



**REPORT of
CHIEF EXECUTIVE**

to
**CENTRAL AREA PLANNING COMMITTEE
15 NOVEMBER 2017**

Application Number	LBC/MAL/17/01054
Location	72 Wantz Road Maldon Essex CM9 5DE
Proposal	Addition of two sky light windows
Applicant	Mr Gary Pipe
Agent	-
Target Decision Date	6 November 2017
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	MALDON EAST
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION


REFUSE for the reason as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

72 Wantz Road, Maldon
LBC/MAL/17/01054



 MALDON DISTRICT COUNCIL	<p>Copyright For reference purposes only. No further copies may be made. This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Maldon District Council 100018588 2014</p>	<p>Scale: 1:750</p>
	<p>www.maldon.gov.uk</p>	<p>Organisation: Maldon District Council</p>
	<p>Department: Department</p>	<p>Comments: Central Committee</p>
	<p>Date: 03/11/2017</p>	<p>MSA Number: 100018588</p>

3. SUMMARY

3.1 Proposal / brief overview, including any relevant background information

- 3.1.1 This application seeks Listed Building Consent for the installation of two additional roof light windows to the rear slope of the roof. As the windows have already been installed the application is retrospective in nature. An application for the same proposal has been refused by the Council on 13 June 2017.
- 3.1.2 The application site lies to the western side of Wantz Road within the Conservation Area of Maldon. No. 72 Wantz Road is part of a grade II listed building, which dates from early in the 19th century, and forms the northern end of a terrace, along with Nos.74 and 76.

3.2 Conclusion

- 3.2.1 The works have demonstrably harmed the historic and architectural significance of the Listed Building without any significant public benefits to justify this harm. Therefore, the works are contrary to policy D3 of the approved Local Development Plan as well as guidance contained within the National Planning Policy Framework and other legislation. It is not considered that there are any material planning considerations to demonstrably outweigh the guidance provided within the NPPF or the planning history of the site.

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
- 126-141 - Conserving and enhancing the historic environment

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

- D3 - Conservation and Heritage Assets

4.3 Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- The Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990

5. MAIN CONSIDERATIONS

5.1 Impact upon the Historic Interest of the Listed Building

- 5.1.1 In accordance with section 66(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990*, the Council must have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses. Policy D3 of the Local Development Plan (LDP) states that development proposals that affect a heritage asset (whether designated or non-designated) and / or its setting will be required to preserve or enhance its special character, appearance, setting – including its streetscape and landscape value - and any features and fabric of architectural or historic interest.
- 5.1.2 Paragraph 132 of the NPPF states that *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. (...)”*.
- 5.1.3 Furthermore, paragraph 134 of the NPPF states: *“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”*.
- 5.1.4 When considering the impact of a proposed development on the significance of a designated heritage asset, the Council will give great weight to the asset’s conservation. Any harm or loss will require clear and convincing justification. Where a proposed development would cause less than substantial harm to the significance of a designated heritage asset, this harm will be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 5.1.5 No. 72 Wantz Road is part of a grade II listed building, which dates from early in the 19th century, and is situated in the Maldon Conservation Area. It forms the northern end of a terrace, along with Nos.74 and 76. Although they must all be of a very similar date, a straight joint in the brickwork of the rear wall at the division between Nos.72 and 74 shows that they were not built at the same time. No. 72 was evidently built as a pair of houses, the arrangement of which is somewhat unusual in that the principal elevation of one unit faced east onto the road and that of the other unit was on the end wall facing north.
- 5.1.6 The terrace – with its slate mansard roof, brick walls and regular rhythm of sash windows set beneath segmental arches and doorways beneath semi-circular arches – forms an attractive component in the streetscene and the conservation area. Notable internal features in No. 72 include original stairs, fireplaces and panelled partitions.
- 5.1.7 Overall, the significance of the listed building derives mainly from its age, Georgian architectural character, good state of preservation, survival of period features, and presence in the street-scene.

- 5.1.8 Whilst it is noted the Council previously granted consent for two roof lights, those were on the roof above the single storey rear projection. The circumstances of that consent were materially different from the current application. It has to be noted that the rooflights at the upper roof were installed before the building was listed and therefore did not require listed building consent at the time they were installed.
- 5.1.9 The unlawful roof-light windows have an intrusive impact upon the character and appearance of the building, particularly since the affected roof-slope is steeply pitched and therefore quite prominent. It is considered that the cumulative effect of the unauthorised roof-light windows, in addition to the two which were already in place before the building was listed, has resulted to the addition of incongruous features and in an unacceptable erosion of the historic character. The number of roof-lights and their close proximity to one another is such that they have eroded the simplicity of the roof and appear at odds with the style and period of the building. While the unauthorised works affect the rear of the property, they are highly prominent and can be seen in long views.
- 5.1.10 While it is clear what the harm is, the public benefits shall also be weighted in order to fully consider whether the harm would be acceptable. It is contended by the applicant that the removal of the windows would cause a health and safety issue as it would not be safe for the occupiers / users of the building to use the internal staircase. Moreover, it is alleged that the windows provide necessary daylight which offer environmental and economic benefits. It is noted that the staircases in the building were used for many years without the need of windows. This is not a particularly unusual occurrence. The absence of daylight provision to a non-habitable area of a dwelling is not considered to be detrimental to the living conditions of its occupiers. The economic and environmental benefits from not operating two sources of artificial lighting during day time are considered to be limited.
- 5.1.11 It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as “less than substantial” in the terms of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits.
- 5.1.12 It has to be noted that the same proposal was previously considered by the Council under application LBC/MAL/16/01508. The submitted scheme has not material difference from the previously refused scheme. It is not considered that there are any new material considerations that outweigh the planning history of the site.

6. ANY RELEVANT SITE HISTORY

- **LBC/MAL/04/00639**– Sky light window on lower floor roof above kitchen – APPROVED [29.07.2004].
- **LBC/MAL/16/01508** – Retrospective – Two (2) additional sky light windows to rear of property – REFUSED [13.06.2017].

Reason for Refusal: “It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as "less than substantial" in the terms

of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits. Therefore, the works are contrary to policies BE16 of the RLP and D3 of the LDP as well as guidance contained within the NPPF and other legislation.”

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	<p>Support – It is recommended this application is dealt with by Committee.</p> <p>The removal of the trees The conservation officer’s comments regarding the previous application are noted but the removal of the trees near Maldon District Council (MDC) offices should have been taken into account.</p>	<p>The officers only present applications to Committee in line with the scheme of delegation.</p> <p>Views of the development are not only available from MDC.</p>

7.2 **Internal Consultees (*summarised*)**

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>Object – The cumulative effect of the unauthorised roof-lights, in addition to the two which were already in place, is that they appear excessive and incongruous. The number of roof-lights and their close proximity to one another is such that they have eroded the simplicity of the roof and appear at odds with the style and period of the building.</p> <p>The works fail to preserve the significance of the listed building and the Maldon Conservation Area. The harm caused to the building's significance</p>	<p>Comments noted. See section 5 of the report.</p>

Name of Internal Consultee	Comment	Officer Response
	is not outweighed by any public benefits.	

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 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:

- Roy Pipe Langford Lee Maldon Road Langford
- Antony Clayton Orchard House Beeleigh Road Maldon
- Mr B J Gornall The Stables 72A Wantz Road Maldon
- Lorraine Haggerty & Lee Trevain 66 Wantz Road Maldon Essex

Supporting Comment	Officer Response
The windows would provide daylight to the staircase. Rooms can be quite gloomy.	See section 5 of the report.
The only property overlooking the additional windows is the Council Offices. The rear of the property is not part of the street scene.	There are other properties from which the works are visible.
There are two existing sky light windows of the same shape which have already been in place for 20 years. Two more will not cause any harm.	Existing harm does not mean that future harm should be acceptable. See section 5 of the report.
The windows are acceptable.	See section 5 of the report.
A previous Conservation Officer had indicated that the front of the building was the main reason for listing.	The reason for the building is listed is described at its listing and is not mainly for its frontage. See also paragraph 5.1.4 of the report.

8. REASONS FOR REFUSAL

- 1 It is considered that the works subject of this application have caused harm to the significance the listed building. While the harm caused to significance may be regarded as “less than substantial” in the terms of the NPPF, the works fail to preserve the significance of the listed building and identified harm is not outweighed by any public benefits. Therefore, the works are contrary to policy D3 of the approved Local Development Plan as well as guidance contained within the National Planning Policy Framework and other legislation.