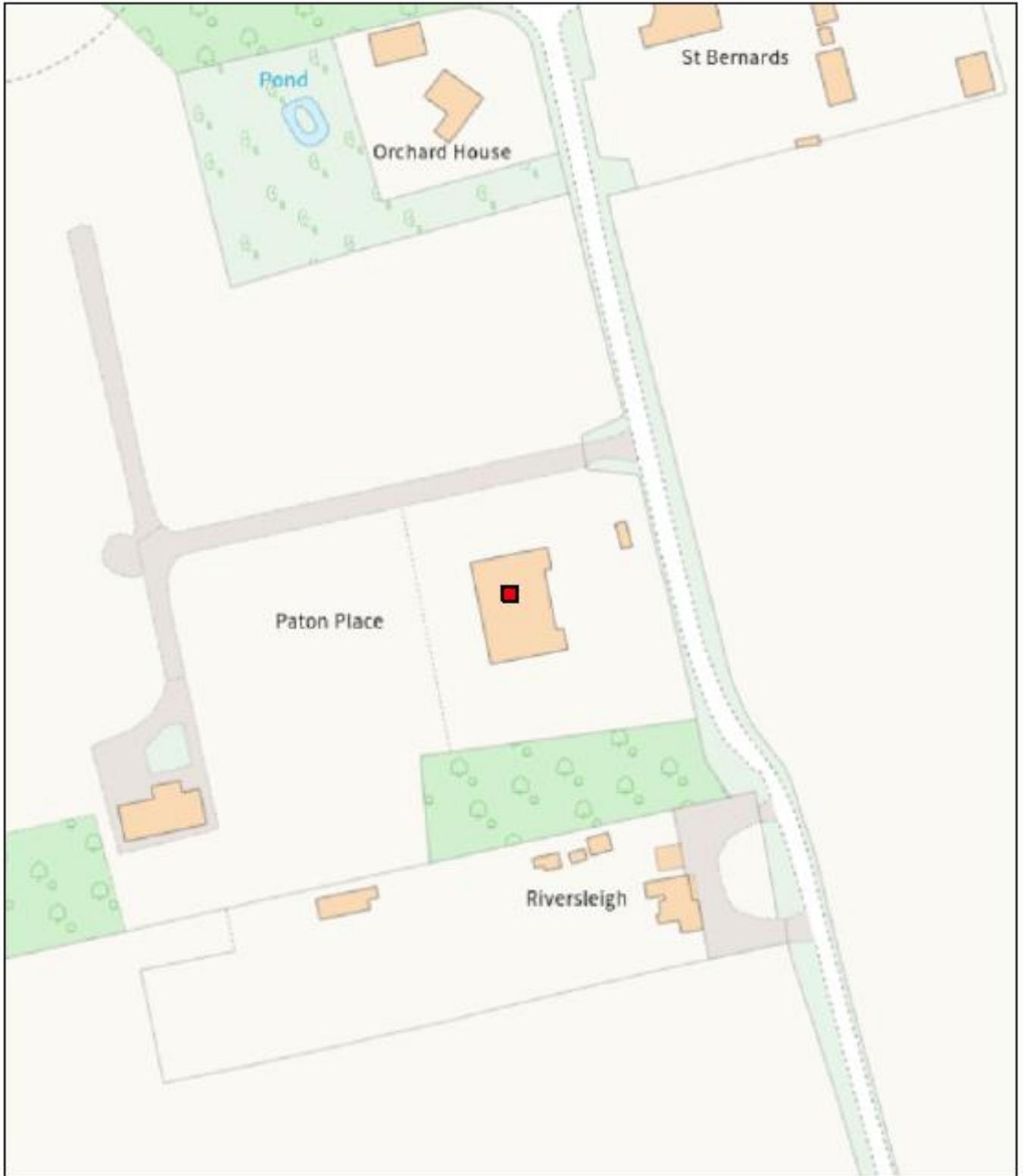
1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see below.

25/00921/HOUSE



3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located to the west of Nipsells Chase to the north of the settlement boundary of Mayland and forms part of a designated wildlife site. The self-build live/work dwelling to which the proposal relates, located to the south-eastern side of the site, was constructed pursuant to planning permission granted under application ref 21/00628/FUL and subsequently varied under application 21/01240/VAR, with a further application to amend the proposals approved under application 23/00749/FUL.
- 3.1.2 Access to the site is taken from the western side of Nipsells Chase, which adjoins the access track and leads to a wider field where planning permission has been granted for a barn, stable and ménage. A building has been erected to the southeast of the application site where the permission for the barn was granted. The majority of the wider site is a largely open area of grassed land with a number of young trees. The edges of the site feature denser and more mature trees and hedgerow soft landscaping. To the north of the site is the residential property of Orchard House and to the south is the residential property of Riversleigh.
- 3.1.3 Planning permission is sought for the construction of dormer windows to facilitate a loft conversion, including one balcony, and two Juliet balconies to the rear. The insertion of two dormer windows to the front elevation, one to the rear and velux windows to the side roof slopes will enable the conversion of the loft space to create 4 no. ensuite bedrooms with a central living space, with access to a small central balcony to the rear elevation. The two rear (west) facing bedrooms would benefit from Juliet balconies overlooking the rear garden space.
- 3.1.4 During the course of the application, amended drawings have been submitted by the applicant which have removed two originally proposed side dormers from the scheme, replacing these with velux windows to reduce any potential impact / overlooking of properties to the north and south of the site.

3.2 Conclusion

- 3.2.1 It is considered that the proposed development, by reason of its sensitive design would not harm the character and appearance of the local area or the self-build live/work dwelling; and due to the relationship with the adjoining properties would not result in any undue harm by way of overlooking or loss of amenity. The proposed development does not impact on the provision of amenity space and car parking. The proposal would therefore comply with the policies set out within the Maldon District Local Development Plan (LDP) and the guidance contained within the National Planning Policy Framework (NPPF) and the Maldon District Design Guide. (MDDG)

4. MAIN RELEVANT POLICIES

Members' attention is drawn to the list of background papers attached to the agenda.

4.1 National Planning Policy Framework including paragraphs:

- 7 Sustainable development
- 8 Three objectives of sustainable development
- 10-14 Presumption in favour of sustainable development
- 39 Decision-making
- 48-51 Determining applications
- 56-59 Planning conditions and obligations
- 124-130 Making effective use of land
- 131-141 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
- T1 Sustainable Transport
- T2 Accessibility

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- **Maldon District Design Guide SPD**
- Maldon District Vehicle Parking Standards Supplementary Planning document (SPD)

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004, Section 70(2) of the 1990 Act and paragraph 47 of the NPPF require that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. In this case the development plan comprises of the approved LDP.

5.1.2 Planning permission for the self-build live/work dwelling subject of this application was granted at South-East Area Planning Committee in August 2021 (ref 21/00628/FUL) and subsequently varied in April 2022 (ref 21/01240/VAR) and again in September 2023 (ref 23/00749/FUL). The dwelling has now been constructed and occupied and therefore the permission sought for householder planning permission in this instance should be assessed against the backdrop of the existing “as built” live/work dwelling.

- 5.1.3 The principle of altering an 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.
- 5.1.4 Whilst the majority of alterations to the roof proposed by this application would usually be considered permitted development (with the exception of the rear central balcony), condition 12 of the most recent permission (23/00749/FUL) states that *“Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no dormer window or other form of addition or opening shall be constructed in the roof of the building hereby permitted without planning permission having been obtained from the local planning authority.”*
- 5.1.5 An application for the proposed additions is therefore required and has been submitted accordingly in order to allow the Council to assess the proposals against other relevant policies contained within the LDP.

5.2 Character and Appearance

- 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 Guide (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 external works proposed to the self-build live/work dwelling in this instance would result in the creation of three dormer windows (two to the front roof slope, one to the rear) together with the insertion of eight small velux windows to the side roof slopes. The dormer windows are considered to be sympathetically designed both in terms of their proportionate size, symmetrical positioning and use of materials to match the existing dwelling. The velux windows likewise are positioned in a sensitive manner and sized appropriately so as not to significantly alter the appearance of the roof form.
- 5.2.5 The Juliet balconies to the rear and central recessed balconies face onto the rear garden space and as such are orientated so as not to affect the overall appearance of the dwelling when viewed from either the public realm or neighbouring properties. In any event these additions are likewise sympathetic to the overall architectural style of the dwelling.
- 5.2.6 In summary it is considered that the proposal, by reasons of detailed design and appearance would not result in demonstrable harm to the character and appearance of the existing self-build live/work dwelling, the Maldon Conservation Area or the locality in accordance with policies D1, D3 and H4 of the LDP.

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.
- 5.3.2 The dwelling known as Riversleigh lies over 40 metres to the south of the site and the dwelling known as Orchard House lies over 80 metres to the north of the site. The proposed dormer windows, Juliet balconies and the central balcony are all positioned to the front and rear roof-slopes, which face east and west respectively. As such, none of these openings would result in any increased overlooking or loss or privacy to the neighbouring properties.
- 5.3.3 Whilst velux windows are proposed to the side elevations, such openings, Due to the significant separation distance, and the single storey nature of the development, it is not considered that the alterations to the proposal would result in an impact on the residential amenity of neighbouring sites by way of a loss of light or a loss of privacy, nor is it considered to be overbearing.

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 regards 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 conversion of the loft space to create 4 bedrooms would result in an increased requirement for parking at the site over and above the existing live/work dwelling. However, given that the property benefits from a generously sized off road parking for 5-6 vehicles to the front driveway, no concerns are raised in respect of any potential shortfall in provision. Therefore, the development would be acceptable in terms of parking and 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 Essex Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100sqm of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The proposed amendments would not impact on the level of amenity space to be provided. Therefore, no objection is raised.

6. ANY RELEVANT SITE HISTORY

- **23/00749/FUL** – Amendment of condition 2 of 21/01240/VAR. Alterations to scale of the dwelling, the fenestration, design and materials. Approved 21.09.2023
- **23/00564/NMA.** – Non-material amendment following grant of planning permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Amendment sought: Alterations to fenestration and external. Refused 24.07.2023
- **23/00266/VAR** - Variation of condition 2 (plans) and removal of condition 13 (dormer windows) on approved Planning Permission 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)). Withdrawn 23.05.2023
- **23/05015/DET** - Compliance with conditions notification 21/01240/VAR Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling) Condition 3 - Materials, Condition 4 - Hard and soft Landscaping, Condition 5- Boundary Treatment, Condition 6 -Cycle Parking, Condition 7 - Parking spaces, Condition 9 - Surface water drainage, Condition 15- Biodiversity Enhancement and Mitigation. Condition 16- Biodiversity Enhancement Strategy for Protected and Priority species. Condition cleared 03.04.2023.
- **21/01240/VAR** - Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling). Approved 06.04.2022
- **21/00628/FUL** - Proposed construction of a single storey self build live/work dwelling. Approved 11.08.2021
- **21/00102/FUL** - Construction of a single storey dwelling. Withdrawn 26.05.2021
- **18/00816/HRN** - Hedgerow removal notice for clearance either side of entrance. Area 1 (Southern side) - 2.5m. Area 2 (Northern side) - 3m. Allowed to proceed 21.09.2018
- **17/01060/DD** - T1 - Elm - Fell. T2 - Wild Pear - Fell. T3 - Wild Pear - Fell. Can works proceed under 5 day D&D ****5 Day Notice****. Approved 16.10.2017
- **17/01043/AGR** - Prior notification for permeable hardstanding, with edging stones. Refused 12.10.2017
- **17/00736/FUL** - Proposed construction of a new detached single storey dwelling. Refused 29.08.2017

Applications within the wider site:

- **18/00280/FUL** - Construction of an apple storage barn – Approved 10.05.2018
- **18/00839/FUL** - Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses – Approved 20.06.2019
- **20/05040/DET** - Compliance with conditions notification 18/00280/FUL (Construction of an apple storage barn) Condition 3 – Materials. Discharged 23.07.2020
- **20/00345/FUL** - Variation of condition 2 and 8 on approved planning permission 18/00839/FUL (Change of use of land to equestrian and erection of building to be used for storage of agricultural machinery and stabling of six horses) – Approved 01.07.2020
- **20/00574/FUL** - Variation of condition 2 on approved planning permission 18/00280/FUL (Construction of an apple storage barn). Approved 10.08.2020
- **20/00733/FUL** - An equestrian arena to ride in the wet winter months. The arena is to be made of an equestrian sand mix. – Approved 12.11.2020
- **22/05055/DET** - Compliance with conditions notification 21/01240/VAR (Variation on condition 2 and removal of condition 8 on approved planning application 21/00628/FUL (Proposed construction of a single storey self build live/work dwelling)) Condition 3 - Materials, Condition 4 - Landscaping, Condition 5- Boundary Treatment, Condition 6 - Cycle Parking, Condition 7 - Parking Spaces, Condition 8 - Surface Water Drainage, Condition 9 - Foul Drainage, Condition 15 - Biodiversity Strategy, Condition 16 - External Lighting. Conditions part discharged part refused 25.08.2022
- **23/00076/FUL** - Change of use from agricultural building to 2 bedroom bungalow (C3 Use) and alterations to fenestration. Pending Decision.
- **23/00664/FUL** - Renewal of existing consent. Declined to Determine 02.08.2023
- **23/00782/FUL** - Renewal of existing consent. Declined to Determine.
- **23/00796/FUL** - Retain structure for mixed use. Agricultural storage, office, reception/rec area, cake and jam making studio. Declined to Determine 23.08.2023
- **23/00798/FUL** - Retention of the agricultural building known as The Apple Store to C3 residential, to form a 2 bed bungalow. No external alterations apart from 2 additional windows. Declined to Determine 23.08.2023

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish	Object:	Principle of

Name of Parish / Town Council	Comment	Officer Response
Council	<ul style="list-style-type: none"> • Policy D1 – Design out of character with surrounding properties; siting, scale and bulk would have a detrimental impact upon the amenity of neighbouring residents • Permission granted for a bungalow. Would circumvent planning process if made into a house • Original planning conditions need to be adhered to as stated in planning permission granted • Reason stated for needing a bungalow in the first instance was because of needing access for disabled person. If property turned into a house this would contravene this reason. • Loss of bungalow stock if turned into a house • Could create loss of light to neighbouring properties 	<p>development addressed in section 5.1.</p> <p>Design issues considered in section 5.2</p> <p>Amenity issues considered in section 5.3</p>

7.2 Internal / External Consultees *(summarised)*

7.2.1 No other consultees required

7.3 Site Notice / Advertisement

7.3.1 The application was advertised by way of a site notice posted on the 16 December 2025 (with an expiry date for comments set at 9 January 2026). The notice was affixed in a prominent position to the nearest telegraph pole to north of the entrance to the property along Nipsells Chase.

7.3.2 Notice was also given by way of newspaper advertisement posted in the Maldon and Burnham Standard, published on the 18 December 2025 (with expiry date for comments set at 8 January 2026).

7.4 Representations received from Interested Parties *(summarised)*

7.4.1 No other third party comments have been received.

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) of the Town and Country Planning Act 1990 (as amended).

2. The development hereby permitted shall be carried out in accordance with the approved plans documents 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.

4. The velux windows hereby approved to the north and south facing roof slopes shall be installed so that the bottom of the glazed/openable section is set at a minimum height of 1.7 metres above the finished floor level of the room served. The rooflights shall thereafter be retained as installed.

Reason:To safeguard the privacy of neighbouring occupiers in accordance with policy D1 of the approved Local Development Plan.

APPLICATION PLANS

- R01 Rev C - Location Plan
- R02 - Existing Floor, Roof Plans, Elevations
- R04 Rev G - Proposed Floor, Roof Plan, Elevations and Sections
- R11 Rev C - Proposed Site Plan