



**REPORT of  
CHIEF EXECUTIVE**

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to  
**NORTH WESTERN AREA PLANNING COMMITTEE**  
**30 October 2017**

<b>Application Number</b>	<b>HOUSE/MAL/17/00857</b>
<b>Location</b>	Greenlanes Spring Elms Lane Little Baddow Essex CM3 4SQ
<b>Proposal</b>	Retrospective - Erection of single-storey, two-bay cart lodge with lean-to store.
<b>Applicant</b>	Mr John Joyce
<b>Agent</b>	Mr Peter Messenger - P.L. Messenger Architect
<b>Target Decision Date</b>	17.11.2017
<b>Case Officer</b>	Spyros Mouratidis, TEL: 01621 875841
<b>Parish</b>	<b>WOODHAM WALTER</b>
<b>Reason for Referral to the Committee / Council</b>	Parish Trigger

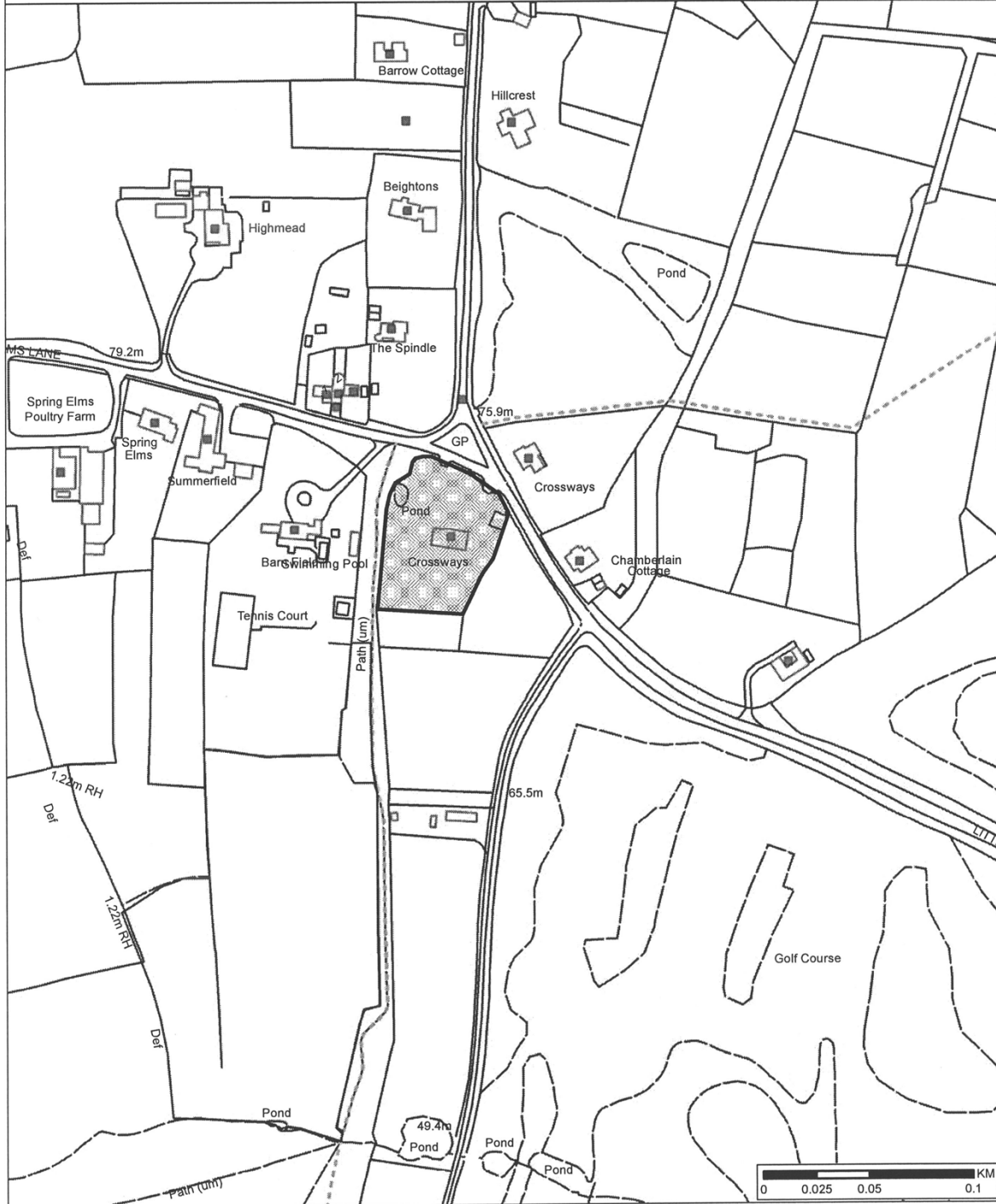
**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Greenlanes, Spring Elms Lane, Little Baddow**  
**HOUSE/MAL/17/00857**



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	North West Committee
	Date:	17/10/2017
	MSA Number:	100018588

### **3. SUMMARY**

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

3.1.1 Planning permission is sought for the erection of a single-storey, two-bay cart lodge with lean-to store to the rear. The building measures 7.1m deep by 6.5m wide. It has a hipped roof with half gables to the front and rear measuring 2.4m to the eaves and 5.3m to the ridge. As already mentioned, to the rear there is a mono-pitched lean-to element with a maximum height of 2.8m. The development is already completed and thus the application is retrospective in nature. The materials used in the construction of the building include red brick below with timber cladding above for the walls and red plain tiles to the roof. The building is located 1.3m to the east of the main dwellinghouse and 1.5m to the southwest of the pre-existing garage.

3.1.2 The application site lies on the southern side of Spring Elms Lane, a narrow country lane, near its junction with Bassetts Lane and Little Baddow Road, outside of any defined settlement boundary. The application site, which covers an area of approximately 0.33ha, is currently occupied by a two-and-a-half storey dwellinghouse, a number of associated outbuildings, and an in-and-out concrete driveway. The area in the vicinity of the site is verdant with the main type of development being two or three storey dwellings sitting in generously sized and spacious plots. To the south-east of the application site there is the Bunsay Downs Golf Club.

#### **3.2 Conclusion**

3.2.1 The unauthorised development would not be detrimental to the character and appearance of the site and the locality to such a degree as to warrant the refusal of the application. Furthermore, no detrimental harm has been identified in terms impact upon the amenity of neighbouring occupiers, the highway safety or the provision of private amenity space on site. Therefore, the development, while not directly complying with the endorsed Woodham Walter Village Design Statement, it complies with policies S1, S8, D1, H4, T1 and T2 of the approved Local Development Plan and guidance contained in the National Planning Policy 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
- 186-187 Decision-taking
- 196-198 Determining applications
- 203-206 Planning conditions and obligations

#### **4.2 Maldon District Local Development Plan approved by the Secretary of State:**

- 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

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

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Essex Design Guide
- Car Parking Standards
- The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended
- Woodham Walter Village Design Statement

### **5. MAIN CONSIDERATIONS**

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

- 5.1.1 The application site lies outside of any defined development boundary. Nevertheless, the provision of facilities associated with an existing and established residential use is considered acceptable in principle, in line with the stipulations of policies S1 and H4 of the approved Local Development Plan (LDP). Other material planning considerations are discussed in the following sections of the 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 seek 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 Similarly, policy H4 of the approved LDP stipulates that all development will be design-led and will seek to optimise the use of land having regard to the following considerations:

- 1) The location and the setting of the site;
- 2) The existing character and density of the surrounding area;
- 3) Accessibility to local services and facilities;
- 4) The capacity of local infrastructure;
- 5) Parking standards;
- 6) Proximity to public transport; and
- 7) The impacts upon the amenities of neighbouring properties.

5.2.5 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.

5.2.6 The outbuilding is visible from the entrance of the site when viewed from the adjoining highway but is generally screened from any views by the pre-existing development and the hedge around the site. The layout that has been created is out of character within the locality where the prevailing pattern of development is either dwellings with spacious front and open gardens or dwellings built close to the boundary of the site with the highway. However, its design and proportions references the style and design of another pre-existing garage on site which sits closer to the boundary of the site. Views of the building are obscured by the landscaping and the other pre-existing building on site, thus mitigating the impact of the development.

5.2.7 It is noted that the Woodham Walter Village Design Statement (VDS) advises that the garages should be set to one side rather than in front of the dwelling and the location in front of the dwelling should be avoided. This is in order to avoid a dominating effect. While the building is located forward of the building line of the dwelling, it is also to the side and, as stated previously, there is already a garage to the front of the dwelling. Therefore, any harm that may arise from the development is not detrimental to such a degree as to warrant the refusal of the application.

- 5.2.8 It has to be noted that across the road, the Council considered an application under reference 17/00615/HOUSE for the erection of an outbuilding. Comparisons can be drawn between the two schemes only to the extent that both refer to the erection of an outbuilding to the front of the main dwellinghouse on site. That application was refused because the proposed development by way of its scale, bulk, mass and design would result in a visually intrusive feature out of keeping with the character and appearance of the area and the host dwelling. The impact of that proposal is materially different to the impact of this development.
- 5.2.9 Overall, it is considered that the unauthorised erection of the outbuilding, by reason of its height, size, scale, form, massing, proportion and layout has resulted in some harm to the character and appearance of the area, but is not detrimental to such a degree as 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 garden of the application site wraps around the property and whilst there are residential properties either in the vicinity of the application site, the location of the outbuilding is not considered to give rise to any detrimental impact upon the amenity of neighbouring residential occupiers in terms of overshadowing or overpowering or loss of privacy. However, should permission be granted, it is considered prudent to append a condition to restrict the use of the outbuilding for purposes incidental to the enjoyment of the dwellinghouse. Subject to the planning condition, the development is acceptable in terms of its effect on residential amenity.

### **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 Maldon District adopted Vehicle Parking Standards SPD state that for dwellings with four bedrooms or more, a maximum of three parking spaces should be accommodated within the site. Before the development took place, there was already a double garage on site. Moreover, there is extensive hard surfaced area to the front of the dwelling which allows for the provision of at least two more parking spaces without obstructing the in-and-out driveway. The access arrangements of the site have not been altered as a result of the development. On this basis the development is acceptable in terms of its impact upon access, parking and highway safety.

### **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 SPD advises a suitable garden size for

each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three bedrooms or more.

5.5.2 The development has been carried out in a location to the front of the host dwellinghouse, thus it has not affected the provision of private amenity space on site. Moreover, the development does not include the creation of additional bedrooms and, therefore, does not increase the requirement for a larger private amenity space. In any case, the existing private amenity space on site is in excess of the standard required contained within the Essex Design Guide.

5.5.3 The building is located at an area where a tree used to stand. Although the tree was not protected and could be removed at any time, its presence was softening the views of the dwellinghouse from the adjacent highway. The removal of the tree has not altered the open character of the front yard at the site which remains sympathetic to the character and appearance of the area.

## 6. ANY RELEVANT SITE HISTORY

- **97/00340/FUL** – Alteration and/or demolition of the existing garage/coach house and extending existing house to provide family accommodation and new detached garage – Approved [16.06.1997]
- **06/00085/FUL** – Increase size of the lounge and minor alterations to the rear and side elevations including forming a loggia – Approved [07.04.2006]
- **09/00289/FUL** – Extension to existing utility area – Approved [01.06.2009]

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Woodham Walter Parish Council	Object – The development is not in line with permitted development provisions, including that the development should not project in front of any wall that forms part of the 'principal elevation'. Further, the size of the proposal, its appearance, scale and bulk would appear dominant and out of character within the street scene contrary to policies S1 and D1 of the LDP as well as the endorsed Woodham Walter VDS. There is a close comparison to the application	Please see section 5.2 of the report

Name of Parish / Town Council	Comment	Officer Response
	HOUSE/MAL/17/00615 at The Spindle which has recently been refused.	

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

7.2.1 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:

- Sally & Trevor Bull Barnfield Spring Elms Lane Little Baddow
- Lucy Westcott Chamberlain Cottage Little Baddow Road Woodham Walter
- Alison Bush Little Owls Post Office Road Woodham Mortimer
- Terry Fisk Summerfield Spring Elms Lane Little Baddow
- Patricia Weston Brambles Elm Green Lane Danbury
- Wendy Futter 38 St Cleres Way Danbury Chelmsford
- June Collings Oakworth The Ridge Little Baddow Chelmsford CM3 4RZ

Supporting Comment	Officer Response
The cart lodge has been built to an excellent standard with a beautiful roof and is very much in keeping with the house and therefore does not look out of place.	Please see section 5.2 of the report
The cart lodge has also been positioned extremely discreetly, so that it cannot be viewed from the road, Spring Elms Lane.	Please see section 5.2 of the report
The double car port does not obstruct any views and only the side can be viewed from the road and only then if you are directly in front of the gate.	Please see section 5.2 of the report
It cannot cause any nuisance or inconvenience to neighbours.	Please see section 5.3 of the report

## 8. PROPOSED CONDITION

- 1 The building hereby permitted shall only be used for those purposes incidental to the use of the dwelling house to which it relates.  
REASON: To protect the character and appearance of the area and the amenity of neighbouring occupiers in line with policy D1 of the approved Local Development Plan and guidance contained within the National Planning Policy Framework.