



**REPORT of
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

**To
NORTH WESTERN AREA PLANNING COMMITTEE
15 MAY 2017**

Application Number	FUL/MAL/17/00210
Location	Fairviews Post Office Road Woodham Mortimer Essex CM9 6ST
Proposal	Retrospective - Amendment to planning permission FUL/MAL/15/01099- Installation of window to rear of second floor and roof lights to rear, front, southern and northern elevations.
Applicant	Mr. Samuel Taylor - Taylormade Property Development Ltd
Agent	-
Target Decision Date	24 May 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	WOODHAM MORTIMER
Reason for Referral to the Committee / Council	Parish Trigger

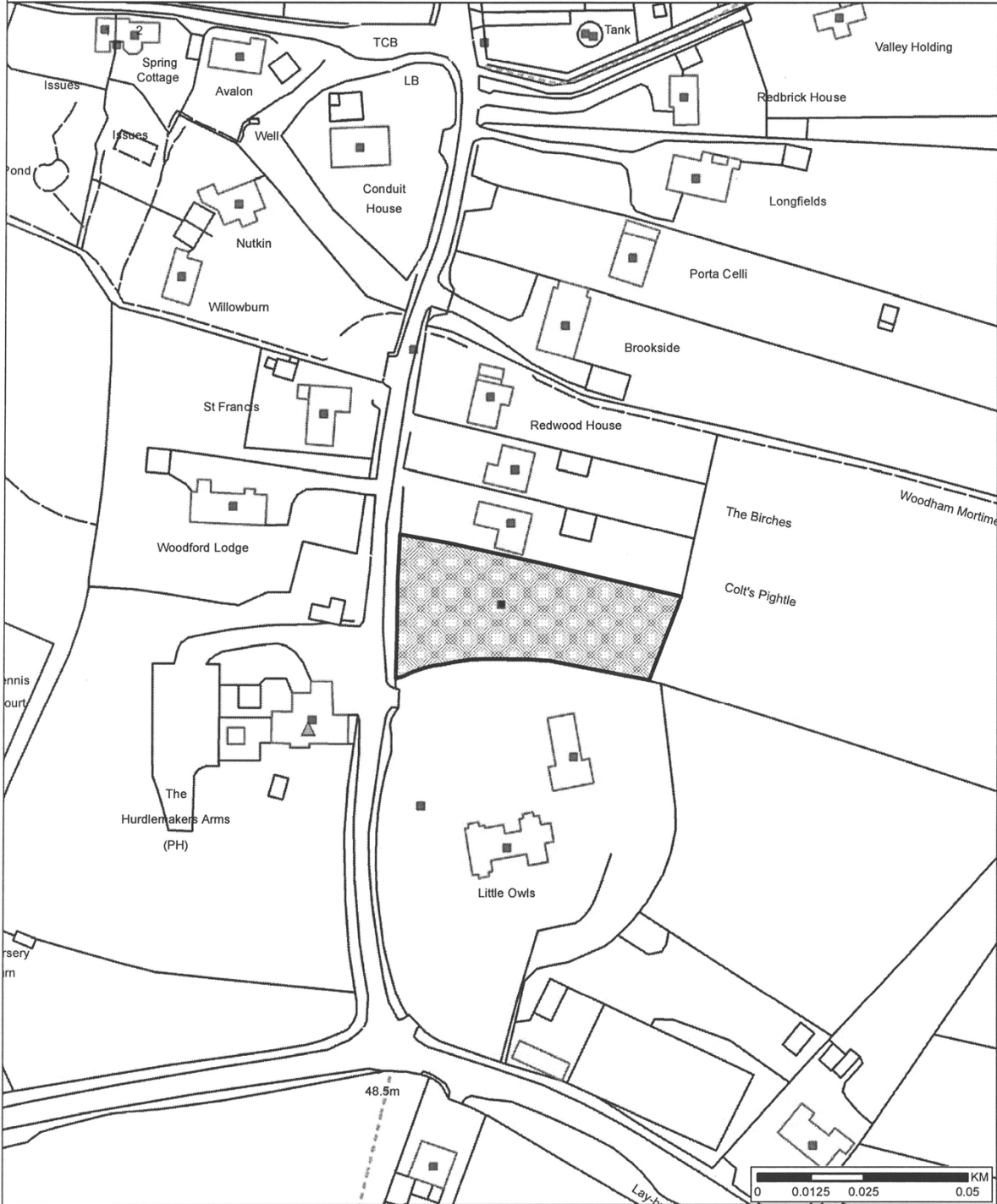
1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

Fariviews, Post Office Road, Woodham Mortimer
FUL/MAL/17/00210



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00210
	Date:	05/05/2017
	MSA Number:	100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 Planning permission is sought for a similar development to that previously approved under 13/00100/FUL and 15/01099/FUL. The current scheme includes the use of the loft area as habitable space, with two bedrooms and a bathroom, and the installation of a window to the rear elevation and roof lights to the rear, front and northern elevations. As the development has already taken place, the application is retrospective in nature.
- 3.1.2 The application site is located on Post Office Road; a narrow rural lane with hedge lined boundaries on soft green verges. The site lies outside but immediately adjacent to – no more than 50m away – the defined development boundary of Woodham Mortimer. There are no pavements along the part of Post Office Road where the application site is located.
- 3.1.3 The site covers an area of 0.1ha and is occupied by the dwelling which is currently under construction and is the subject of this application. The ground levels fall sideways from south to north with a total fall in level of around 1.3 metres in height. There is an existing hedgerow, which screens the application site to the front (Post Office Road) and both sides.
- 3.1.4 Adjacent the application site are large scale modern, suburban type developments while opposite, on the other side of Post Office Road, is the Hurdlemakers Arms public house, a grade II listed building.

3.2 Conclusion

- 3.2.1 It is considered that the alterations to the previously approved scheme have not resulted in detrimental effect upon the character and appearance of the area or the amenities of the neighbouring occupiers. The development is not considered to be unacceptable in terms of its impact upon the access and parking arrangements of the site, or to be detrimental upon the highway safety of the area. Furthermore, the development is considered acceptable in relation to landscape and private amenity space provision for its future occupiers. Therefore, the development, subject to appropriately worded conditions is considered to be in accordance with local and national policies.

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:

- S2 Development outside Development Boundaries
- H1 Location of New Housing
- CC6 Landscape Protection
- CC7 Special Landscape Areas (SLA)
- BE1 Design of New Development and Landscaping
- T1 Sustainable Transport and Location of New Development
- T2 Transport Infrastructure in New Developments
- 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:

- 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

4.4 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Esses Design Guide
- Car Parking Standards
- EB009a - Braintree, Brentwood, Chelmsford, Maldon And Uttlesford Landscape Character Assessments
- The Town and Country Planning (General Permitted Development) Order (England) 2015 as amended

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The site is outside of but adjacent to the defined settlement boundary of Woodham Mortimer. However, the principle of development for the provision of a dwellinghouse on this site has already been established by previous permissions (referenced in a subsequent section of this report) the latest of which remains extant and could still be implemented. Therefore, the principle of the development is considered to be acceptable. Other material planning considerations are discussed in the following sections of this report.

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 application site lies outside of any defined development boundary. According to saved policy S2 of the RLP and emerging policies S1 and S8 of the submitted LDP the countryside will be protected for its landscape, natural resources and ecological value. The property is located within the countryside and according to the Landscape Character Assessment is part of the designated Wooded Farmland Landscape F6 Woodham Wooded Farmland. Saved policies CC6 and CC7 of the RLP seek to ensure that the District's landscape will be protected, conserved and enhanced and development proposals will not be permitted unless their location, siting, design, materials and landscaping achieve the above objective.
- 5.2.4 The scale, bulk of the dwelling remains unaltered compared to that previously approved. Its design, with the exception of the installation of the rooflights and the window to the rear, is unchanged than the design approved on the past and is comparable with other development in the vicinity of the site. As the current scheme would not introduce any major alterations to the previously approved scheme which remains extant then a refusal on the basis of the impact of the development upon the character and appearance of the area would be unreasonable and could not be sustained at an appeal.
- 5.2.5 The addition of the window to the rear elevation of the upper floor and the installation of nine roof lights, one to the front, four to the rear, one to the southern and three to the northern roofslopes, is not considered to have any detrimental impact upon the character and appearance of the area. The use of materials is considered to be sympathetic to the appearance of the dwelling. Furthermore, it has to be considered that the installation of the elements on the dwelling after its occupation would have been permitted development subject to conditions.
- 5.2.6 Due to the proximity of the site to a Grade II listed building, which is opposite the site, the Council's Conservation Officer has been consulted. No objection has been raised in terms of the impact of the development upon the significance of the Listed Building.
- 5.2.7 The impact of the development upon the character and appearance of the area is considered to be acceptable and the scheme is therefore considered to accord with adopted and emerging policies.

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 The previously approved and extant permission considered that the property would be a sufficient distance away from the neighbouring properties, particularly the one to the north of the site, in order to ensure no loss of light, overshadowing or overbearing relationship, albeit the topography of the site is such that the land slopes down significantly to the north. The siting of the development has not been altered and as such its impact is still considered acceptable.
- 5.3.3 Concerns have been expressed by local residents about the impact the development will have in relation to overlooking. The extant permission was granted subject to a condition to that, prior to the first occupation of the dwelling, all windows on the northern elevation would be obscure glazed with opaque glass. Similarly, the rooflights installed on the side roofslopes, had they been installed after the occupation of the dwelling, would have been required to be obscured glazed in order to be considered permitted development.
- 5.3.4 Although, the rooflights may have not a detrimental impact upon the amenity of the neighbouring occupiers in terms of actual overlooking, they may have an impact in terms of perceived overlooking and as such a similar condition as the one imposed on the extant permission would be in line with the national guidance if permission is to be granted. Furthermore, this condition would detrimentally affect the living conditions of the occupiers of the development as both bedrooms provided in the roof space have other sources of light apart from the rooflights on the side.
- 5.3.5 No concerns are raised from the window on the rear elevation of the upper floor which would overlook the rear garden of the property.
- 5.3.6 Therefore, subject to an appropriately worded condition the impact of the development upon the amenity of neighbouring occupiers is considered acceptable.

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 currently approved access and parking arrangements have not been altered by the development. Although, the development has resulted in the creation of two additional bedrooms, this increment does not give rise to a higher parking standard than the one for a four bedroom dwelling of three parking spaces.
- 5.4.3 As such the two parking spaces provision accommodated in the garage, in addition with the ample parking and turning space to the front of the dwelling are sufficient to satisfy the required parking provision for the development.

- 5.4.4 Notwithstanding this, the extant permission was granted subject to conditions for no unbound material to be used in the surface driveway within 6m of the highway and that any gates would be inward opening only and set back 6m from the highway. These conditions are still considered appropriate to ensure the development does not have an adverse effect upon the highway safety
- 5.4.5 On this basis the development, subject to conditions, is considered acceptable in terms of access, parking and highway safety.

5.5 Private Amenity Space and Landscaping

- 5.5.1 Adopted policy BE1 requires amenity space and landscaping provision for new developments. The Essex Design Guide provides the supplementary planning guidance (SPG) for minimum private amenity space levels. The requirement for dwellings of three or more bedrooms is a minimum of 100sq.m.
- 5.5.2 The development provides a private amenity space which is in excess of the required standard and is therefore considered policy compliant in terms of the level of amenity.
- 5.5.3 In terms of landscape, the extant permission was granted subject to a condition to retain the existing hedge to the front and side of the application site. This condition is still appropriate as the hedge is screening the dwelling from the road and softens the impact of the development. Furthermore, the condition which required further details of landscaping has been discharged and as such an appropriately worded condition shall require the landscaping to be implemented in line with the approved details.
- 5.5.4 Subject to the relevant conditions, the development is considered acceptable in terms of amenity space and landscaping.

5.6 Other Material Considerations

- 5.6.1 Concerns have been raised about the surface and foul water drainage. This matter has been addressed with details submitted by the applicant to discharge conditions 9, 10 and 11 of the extant permission. An appropriately worded condition will require this to be carried out in accordance with the approved details.

6. ANY RELEVANT SITE HISTORY

- **13/00100/FUL** – Construction of 1 No. new dwelling. – Approved [05.04.2013]
- **15/00242/FUL** - The proposed development is to construct 2 detached dwellings of approximately 2000sq ft each. Site is currently laid to lawn and formed part of the neighbouring properties garden but is now in separate ownership. – Refused [03.06.2015]
- **15/01099/FUL** – Additional double garage and larger utility to previous planning (FUL/MAL/13/00100) – Approve [02.02.2016]
- **16/05027/DET** – Compliance of conditions notification of approved application FUL/MAL/15/01099 (Additional double garage and larger utility

to previous planning (FUL/MAL/13/00100)). Condition 3 - samples, Condition 4 - roof covering sample, condition 8 - hard and soft landscaping, condition 9 - surface water drainage scheme, condition 10 - foul drainage scheme, condition 11 - percolation test. – Conditions Cleared [12.04.2016]

- **16/00445/BC** – Enforcement case – Pending: Planning application submitted

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

7.1 **Representations received from Parish / Town Councils**

Name of Parish / Town Council	Comment	Officer Response
Woodham Mortimer With Hazeleigh Parish Council	Generally objective to retrospective applications of this type as construction of dwellings should relate solely to that approved in original applications.	The law allows retrospective applications to be submitted which have to be considered on their planning merits.
	This site has seen 4 other applications one of which was refused due to the scale and bulk proposed and the detrimental effect it would have had on the residential amenity of neighbouring properties.	Each application has to be considered on its planning merits. See section 5 of the report.
	The introduction of further windows and lighting to that already approved would have a detrimental impact on the immediate surrounding area and street scene. In particular it would have an overbearing negative impact in direct sight of the grade II listed Hurdlemakers Arms public house opposite.	Comment noted see section 5.2 of the report.
	The windows would in effect introduce a further storey to the property out of keeping with the existing street scene and set a precedent for other nearby properties to follow, likely to result in overdevelopment in a quiet rural lane.	As discussed on section 5 of the report, the conversion of the loft space would be permitted development if carried out post occupation of the dwelling.

7.2 **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Anglian Water Services	No comment	Noted
Conservation Officer	The rooflights and rear attic window have had no	Noted – see section 5.2 of the report

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
	impact upon the setting or significance of the grade II listed Hurdlemakers Arms.	
Essex County Council Highways	There are no highways implications arising from this application.	Noted – see section 5.4 of the report

7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection	Noted

7.4 Representations received from Interested Parties (*summarised*)

7.4.1 Letters were received **objecting** to the application from the following and the reasons for objection are summarised as set out in the table below:

- I & C Stagg The Birches Post Office Road Woodham Mortimer Essex CM9 6ST

Objection Comment	Officer Response
Conflicts with character and appearance of the village	See section 5.2 of the report
Architectural style and relationship with neighbouring properties	See sections 5.2 and 5.3 of the report
Loss of neighbouring amenities	See section 5.3 of the report
Inaccurate information	It has been noted that whilst the correct information was received by the application due to a technical error this was not shown on the Council's online system. After the comment was received the error has been corrected.
Water drainage	See section 5.6 of the report

7.4.2 Letters were received **in support** of the application from the following and the reasons for support are summarised as set out in the table below:

- No supporting comment

7.4.3 Letters were received **commenting** on the application from the following, summarised as set out in the table below:

- No other comments

8. PROPOSED CONDITIONS

1. The development hereby permitted shall be carried out in complete accordance with the approved drawings which are attached to and form part of this permission.
REASON: To ensure that the development is carried out in accordance with the details as approved.
2. Prior to the first occupation of the development hereby permitted, the windows on the north facing elevation and roofslope shall be obscure glazed with opaque glass and retained as such thereafter.
REASON: To protect the amenities of the occupants of the neighbouring dwelling in accordance with policies BE1 of the adopted Maldon District Replacement Local Plan and D1 of the emerging Local Development Plan.
3. No gates or fencing shall be erected within or around the application site unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
4. The existing hedgerow shall be retained to the entire front (west) and side (south) of the application site in perpetuity.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
5. Prior to the beneficial occupation of the development hereby approved, the hard landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. Within the first available planting season (October to March inclusive) prior to the beneficial occupation of the development hereby approved, the soft landscape works shall be carried out in complete accordance with the approved drawing RA223/14/11 dated September 2015 which was submitted and approved under application 16/05027/DET. If within a period of five years from the date of the planting of any tree or plant that tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the Local Planning Authority gives its written consent to any variation.
REASON: To ensure the development is appropriate within the special landscape area in accordance with policies BE1, CC6 and CC7 of the adopted Maldon District Replacement Local Plan and policy D1 of the emerging Local Development Plan.
6. Prior to the first occupation of the development the surface water drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

7. Prior to the first occupation of the development the foul drainage scheme to serve the development shall be implemented in accordance with the details and drawings contained in the approved Geo-Environmental Report referenced 1405/Rpt 1v1 dated April 2015 and the approved details on the email by D.J. Burton Associates received by the Council on 18th March 2016, both of which were submitted and approved under application 16/05027/DET.

REASON: To ensure the incorporation of an appropriate drainage scheme in accordance with policy CON5 of the adopted Maldon District Replacement Local Plan.

8. No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary of the site.

REASON: To avoid displacement of loose material onto the highway in the interest of highway safety.

9. Any gates provided at the vehicular access shall be inward opening only and shall be set back a minimum of 6 metres from the back edge of the carriageway.

REASON: To enable vehicles using the access to stand clear of the carriageway whilst gates are being opened and closed in the interest of highway safety.