



**REPORT of  
CHIEF EXECUTIVE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE  
9 JANUARY 2017**

<b>Application Number</b>	<b>HOUSE/MAL/16/01162</b>
<b>Location</b>	Bridlemere Place Fambridge Road North Fambridge Essex
<b>Proposal</b>	Proposed single storey rear/side extension
<b>Applicant</b>	Mr & Mrs Brown
<b>Agent</b>	Mr Robert Parish - RSP Design
<b>Target Decision Date</b>	7 December 2016 Extension of Time 10.01.2017
<b>Case Officer</b>	Hannah Bowles, TEL: 01621 875733
<b>Parish</b>	<b>NORTH FAMBRIDGE</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

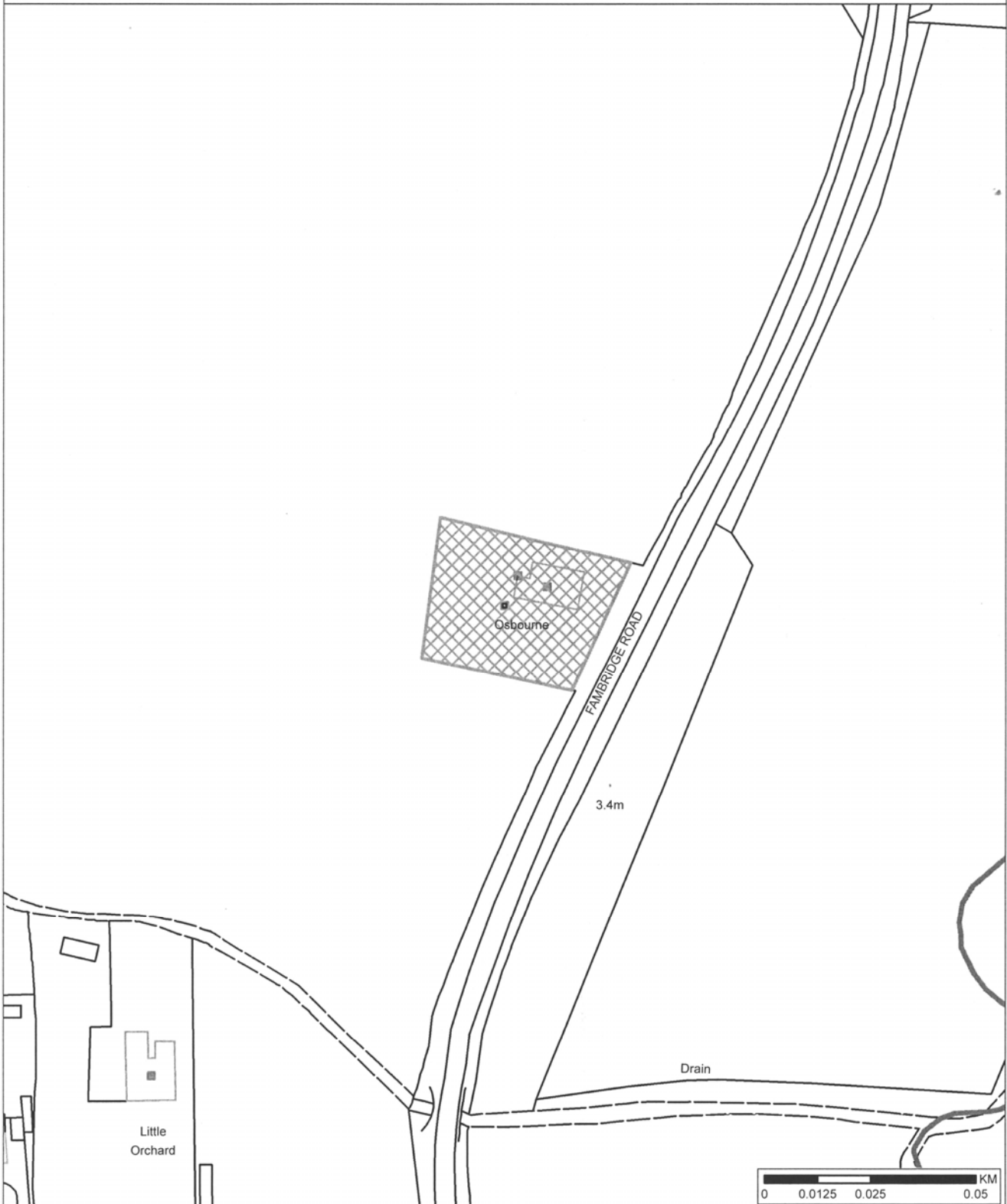
**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**Bridlemere Place - Fambridge Road - North Fambridge**  
**HOUSE/MAL/16/01162**



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Scale: 1:1,250

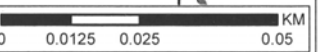
Organisation: Maldon District Council

Department: Planning Services

Comments: NW Committee

Date: 22/12/2016

MSA Number: 100018588



### **3. SUMMARY**

#### **3.1 Proposal / brief overview, including any relevant background information**

3.1.1 The application site is located to the western side of Fambridge Road and is an isolated site set adjacent to the highway. To the west of the site are open agricultural fields and there are no directly adjacent dwellings. The site lies within a rural area outside of the development boundary of North Fambridge. The site is currently occupied by a two storey detached dwelling.

3.1.2 Planning permission is sought for a single storey rear and side extension. The proposed extension would have an overall width of 11.9m wide, it would be 3m to the eaves and 3.7m to the top of the roof lantern, it has a staggered depth with the elevation to the north projecting from the rear of the existing dwelling by 4m and the elevation to the south projecting 5m from the rear of the existing dwelling.

#### **3.2 Conclusion**

3.2.1 It is considered that the proposed development, by reason of its scale, bulk and siting would not harm the appearance or character of the existing dwelling or locality. 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 policies BE1 and BE6 of the Replacement Local Plan (RLP) and D1 of the Local Development Plan (LDP).

### **4. MAIN RELEVANT POLICIES**

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

#### **4.1 National Planning Policy Framework 2012 including paragraphs:**

- 56
- 58
- 59

#### **4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:**

- BE1 - Design of New Development and Landscaping.
- BE6 – Extensions to dwellings
- T8 - Vehicle Parking Standards.

#### **4.3 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:**

- D1 - Design Quality and Built Environment.

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

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)

- National Planning Policy Guidance (NPPG)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with BE6 of the RLP and H4 of the emerging LDP. Other material planning considerations are discussed 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, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design sought to create a high quality built environment for all types of development.
- 5.2.2 The proposed single storey rear and side extension would have an overall width of 11.9m, it would be 3m in height to the eaves and 3.7m to the top of the roof lantern finished with a flat roof. It has a staggered depth with the elevation to the north projecting from the rear of the existing dwelling by 4m and the elevation to the south projecting 5m from the rear of the existing dwelling. The proposed development would create an extended kitchen, dining room and lounge.
- 5.2.3 The proposed flat roofed extension is considered to be of limited architectural merit nonetheless its appearance is typical of a residential development. In terms of proportions, namely its size, bulk and appearance, it is considered that the extension would be a large addition to the existing dwelling. However, it would not appear as a dominant feature given that the overall width of the dwelling would not increase and it is single storey in nature. In addition, the proposed materials would match those of the dwelling ensuring that it harmonises with the general character and appearance of the existing dwelling. Therefore, it is considered that the proposal would be acceptable in relation to the main dwelling.
- 5.2.4 The proposed extension would be located to the rear of the property where limited views are available from public vistas and as such it would have limited impact on the streetscene and is not considered to harm the character and appearance of the area. Therefore, the proposed development is considered to be in compliance with saved policies BE1 and BE6 of the RLP, policy D1 of the submission LDP and guidance contained within the NPPF.

### **5.3 Impact on Residential Amenity**

- 5.3.1 Policies BE1 and BE6 of the RLP protect neighbouring occupiers from unacceptable development which results in a loss of amenity in relation to overlooking, overpowering or undue reduction of light to the main windows of their property. Similarly, the basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.

- 5.3.2 There are no adjacent properties to the application site and given the distance between the properties within the vicinity of the site and the proposed extension, it is not considered to be an unneighbourly form of development or to give rise to significant overlooking or overshadowing.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 T8 seeks to provide appropriate off-street parking provision in accordance with the District's adopted vehicle parking standards (Adopted Supplementary Planning Document (SPD) July 2006). The recommended standard for a four bedroom dwelling is three off street car parking spaces.
- 5.4.2 The existing dwelling has four bedrooms and the proposed development does not result in any additional bedrooms or impact the parking area to the front of the property, which is considered to provide space to park three cars. Therefore, there is no objection to the proposal in relation to the provision of vehicle parking provision.

#### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Policy BE1 of the RLP requires that amenity space is provided that is appropriate for the type of development. In addition, the Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100sq m.
- 5.5.2 The existing private amenity space on the site is in excess of the standard contained within the Essex Design Guide, measuring around 627sq m, although the proposed development would result in the loss of some of the rear garden, the remaining space would still be larger than the standard measuring around 495sq m. Therefore, there is no objection to the proposal in relation to amenity space.

#### **5.6 Flood Risk**

- 5.6.1 The site lies within Flood Zone 3 and the applicant has submitted a Flood Risk Assessment confirming the floor levels within the proposed development will be set no lower than the existing level and flood proofing of the development has been incorporated where appropriate. The Environment Agency has been consulted. However at the time of writing this report a response had not been received. Any response will be reported by way of the Members Update. Concern has been raised about localised flooding which may be exacerbated should planning permission be granted given the increased area of impermeable surfaces within the site. It is considered appropriate to impose a condition requiring details of how surface water will be managed to mitigate any impacts of increased surface water resulting from the proposed development.

#### **5.7 Other Considerations**

- 5.7.1 The parish council has objected to the proposed development. One of the grounds for the objection is '*planning permission for this development was based on a lawful development certificate for building to the area of the existing footprint*'. Whilst a Lawful Development Certificate established the use of the application site (LDE/MAL/10/00525), an application for planning permission for a replacement dwelling was approved, as it was considered to comply with the relevant policies

(FUL/MAL/15/00552). Whilst it was noted within the officers report (for application FUL/MAL/15/00552) that the replacement dwelling would not exceed that of the existing footprint of the dwelling on site, this was not the sole reason for approval and no condition was implemented restricting permitted development rights. Subsequently, a Lawful Development Certificate and a Prior Approval application both proposing rear extensions have been approved (for clarity only one the approved applications in relation to a rear extension will be implemented). Therefore, it is considered unreasonable to refuse the application on the above grounds.

5.7.2 Environmental Health has been consulted and has raised no objection. They have recommended the inclusion of a condition. However the condition does not meet the six tests and is considered to be unreasonable, due to the scale of the proposed works.

## 6. ANY RELEVANT SITE HISTORY

- **LDE/MAL/10/00525** - Claim for Lawful Certificate for use of dwelling. Approved 17.08.2010.
- **FUL/MAL/15/00552** - Construct replacement dwelling. Approved 02.09.2015.
- **FUL/MAL/15/00785** - Temporary siting of residential caravan. Refused 10.12.2015.
- **HOUSE/MAL/16/00927** - New vehicle access/egress. Refused 12.10.2016/
- **LDP/MAL/16/01035** - Claim for lawful development certificate for proposed development - Construct detached garage & cartlodge outbuilding. Approved 26.10.2016.
- **PDE/MAL/16/01164** - Single storey rear extension which would extend beyond the rear wall of the original house by 8m, height to the eaves would be 3m and the maximum height would be 3.7m. Prior Approval Not Required 04.11.2016.
- **LDP/MAL/16/01161** - Claim for Lawful Development Certificate for proposed single storey rear/side extension. Refused 29.11.2016.

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
North Farnbridge Parish Council	<ul style="list-style-type: none"> <li>• Recommend refusal.</li> <li>• The original planning permission for this development was based on a lawful development certificate for building to the area of the existing footprint (shack named</li> </ul>	Addressed within paragraphs 5.6.1 and 5.7.1 of this report.

Name of Parish / Town Council	Comment	Officer Response
	Osborne). <ul style="list-style-type: none"> <li>• This plot is on zone 3 land and the more concrete placed on it will add to the flooding of the road, which already floods during rainy weather.</li> </ul>	

### 7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to the inclusion of a condition	Addressed within paragraph 5.7.2 of this report.

### 7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received.

## 8. **PROPOSED CONDITIONS**

#### 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 & Country Planning Act 1990 (as amended).
- 2 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 3 The external surfaces of the extension hereby approved shall be constructed of materials and finish as detailed within the application.  
REASON: To protect the amenity and character of the area in accordance with BE1 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Submitted Local Development Plan.
- 4 Prior to the commencement of the development details of the surface water drainage scheme to serve the development shall be submitted to and agreed in writing by the Local Planning Authority. The agreed scheme shall be implemented prior to the first occupation of the development.  
REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with CON5 of the adopted Maldon District Replacement Local Plan and emerging policy D5 of the Submitted Local Development Plan and guidance contained within the National Planning Policy Framework.

## **INFORMATIVES**

- 1 Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

- 2 The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbors:
  - a. No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b. No dust emissions should leave the boundary of the site;
  - c. Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d. Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.