



**REPORT of
INTERIM HEAD OF PLANNING SERVICES**

**to
NORTH WESTERN AREA PLANNING COMMITTEE
06 February 2017**

Application Number	HOUSE/MAL/16/01319
Location	Fairwind 14 Waterworks Road Tollesbury Essex CM9 8RF
Proposal	Retrospective - Erection of outbuilding
Applicant	Mr Dave Walsh
Agent	Mr Samuel Rabin - 3bd LLP
Date Valid	16 December 2016
Target Decision Date	10 February 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	TOLLESBURY EAST
Reason for Referral to the Committee / Council	Parish Trigger

1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

Fairwind, 14 Waterworks Road, Tollesbury
HOUSE/MAL/16/01319



Copyright



For reference purposes only.
 No further copies may be made.
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
 Maldon District Council 100018588 2014

www.maldon.gov.uk

Scale: 1:1,250

Organisation: Maldon District Council

Department: Department

Comments: NW Committee -16/01319/HOU

Date: 24/01/2017

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 south side of Waterworks Road, within the settlement boundary of Tollesbury. Fairwind is occupied by a detached two storey dwellinghouse and a detached outbuilding, which is the subject of this application. Planning permission was granted under 15/00541/HOUSE to extend the dwelling. The boundary of the site is comprised of closed boarded panels approximately 2m in height. The area of the site is approximately 540 square metres.
- 3.1.2 Planning permission is sought for the erection of a detached outbuilding. As the construction of the outbuilding has already commenced and is at an advanced stage, the application is retrospective in nature.
- 3.1.3 The outbuilding has a footprint that measures 8.4m wide by 5.9m deep with a flat roof of 2.9m high from the ground. The outbuilding is located approximately 26m away from the rear wall of the dwelling and between 0.9m to 1.4m away from the southern, western and eastern boundary of the site. The outbuilding has been finished in timber with white plastic windows. The outbuilding is currently used for storage in association with the construction works at the dwelling and the intended use is for storage and workshop for the occupiers of the dwelling.

3.2 Conclusion

- 3.2.1 The development is considered acceptable in terms of design, scale and bulk and its resultant impact upon the character and appearance of the locality and the main dwelling. The development is also acceptable in terms of its impact upon the residential amenity of the neighbouring properties, highway safety, vehicle parking provision and private amenity space provision. It would therefore be in accordance with the stipulations of policies BE1 and T8 of the adopted Maldon District Replacement Local Plan, policies D1, H4 and T2 of the emerging Maldon District Local Development Plan and the National Planning Policy Framework.

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:

- 14 Presumption in favour of sustainable development
- 17 Core Planning Principles
- 56 - 68 Requiring Good Design

4.2 Maldon District Replacement Local Plan 2005 – Saved Policies:

- BE1 Design of New Development and Landscaping
- 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
- H4 Effective Use of Land
- T2 Accessibility

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of constructing an outbuilding within the curtilage of a dwellinghouse to provide facilities in association with residential use of the site is considered acceptable, in compliance with policy BE1 of the RLP and policy H4 of the submission LDP. Furthermore, a similar development has been previously approved under reference 15/01075/HOUSE. 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, liveable 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 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with saved policy BE1 of the RLP, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials. Similarly, the basis of policy D1 of the submitted LDP ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.
- 5.2.3 The outbuilding is of a simple design with a flat roof. The eaves of the outbuilding are measured at 2.6 metres in height with the maximum height of the roof being measured at 2.9m. The external walls have been finished in timber. It is considered that the height of the development, coupled by its position, at a distance of approximately 26m from the dwelling, with only glimpses available from the highway, would not have a detrimental impact upon the character and appearance of the area. Furthermore, the scale of the development is not dissimilar to other detached outbuildings in the locality, namely the outbuilding at No.16 Waterworks Road.

- 5.2.4 The local Parish Council has stated in their response that the development has resulted in overdevelopment of the site. Although there is another outbuilding on site at the moment, it has to be taken into consideration that according to the provisions of the General Permitted Development Order 2015, half of the garden area can be developed with buildings used for purposes incidental to the enjoyment of the dwelling house. In this instance, the combined footprint of the outbuildings does not exceed 15% of the garden area. It also needs to be taken into consideration that a smaller outbuilding was already in situ prior to the erection of this outbuilding. Therefore, it is not considered that there is overdevelopment on site.
- 5.2.5 Whilst the use of light coloured timber appears to be at odds with the prevailing appearance of materials, it has been noted that the timber in general is very common and with the passing of time the building will appear more in line with the darker outbuilding in the neighbouring properties. It has been noted that some levelling of the ground around the development has taken place, but this is considered to be de minimis development associated with the erection of the outbuilding which is subject of this application.
- 5.2.6 Therefore, the proposal is considered acceptable as it would be in keeping with the prevailing form of the development in the locality and would not detrimentally impact the character and appearance of the area or the main dwelling.

5.3 Impact on Residential Amenity

- 5.3.1 Policy BE1 of the RLP protects 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 The outbuilding is located approximately 0.9m away from the southern and eastern boundary of the site and 1.4m away from the western boundary of the site. Despite its close proximity to the boundary, the development is located at least 30m away from the nearest neighbouring dwelling. Furthermore, the outbuilding is located to the rear part of the garden, adjacent to the rear part of the neighbouring elongated gardens. Hence, it is considered that the development does not give rise to any issues of overpowering or undue reduction of light to such a degree as to warrant a reason for refusal.
- 5.3.3 In addition, the only openings are facing towards the main dwelling and as such it is not considered that there would be any overlooking, perceived or actual. Therefore, the development does not have a detrimental impact to the amenity of the neighbouring occupiers in accordance with local and national policies.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T8 of the RLP seeks to ensure that appropriate off-street parking is provided in conjunction with alterations and/or additions to dwellings. Likewise, policy T2 of the submission LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The Parking Standards are expressed as maximum standards taking into account Government guidance which

encourages the reduction in the reliance on the car and promotes methods of sustainable transport.

- 5.4.2 The development has not altered the access and parking arrangements on the site. Also, no additional bedrooms have been created and as such the parking requirements of the site remain the same. On this basis, the proposal is not considered to result in any demonstrable harm by way of highway safety or 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 to 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 Despite the size of the outbuilding, the private amenity space on the site is in excess of the standard contained within the Essex Design Guide. Furthermore, there is no creation of any additional bedrooms. Therefore, there is no objection to the development in relation to amenity space.

6. ANY RELEVANT SITE HISTORY

- **15/00541/HOUSE** – Extensions to existing building - new first floor and accommodation in new roof space. Single storey rear extension, APPROVED 16.10.2015.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tollesbury Parish Council	Object – overdevelopment of the site	

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 Letters were received **objecting, in support or commenting** to the application:
- No comments have been received

8. PROPOSED CONDITIONS

- 1 The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.
REASON: To ensure that the development is carried out in accordance with the details as approved.
- 2 The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.

REASON: To protect the amenity of existing neighbouring residential properties in accordance with Policy BE1 of the adopted Maldon District Replacement Local Plan; Policy D1 of the Maldon District Pre-Submission Local Development Plan; and Government advice contained within the National Planning Policy Framework.