



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

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

<b>Application Number</b>	<b>FUL/MAL/17/00233</b>
<b>Location</b>	13 Barnhall Road, Tolleshunt Knights
<b>Proposal</b>	Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages.
<b>Applicant</b>	Mr. C Pullum
<b>Agent</b>	Mark Perkins - Mark Perkins Partnership
<b>Target Decision Date</b>	08 May 2017
<b>Case Officer</b>	Hilary Baldwin, TEL: 01621
<b>Parish</b>	<b>TOLLESHUNT KNIGHTS</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**


**REFUSE** subject to the conditions as detailed within Section 8 of this report.

**2. SITE MAP**

Please see overleaf.

**13 Barnhall Road, Tolleshunt Knights**  
**FUL/MAL/17/00233**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	NW Committee 17/00233
	Date:	05/05/2017
	MSA Number:	100018588
www.maldon.gov.uk		

### **3. SUMMARY**

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

- 3.1.1 The application site is located to the north of Barnhall Road within the defined settlement boundary of Tolleshunt Knights. The site is an irregular shape with a frontage measuring 39 metres wide; it is occupied by a detached single storey dwelling, No. 13 Barnhall Road and a few domestic outbuildings. There is parking to the front and side of No. 13 and amenity space to the rear.
- 3.1.2 Planning permission is sought to demolish the existing bungalow, garage and outbuildings and erect two 4 bedroom detached dwellings with detached double garages, amenity space and car parking.
- 3.1.3 Plot 1 would have a frontage measuring 18.5 metres wide and would be occupied by a detached two storey dwelling. Plot 2 would have a frontage measuring 21.3 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage and amenity space to the rear.
- 3.1.4 Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5 metres. The dwellings would be 6.7 metres tall with gable ends at the flank elevation and a gable to the front elevation.
- 3.1.5 Plot 1 would be finished in brick and Plot 2 would be finished in render.
- 3.1.6 The garage would measure 6.1 metres wide and 5.5 metres deep. It would be 4.4 metres to the ridge finished with a dual pitched roof and gable ends.
- 3.1.7 This scheme has been submitted in order to address issues raised within a previous submission which was refused by the Council.

#### **3.2 Conclusion**

- 3.2.1 The proposed replacement dwelling at Plot 2 by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and unneighbourly form of development that would impact upon the level of natural light and sunlight received by the windows on the western rear elevation of Barnhall Road resulting in an adverse effect on the living condition of the occupiers of that property to an extent which would be unacceptable, contrary to the stipulations of BE1 and BE6 of the adopted Maldon District Replacement Local Plan and emerging policy D1 of the Local Development Plan.
- 3.2.2 Whilst it is noted that the scheme has been amended since the last application it is not considered to have overcome the concerns highlighted in this respect at this time.

### **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, 49 and 59

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

- S1 Development Boundaries and New Development
- H1 Location of New Housing
- 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
- I1 Infrastructure and Services

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

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

### **5. MAIN CONSIDERATIONS**

#### **5.1 Principle of Development**

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

5.1.2 Policy S1 of the RLP provides the strategic position for the District through defined development boundaries for villages/urban areas within the District and seeks to direct development those sites within the development boundaries which are not constrained by the Local Plan.

5.1.3 The proposal is for the demolition of an existing dwelling and the erection of two new dwellings within the settlement boundary of Tolleshunt Knights as defined by the adopted RLP and the submitted LDP and is therefore considered to be compliant with policy in principle. Other material planning considerations are discussed below.

## **5.2 Relevant Planning History**

5.2.1 The wide site has been subject to a previous application (referenced in a subsequent section of this report). That application proposed a similar scheme comprising two dwellings and detached garages. That application was refused by the Council for the following reasons:

5.2.2 *1 The proposed development, by virtue of its scale, bulk, site layout and design, would appear visually inharmonious, conspicuous and demonstrably discordant within the street scene to the detriment of the locality's character contrary to policies BE1 and CC6 of the adopted Maldon District Replacement Local Plan, D1 of the submitted Maldon District Local Development Plan and guidance contained within the National Planning Policy Framework.*

5.2.3 *2 Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and un-neighbourly form of development that would impact the level of natural light and sunlight received by the windows on the northern elevation of Barnhall Road, particularly those at the western end of the dwelling, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of BE6 of the RLP and D1 of the emerging LDP*

5.2.4 As the scheme subject of this report comprises a similar development of two detached dwellings with individual vehicle access points and detached garages it is considered pertinent to compare the two proposals.

## **5.3 Design and Impact on the Character of the Area**

5.3.1 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 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 emerging 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.

5.3.2 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

5.3.3 The NPPF states that:  
*'The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*

*'That permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.'*

- 5.3.4 Planning permission is sought to demolish the existing bungalow, garage & outbuildings and erect two, 4 bedroom detached dwellings with detached double garages, amenity space and car parking.
- 5.3.5 Each plot would have a frontage measuring 19 metres wide and would be occupied by a detached two storey dwelling. Each dwelling would have a detached garage and parking within the frontage. Amenity space would be provided to the rear.
- 5.3.6 Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5m. The previous scheme proposed dwellings of 9.9metres wide and overall depth of 16.7m. However, that overall depth also included a single storey projection of 4 metres. In terms of overall height the current proposal is for chalet style dwellings at a height of 6.7metres whereas the previous scheme proposed a height of 8.3m
- 5.3.7 It is therefore considered that the overall bulk and scale has been reduced. This is demonstrated by the reduction in height and bulk, albeit the two dwellings proposed in this scheme would be marginally wider by 0.8m.
- 5.3.8 The application site has a wide frontage measuring approximately 39 metres; the site would be divided in two and Plot 1 would measure in 18.5 metres and Plot 2 would measure 21.3 metres. Most of the frontages within the streetscene measure approximately 18-19 metres, although some are wider and others are narrower. Therefore the proposed plot widths are considered to be commensurate with the character and appearance of the street.
- 5.3.9 In terms of scale and design most of the dwellings in the streetscene are single storey, although opposite the site are two storey dwellings and further along Barnhall Road there are more substantial two storey dwellings. The existing dwelling is a modest single storey dwelling. Two detached two storey chalet style dwellings are proposed with detached single storey garages within the frontage.
- 5.3.10 The previous scheme proposed detached two storey dwellings and this proposal was not considered to assimilate into the street scene in terms of scale and bulk, particularly when comparing the proposal to the neighbouring plots which both feature single storey and chalet style dwellings.
- 5.3.11 Due to the reduction of the overall scale and bulk and rearward projection, the current scheme is now considered to have overcome previous concerns and reasons for refusal for this element only.
- 5.3.12 Whilst the actual design of the dwellings is considered to be of limited architectural merit and contain a number of unresolved design issues, which includes a large expanse of flat roof and appear relatively dominant within the plot, it is considered that on balance that the dwellings would not result in a detrimental impact on the character and appearance of the area.
- 5.3.13 Overall, the proposed development is considered acceptable in terms of design, scale, bulk and materials and not be detrimental to the character and appearance of the locality or the adjacent dwellings, in accordance with the stipulations of saved

policies S1, BE1 and BE6 of the RLP, policies S1, S8, D1 and H4 of the submission LDP and the provision and guidance as contained within the NPPF.

#### **5.4 Effect on amenity of neighbouring occupiers**

- 5.4.1 The application site is located between two single storey residential dwellings and opposite a pair of semi-detached two storey dwellings.
- 5.4.2 The dwellings within the current proposal would be chalet style properties with only roof lights windows on the flank elevation whereas the previous scheme proposed two storey properties and each included a window on the east elevation at first floor level; that window provided light to the stairwell and were not considered result in overlooking to the detriment of the amenity of the neighbouring occupiers. The current scheme would result in less impact in terms of overlooking to adjacent neighbouring occupiers.
- 5.4.3 The windows on the front elevations of the dwellings afford views into the public realm and given their distance from the opposite properties and are not considered to result in overlooking.
- 5.4.4 Within the previous scheme, the dwelling at Plot 1 was located 2.6 metres from the southwestern boundary of the site and slightly stepped forward from the principle elevation of No. 11 Barnhall Road. The proposed dwelling in Plot 1 within the current scheme has been relocated 1.3metres from the common boundary. However, whilst the distance to the common southern boundary has been reduced, this is compensated by the lowered ridge height and hipped roof in place of the previously proposed gable.
- 5.4.5 The proposed dwelling in Plot 2 would be located 3 metres from the northeastern boundary of the site and the principal elevation would be broadly aligned with the rear elevation of No. 17 Barnhall Road; meaning that all of the built form of the proposed dwelling would be to the rear of No. 17. The distance to the common boundary has not changed within the current scheme.
- 5.4.6 The dwellings in Barnhall Road are staggered; however, their impacts on each other are limited by their largely single storey nature and wide plots.
- 5.4.7 Whilst it is acknowledged that the proposed dwellings have been reduced in height from the previous scheme from 8.3m to 6.7m, the siting of the dwelling at plot 2 would still be located wholly to the rear of No.17 Barnhall Road and extend some 14 metres beyond its rear elevation. The dwelling at plot 2 would also comprise a gable end feature towards the eastern end of the flank elevation and close to the rear of the adjacent dwelling. Therefore, the siting, scale and height of the proposed dwelling, in particular that at Plot 2 is considered to result in an unneighbourly and oppressive form of development to the detriment of the amenities of the occupiers of No. 17 Barnhall Road. Therefore this reason for refusal from the previous scheme is not considered to have been overcome.
- 5.4.8 Therefore, the proposed development is considered to result in a demonstrable impact on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of BE1 of the RLP and D1 of the emerging LDP.

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

- 5.5.1 The Maldon District Council Supplementary Planning Document (SPD), states that residential dwellings comprising three or four bedrooms require a maximum of three parking spaces. The plans show that the dwelling would provide off-street parking for several vehicles and a garage for two cars and is therefore considered to accord with adopted parking standards criterion. Essex County Council Highway Authority has been consulted on the application in terms of highway safety there is no objection to the scheme.
- 5.5.2 The proposal is therefore considered to accord with the criteria of adopted LP policy T2 and emerging policy T1 of the submitted LDP.

## **5.6 Private Amenity Space and Landscaping**

- 5.6.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m<sup>2</sup> of private garden space. Such a provision would be met in this instance.
- 5.6.2 Conditions for the submission of boundary treatments and landscaping are considered appropriate to assist the assimilation of the proposal into the rural area are considered appropriate should permission be granted.

## **5.7 Other Considerations**

- 5.7.1 The Council's Environmental Health Service has recommended conditions for the submission of details of surface water drainage and foul drainage. Such conditions are considered appropriate and necessary and can be appended to any grant of permission.

## **6. ANY RELEVANT SITE HISTORY**

- **FUL/MAL/16/01461** – Demolition of existing bungalow, garage and outbuildings and erection of two 4 bedroom detached dwelling complete with detached double garages. Refused 07 February 2017

## **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Tolleshunt Knights	Object	The comments of the Parish Council are noted

## 7.2 External Consultees (*summarised*)

Name of External Consultee	Comment	Officer Response
ECC Highway Authority	No Objection. Subject to conditions for no unbound driveway materials, off-street parking in accordance,	The comments of the Highway Authority are noted

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No Objection, subject to conditions relating surface drainage and foul water details to be submitted	The comments of the Environmental Health Service are noted and have been addressed in the report

## 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 summarized as set out in the table below:

- Mr. & Mrs. Allen, 17 Barnhall Road, Tolleshunt Knights, Maldon, CM98HA
- Mr. G Taylor, 18 Barnhall Road, Tolleshunt Knights, Maldon, CM9 6HA

Objection Comment	Officer Response
The dwelling at plot 2 remains tall and in close proximity to adjacent properties and rear gardens Unacceptable degree of overshadowing Strong sense of enclosure Proximity of chimney nuisance Detrimental impact upon street scene	The comments have been noted and addressed within the report

## 8. PROPOSED REASON FOR REFUSAL

1. The proposed dwelling at Plot 2, by virtue of its height, siting and proximity to No. 17 Barnhall Road would result in an overbearing and unneighbourly form of development that would impact the level of natural light and sunlight received by the windows on the rear (western) elevation of Barnhall Road, particularly those at the southern end of that elevation, resulting in an adverse effect on the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable, contrary to the stipulations of policies BE1 and BE6 of the adopted Maldon District Replacement Local Plan, policy D1 of the emerging Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.