



**REPORT of  
CHIEF EXECUTIVE**

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**to  
NORTH WESTERN AREA PLANNING COMMITTEE  
7 AUGUST 2017**

<b>Application Number</b>	<b>HOUSE/MAL/17/00557</b>
<b>Location</b>	16 Blacksmiths Lane Wickham Bishops Essex CM8 3NR
<b>Proposal</b>	Resubmission of retrospective planning application for a new fence to front elevation (16/01365/HOUSE)
<b>Applicant</b>	Mr A Bartlett
<b>Agent</b>	Mr M Rollings - DMH Architectural Design
<b>Target Decision Date</b>	30.06.2017 Extension of Time: 10.08.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>WICKHAM BISHOPS</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.

16 Blacksmiths Lane, Wickham Bishops  
HOUSE/MAL/17/00557



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00557/HOU
Date:	25/07/2017
MSA Number:	100018588

### **3. SUMMARY**

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

- 3.1.1 The application site is located within the settlement boundary of Wickham Bishops, on the south side of Blacksmiths Lane, a residential street comprised of large, detached houses which are all set back from the highway. No. 16 Blacksmiths Lane is a two storey detached property which has recently been renovated.
- 3.1.2 Planning permission is sought for the erection of the front boundary treatment, comprising of rendered walls and pillars with planting on top and a timber gate. Although the front boundary has already been treated, with this application it is proposed to reduce the height of the walls to 0.75m and the height of the pillars, save for the two pillars supporting the gate, to 1m. The height of the gate and its supporting pillars on either side will remain at 1.55m. The overall width of the frontage is approximately 16m. The depth of the walls will remain approximately 0.2m and the depth of the pillars will remain approximately 0.42m. As part of the development has already taken place, the application is retrospective in nature.

#### **3.2 Conclusion**

- 3.2.1 Whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, it is not considered that the harm caused by the development, given the fallback position of permitted development, would warrant the refusal of the application. Therefore, the development is considered to be in accordance with the stipulations of policy D1 of the Local Development Plan (LDP) approved by the Secretary of State and the guidance contained in the National Planning 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 Local Development Plan approved by the Secretary of State:**

- D1 - Design Quality and Built Environment

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

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Esses Design Guide
- Wickham Bishops Village Design Statement (WBVDS)

- Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015)

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The principle of providing facilities in association with an existing use of a site is considered 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. 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”.*

*“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”.*

- 5.2.3 This principle has been reflected to the approved LDP. The basis of policy D1 of the approved LDP seeks to ensure that all development will respect and enhance the character and local context and make a positive contribution in terms of:

- a) Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- b) Height, size, scale, form, massing and proportion;
- c) Landscape setting, townscape setting and skylines;
- d) Layout, orientation, and density;
- e) Historic environment particularly in relation to designated and non-designated heritage assets;
- f) Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- g) Energy and resource efficiency.

- 5.2.4 The boundary treatment subject of this application is located in a prominent location, on the front boundary of the site and is highly visible from within the public realm in

Blacksmiths Lane. Other boundary treatments in the vicinity of the site are varied in form, comprising of low brick walls, low fencing, railings, hedging and open frontages. In general the character of the street is verdant and open which positively contributes to a pleasant extra-urban environment.

- 5.2.5 The design and pallet of materials of the development is compatible with those of the dwelling house, which is the most prominent structure on site and as such, predominantly the structure affecting the character and appearance of the area. Whilst the boundary treatment is compatible with the host dwelling, it is considered that the bulky rendered walls and pillars, along with the solid timber gate, introduce an incongruous addition to the streetscene, appearing out of keeping with the character and appearance of the locality with the soft landscaping and open frontages. The openness of the site is considered to have been eroded by the development. Furthermore, the style and design of the boundary treatment is considered to be of an urban form and therefore exacerbates the harm identified previously upon the character and appearance of the area.
- 5.2.6 However, it has to be taken into account that the erection of fences, walls and other means of enclosure is permitted development subject to limitations according to the provisions of the GPDO 2015. Due to its height, with the exception of the two pillars either side of the gate and the gate, the development would fall within the provisions of the GPDO 2015. Therefore, a comparable scheme causing analogous harm could have been constructed without the need for a planning permission by the Local Planning Authority. With this in mind, it is not considered that the additional 0.55m in height for a length of 3.4m would cause such additional detrimental harm that would justify the refusal of the application.
- 5.2.7 Overall, whilst the style and design of the erected enclosure detracts from the character and appearance of the locality, given the fallback position it is not considered that there is enough harm caused by the development as proposed in order to warrant the refusal of the application.

### **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 development due to its nature does not have any impact upon the amenity of any neighbouring occupiers.

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

- 5.4.1 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 including the provision of high quality and safe pedestrian, cycle and, where appropriate, horse riding routes.
- 5.4.2 The development is not obtrusive to the adjoining highway. On this basis, the development is acceptable.

## 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 Supplementary Planning Document (SPD) advises a suitable garden size for each type of dwellinghouse, namely 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2 The existing size of the private amenity space of the dwelling is not affected by the development.

## 6. ANY RELEVANT SITE HISTORY

- **HOUSE/MAL/14/00909** – Proposed two storey porch and side extension with single storey rear extension. WITHDRAWN (15.12.2014).
- **HOUSE/MAL/14/01275** – Proposed two storey porch and side extension with single storey rear extension. APPROVED (18.02.2015).
- **HOUSE/MAL/16/01365** – Retrospective – Erection of fence to front boundary. REFUSED (06.02.2017).

Reason for Refusal: “*The boundary treatment has resulted in an inappropriate development causing substantial and material harm to the character and appearance of the area, due to the enclosure of a prominent site within an area of open and soft landscaped frontages. Furthermore, the style, design, height and pallet of materials has further exacerbated the harm and resulted in an urbanisation of the area. The development is, therefore, contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Submission Local Development Plan and the guidance contained within the National Planning Policy Framework.*”

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Wickham Bishops Parish Council	Object - The street scene was characterised by open frontages and low walls. The proposed gate pillars would be 1400mm high and the height would be visually dominant and the design would be out of keeping with the local area. For these reasons, the proposal was considered contrary to policy D1 and the Wickham Bishops Village Design Statement.	Comment noted – see section 5.2 of the report.

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

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex Highways	The impact of the proposal is acceptable subject conditions about construction of access as per plans and no unbound materials.	Comment noted – The proposed conditions are not necessary as the construction of the access has already taken place.

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

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

- Penelope Johnson, 5 Wellands Close Wickham Bishops Essex CM8 3NE

Objection Comment	Officer Response
The development is entirely out of keeping with the rest of the properties on the same side along that stretch of road and is not suited to the semi-rural character of the immediate area.	Comment noted – see section 5.2 of the report.

## 8. **PROPOSED CONDITIONS**

### **Conditions:**

1. Unless the approved scheme is implemented within three (3) months of the local planning authority's decision, the walls, gates and pillars currently in situ shall be demolished to ground level and all materials resulting from the demolition shall be removed from the site.  
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
2. The development hereby permitted shall be carried out in complete accordance with the approved drawings specifically referenced on this decision notice.  
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.
3. The external surfaces of the development hereby approved shall be constructed of materials and of a finish as detailed within the application form.  
REASON: To protect the character and amenity of surrounding areas in line with policy D1 of the Local Development Plan approved by the Secretary of State and guidance contained within the National Planning Policy Framework.