



**REPORT of
CHIEF EXECUTIVE**

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

Application Number	FUL/MAL/17/00619
Location	13 Barnhall Road Tolleshunt Knights Essex CM9 8HA
Proposal	Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages.
Applicant	Mr C Pullum
Agent	Mark Perkins - Mark Perkins Partnership
Target Decision Date	02 August 2017
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	TOLLESHUNT KNIGHTS
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.

13 Barnhall Road, Tolleshunt Knights
FUL/MAL/17/00619



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Maldon District Council 100018588 2014

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Scale:	1:2,500
Organisation:	Maldon District Council
Department:	Department
Comments:	NW Committee 17/00619/FUL
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 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.
- 3.1.8 This scheme has been submitted in order to address issues raised within a previous submission which was refused by the Council. The previous application (FUL/MAL/17/00233), which itself was a resubmission, proposed a very similar development. The differences between that application and this are as follows:
- The chimney stack at the north side of the dwelling on plot 2 and the associated 0.3 metre projection have been removed from the proposal.
 - The gable end that was proposed at the north side of the dwelling on plot 2 has been removed. The north side elevation therefore features a pitched roof that rakes away from 17 Barnhall Road and no projections from the roof towards that property.
 - The applicant has stated that two rooflights that are proposed on the north side elevation of the dwelling on plot 2 would be set a 1.8 metres above the finished floor level of the bathroom and en-suite that they would serve.
 - The dwelling on plot 2 would be set 3.6 metres from the north boundary that is shared with 17 Barnhall Road rather than 3.0 metres.
 - The dwelling on plot 2 would be set 0.07 metres further into the site.

- 3.1.9 Whilst it was considered to be acceptable in all other respects, the previous application was refused for the following reason:

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.

- 3.1.10 Earlier application FUL/MAL/16/01461 proposed a similar development. That application was refused for the following reasons:

- 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.*
- 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*

3.2 Conclusion

- 3.2.1 The proposed erection of dwellings within the settlement boundary, which are of appropriate design, scale and bulk is considered to be an appropriate form of development. It is considered that the proposals would not cause harm to the amenities of neighbouring residents and would be served by adequate parking. It is therefore considered that the application can be found acceptable.
- 3.2.2 It is considered that the alterations made to the proposals in comparison to previous applications at the site have overcome the concerns highlighted in relation to those applications.

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 Local Development Plan:

- 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

4.3 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 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 S8 of the Local Development Plan directs development towards the defined development boundaries for villages/urban areas within the District.
- 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 approved LDP and is therefore considered to be compliant with policy in principle. Other material planning considerations are discussed below. This conclusion in relation to the principle of the proposed development is consistent with the conclusion reached in relation to the recently refused application at this site.

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 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.

5.2.5 The plots would have frontage measuring 18 and 21 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. Each dwelling would measure 10.7 metres wide and have an overall depth of 14.5m and would be similar to the dwellings that were previously proposed at the site, with the only differences being those that are set out above.

5.2.6 The application site has a wide frontage measuring approximately 39 metres; the site would be divided in two with the plots measuring 18 and 21 metres wide. 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.

5.2.7 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.

5.2.8 No objection was raised to the previous application on the grounds of the visual impact of the development. Given the similarities between the proposals in terms of

the design, bulk and scale of the dwellings, it is considered that it would be unreasonable to raise an objection to this application on those grounds.

- 5.2.9 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, on balance, that the dwellings would not result in a detrimental impact on the character and appearance of the area.
- 5.2.10 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 policies S1, S8, D1 and H4 of the LDP and the provision and guidance as contained within the NPPF.

5.3 Effect on amenity of neighbouring occupiers

- 5.3.1 The application site is located between two single storey residential dwellings and opposite a pair of semi-detached two storey dwellings.
- 5.3.2 The dwellings within the current proposal would be chalet style properties with only roof lights windows on the flank elevation. No objection was raised to the previous application on the grounds of overlooking and it is noted that the roof lights that are proposed in the side elevation of the dwelling would be positioned at a height that would prevent overlooking of the neighbouring properties. 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. As no objection was raised on the grounds of overlooking or loss of privacy previously and given the similarities between the proposals, it is considered that no objection should be raised to this application on those grounds.
- 5.3.3 The proposed dwelling on Plot 1 would be located 1.3metres from the common boundary that is shared with 11 Barnhall Road. This is identical to the previous application at which time it was determined that the dwelling would not have a detrimental impact on the light received by the neighbouring property or the outlook from within that property.
- 5.3.4 The only reason for the refusal of the previous application related to a concern about a loss of light within the neighbouring property of 17 Barnhall Road which is located to the east of the application site. It was determined that the positioning of the dwelling 3 metres from the northeastern boundary of the site, the positioning of the dwelling entirely to the rear of the neighbouring dwelling and the provision of a gable end roof to the side elevation would have combined to cause an unacceptable loss of daylight and sunlight within the rooms served by the windows at the rear elevation of the neighbouring dwelling.
- 5.3.5 The proposed dwelling would be set 0.6 metres further from the boundary and the gable end and chimney at the side of the dwelling have been removed. It is therefore considered that parts of the previous ground of objection have been addressed. It is noted that the dwelling would still be set entirely rearwards of the neighbouring property, but due to the minimum separation distance of 6 metres from the dwelling

on that site it is considered that the loss of light caused by the dwelling on plot 2 would not be sufficient to justify the refusal of the application on those grounds.

- 5.3.6 Whilst it is acknowledged that the alterations are quite minor in the context of the development proposed, it is considered that the alterations are sufficient to ensure that an objection cannot reasonably be sustained by the Local Planning Authority.
- 5.3.7 Therefore, unlike the previous proposals, the proposed development is not considered to result in a demonstrable harm to the living conditions of the occupiers of No. 17 Barnhall Road to an extent which would be unacceptable. The development is therefore considered to be in accordance with the stipulations of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 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 proposals 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.
- 5.4.2 The proposal is therefore considered to accord with the criteria of policies T1 and T2 of the approved LDP.

5.5 Private Amenity Space and Landscaping

- 5.5.1 The Essex Design Guide requires that three/four bedroom dwellings have a minimum of 100m² of private garden space. Such a provision would be met in this instance.
- 5.5.2 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.

5.6 Other Considerations

- 5.6.1 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.
- **FUL/MAL/17/00233** - Demolition of existing bungalow, garage & outbuildings and erection of two 4 bedroom detached dwellings complete with detached double garages. Refused 17 May 2017.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Tolleshunt Knights	Object on the grounds that the impact of the development on the adjacent property have not been addressed. It is also considered that the developments would be out of character with the pattern of development within the area.	The comments of the Parish Council are noted.

7.2 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highway Authority	No Objection. Subject to conditions for no unbound driveway materials, off-street parking in accordance and cycle parking	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 summarised as set out in the table below:

- Mr. G Taylor, 18 Barnhall Road, Tolleshunt Knights, Maldon, CM9 6HA

Objection Comment	Officer Response
The garage would be out of keeping with the adjoining properties and will be detrimental to the village and the streetscene.	The comments have been noted and addressed within the report.

Objection Comment	Officer Response
The properties are overbearing and not in-keeping with the area.	

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

- Mr. & Mrs. Allen, 17 Barnhall Road, Tolleshunt Knights, Maldon, CM98HA

Comment	Officer Response
The occupants of 17 Barnhall Road have stated that they are satisfied with the altered position of the dwelling which has addressed their concerns.	The comments have been noted and addressed within the report.
The occupants of 17 Barnhall Road are keen to ensure that the rooflights are positioned above eye level as stated to ensure that they do not cause overlooking.	

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 as well as the submitted detailed specifications.
REASON: To ensure that the development is carried out in accordance with the details as approved in accordance with the National Planning Policy Framework and policy D1 of the submitted Maldon District Local Development Plan.
3. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
REASON: To protect the architectural and historic value of the adjacent listed building in accordance with policies D1 and D3 of the Maldon District Local Development Plan.
4. No works or development shall take place until full details of both hard and soft landscape works to be carried out have been submitted to and approved in writing by the Local Planning Authority. These details shall include the layout of the hard landscaped areas with the materials and finishes to be used and details of the soft landscape works including schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The hard landscape works shall be carried out as approved prior to the beneficial occupation of the development hereby approved unless

otherwise first agreed in writing by the Local Planning Authority. The soft landscape works shall be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the Local Planning Authority. If within a period of five years from the date of the planting of any 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 external appearance of the development is appropriate to the locality in accordance with the National Planning Policy Framework and policy D1 of the approved Maldon District Local Development Plan.

5. The development hereby permitted shall not be occupied until such time as the vehicle parking area indicated on the approved plans, including any parking spaces for the mobility impaired, has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area(s) shall be retained in this form at all times. The vehicle parking area(s) shall not be used for any purpose other than the parking of vehicles that are related to the use of the approved development unless otherwise agreed with the Local Planning Authority.

REASON: To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided in accordance with the National Planning Policy Framework and policy T2 of the approved Maldon District Local Development Plan.

6. Prior to the commencement of the development a 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 adequate provision of surface water drainage within the proposal and to encourage sustainable forms of drainage within development in accordance with the National Planning Policy Framework and policy D5 of the approved Maldon District Local Development Plan.

7. Notwithstanding the provisions of Part 1 of Schedule 2 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no garages, extensions or separate buildings (other than ancillary outbuildings not exceeding 10 cubic metres in volume) shall be erected within the site without planning permission having been obtained from the Local Planning Authority.

REASON: In the interests of the amenity of the area in accordance with policy D1 of the Maldon District Local Development Plan.

8. Prior to the commencement of the development details of the foul 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 prevent the undue contamination of the site in accordance with policy D2 of the approved Maldon District Local Development Plan.

9. The first floor rooflights on the north east elevation/roofscape of the dwelling hereby approved on plot 2 shall be fitted in such a manner to ensure that the

cill height is a minimum of 1.8 metres above the finished floor level of the rooms that those windows are to serve.

REASON: In the interests of the amenity of neighbouring properties in accordance with policy D1 of the Maldon District Local Development Plan.