



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
20 SEPTEMBER 2017**

Application Number	HOUSE/MAL/17/00643
Location	8 St. Paul's Mews, Heybridge, Essex, CM9 4QZ
Proposal	Proposed side facing roof windows
Applicant	Gormer & Ms Macmaster
Agent	Mr David Jones - Alun Design Consultancy
Target Decision Date	24.08.2017
Case Officer	Mahsa Kavyani, TEL: 01621 875744
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

APPROVE for the reasons as detailed in Section 8 of this report.

Please be aware that this item was deferred for consideration at the previous Central Area Planning Committee Meeting of 23 August 2017 in order for a site visit to take place. The following report has been updated to incorporate the items previously included within the previous Members' Update.

2. SITE MAP

Please see overleaf.

8 St Pauls Mews
 Heybridge HOUSE/MAL/17/00643



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 Maldon District Council 100018588 2014



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Scale: 1:1,250

Organisation: Maldon District Council

Department: Planning Services

Comments: Central Committee

Date: 07/09/2017

MSA Number: 100018588

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 The application site is located on the western side of St. Paul's Mews and close to the junction with Lake Mead. The site lies within the settlement boundary of Heybridge East within the Chelmer and Blackwater Navigation Conservation Area.
- 3.1.2 The site comprises an end-of-terrace two storey dwelling set within the residential street of St. Paul's Mews. The private garden of the dwelling lies to the rear of the property on the western side. The property sits alongside the rear gardens of properties No.6 and No.4 to the north and property No.10 to the south.
- 3.1.3 The proposal seeks planning permission for side facing roof windows to the north facing roofscape.

3.2 Conclusion

- 3.2.1 The proposal is to install 4 roof windows to the side of the roof slope on the northern side. The proposed development would not result in significantly detrimental impact on the amenity of neighbouring occupiers, due to the positioning on the roof slope of those windows and their setting well above the eye-line of the occupiers of the dwelling.
- 3.2.2 Furthermore, the proposed roof windows are not considered to cause harm to the streetscene and would preserve the character and appearance of the Conservation area.

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:

- 56-68

4.2 Maldon District Local Development Plan (LDP) approved by the Secretary of State:

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- D5 Flood risk

4.3 Relevant Planning Guidance / Documents:

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

5. MAIN CONSIDERATION

5.1 Principle of Development

5.1.1 The principle of altering and extending the dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with Policy D1 of the LDP. Other material planning considerations are discussed below.

5.2 Design and impact on the character and appearance 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 should be sought to create a high quality built environment for all types of development.

5.2.2 A Conservation Area is “an area of special architectural or historic interest” with a character which is “desirable to preserve or enhance” (Planning (Listed Buildings & Conservation Areas) Act, 1990). This special character will come from a range of factors including the design of the buildings as well as the materials used.

5.2.3 The Council seeks to preserve and enhance the characteristics of the conservation area that make a significant contribution to the area. Therefore, existing features of the area and its buildings, which contribute to the character and appearance of the area, should be retained and original external features of buildings should be repaired rather than replaced.

5.2.4 The proposal involves the installation of four roof windows. The proposed windows would not protrude more than 150 mm beyond the plane of the roof slope, they are no higher than the highest part of the roof and they will be located on the side elevation of the property. Whilst the proposed windows are visible within the streetscene and surrounding properties, due to the scale of the roof windows and the presence of them on properties within the vicinity of the site, it is considered that the development would preserve the character and appearance of the Conservation Area. It is also noted that the Conservation Officer has raised no objection.

5.3 Impact on Residential Amenity

5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas and local context. The proposed windows would protrude from the roof slope by a maximum of 150 mm, which is considered acceptable, and furthermore would not materially change the existing built form of the roof. The proposed windows would be set at 1.7 metres above the floor of the room in which the windows are to be installed and therefore above the eye level. It is therefore unlikely that the proposed development would cause overlooking, overshadowing or appear dominating in relation to the neighbouring properties. Therefore the proposal is in accordance with Policy D1 of the LDP and is considered acceptable.

5.4 Access, Parking and Highway Safety

5.4.1 The proposal will not impact access to the site, parking or highways safety.

5.5 Amenity Space

- 5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m². The proposed development would increase the number of bedrooms within the site from two bedrooms to three bedrooms. The current garden size is approximately 75m² which is above the current minimum requirement, but below the minimum requirement once the proposed development is implemented. However, on balance, the amenity space provision is reasonable and able to meet the needs of the future occupiers. Therefore, the proposal is not considered to have such a detrimental impact on amenity as to warrant a reason for refusal.

5.6 Flood Risk

- 5.6.1 Policy D5 of the approved LDP requires all development to minimise the risk of flooding. However, as the proposed development does not involve any new buildings it is not a relevant consideration for this application.

5.7 Other Material Considerations

- 5.7.1 It should be noted that the covenants imposed on a development by a previous landowner are not a material planning consideration. Therefore, covenants should be afforded no weight in the assessment of a planning application.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/06/00482** – Condition 22 removed Permitted Development rights for insertions into the roof.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	Loss of amenity and change of streetscene.	Addressed at points 5.2 and 5.5 above.

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	No objections raised.	Acknowledged.

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:

- A J Sinclair FRICS: 31 Battle Rise, Heybridge, Essex, CM9 4PF
- Mr Kevin Inskip: 4 Lake Mead, Heybridge, Maldon, Essex CM9 4UJ
- Mrs Deborah Starling: 7 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- Mrs Elaine Hammans: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- Mr Les Hammans: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ
- M J Emson: 6 Lake Mead, Heybridge, Maldon, Essex, CM9 4UJ

Objection Comment	Officer Response
Obtrusive and overpowering.	These points are addressed within sections 5.2.4, 5.4 and 5.6.
Loss of privacy to the garden and the rear rooms of No. 6.	
The location of the windows in the roof slope are out of keeping to the Conservation Area.	
Number of windows proposed is excessive.	
Increased parking problems.	
The application form was completed incorrectly as Ownership Certificate B should have been completed rather than Ownership Certificate A.	Resolved through the applicant amending the application form and notifying the relevant other landowners of the application.

7.3.2 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:

- Miss Sharon Conway: 10 St Pauls Mews, Heybridge, Maldon, Essex CM9 4QZ
- Mr Cliff Mills: 3 St Pauls Mews, Heybridge, Maldon, Essex CM9 4QZ

Supporting Comment	Officer Response
Parking issues would not be exacerbated and the loft conversion would not affect the amenity of the area.	Addressed 5.2, 5.3 and 5.3.
The four rooflights would not impact upon parking.	
The windows face upwards and so children would not be able to hang out of them.	
The issue of affordable housing is of no relevance to the proposal.	
Comments previously made have been removed from the Council's website.	
Three objections from one property should be treated as one objection.	

Supporting Comment	Officer Response
The Parish Council should not have objected to the application.	
The children that live at the property have been well-brought up and are polite children.	

8. PROPOSED 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: GM/3937/17/PL-01.
REASON: In order to ensure that the development is carried out in accordance with the approved details and in accordance with policy D1 of the Local Development Plan.