



**REPORT of
CHIEF EXECUTIVE**

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

Application Number	HOUSE/MAL/17/01119
Location	8 St Pauls Mews Heybridge Essex CM9 4QZ
Proposal	Proposed side facing roof windows
Applicant	Mr Gormer & Ms Macmaster
Agent	Mr David Jones - Alun Design Consultancy
Target Decision Date	28 November 2017
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	HEYBRIDGE EAST
Reason for Referral to the Committee / Council	Previous Committee Decision

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

8 St Pauls Mews, Heybridge
HOUSE/MAL/17/01119



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	03/11/2017
	MSA Number:	100018588
www.maldon.gov.uk		

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 Lake Mead to the north and the property of No.10 St Paul's Mews to the south.
- 3.1.3 The proposal seeks planning permission for three side facing roof lights to the south facing roofscape.
- 3.1.4 There was a previous application under HOUSE/MAL/17/00643 for four roof lights on the north facing roofscape however this was refused at Committee on 20 September 2017 for the following reason:

“The proposed development would constitute unneighbourly development due to the proposed rooflights causing overlooking and a loss of privacy within the neighbouring property. The proposal is therefore contrary to policy D1 of the Maldon District Local Development Plan.”

3.2 Conclusion

- 3.2.1 The proposal is to install three roof lights to the side of the roof slope on the southern elevation of the dwelling. The previous reason for refusal was due to the overlooking and loss of privacy within the neighbouring property to the north. However the newly proposed windows would face towards the roofs of the properties to the south and would be at a high level, 1.7 metres above finished floor level. Therefore, the proposed development would not result in a demonstrable impact on the amenity of neighbouring occupiers.
- 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 - Requiring Good Design
- 126-141 - Conserving and enhancing the historic environment

4.2 Maldon District Local Development Plan 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 Local Development Plan (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 three roof lights. 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 south elevation of the property. Whilst the proposed windows are partially visible within the streetscene and surrounding properties, due to the scale of the roof windows and the presence of rooflights on other properties within the vicinity of the site, it is considered that the development would preserve the character and appearance of the Conservation Area.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. 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 face onto the roofs of the properties to the south and would be set at 1.7 metres above the floor of the room in which the windows are to be installed and therefore above 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.
- 5.3.2 The previous reason for refusal was due to the overlooking and loss of privacy within the neighbouring property to the north. However the newly proposed windows would face towards the roofs of the properties to the south and therefore, would not cause unacceptable overlooking of that neighbouring property. Due to the positioning of the windows at least 1.7 metres above finished floor level, any outlook would only be upwards and would not be towards any habitable rooms or amenity areas of neighbouring dwellings. Therefore, the proposal would not cause a loss of privacy or overlooking that would justify the refusal of the application.

5.4 Access, Parking and Highway Safety

- 5.4.1 The proposal will create one extra bedroom in the roof space resulting in a three bedroom dwelling. According to the Maldon District Vehicle Parking Standards Supplementary Planning Document (SPD), a two / three bedroom dwelling should have a maximum of two car parking spaces. However, No.8, No.10, No.12 and No.14 St Paul's Mews are terraced houses that have no off street parking at the front of the property. In this instance, it is considered that the extra bedroom would not impact on parking provision or demand at the site. It is noted that the previous application was not refused on the grounds of parking provision.

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 below the minimum requirement for a three bedroom dwelling. 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 the refusal of the application.

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 and represent minor, high level works to the existing dwelling, it is not a relevant consideration for this application.

5.7 Other Material Considerations

- 5.7.1 During the previous application, objections were received which mentioned restrictive covenants. 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** – Redevelopment of The Chalet Site for 124 dwellings; public open space, landscaping, new highways and associated ancillary development. Approved (14.07.2006) – Condition 22 removed Permitted Development rights for insertions into the roof.
- **HOUSE/MAL/17/00643** – Proposed side facing roof windows. Refused (10.08.2017).

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

- 7.1 The consultation expiry date is Thursday 9 November 2017. Any comments received after writing this report will be summarized within the Members' Update.

7.2 Representations received from Interested Parties (*summarised*)

- 7.2.1 No letters of representation have been received at the time of writing this report.

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: G/3937/17/PL-20.
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 Maldon District Local Development Plan.
- 3 The rooflights shown on approved drawing number G/3937/17/PL-20 shall be of a conservation style, black painted, cast metal type, shall not protrude above the tile line or the roof plane and shall be retained as such thereafter.
REASON: In order to ensure that the development is carried out in accordance with policies D1 and D3 of the Maldon District Local Development Plan.