



**REPORT of  
DIRECTOR OF PLANNING AND REGULATORY SERVICES**

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to  
**SOUTH EASTERN AREA PLANNING COMMITTEE  
15 JANUARY 2018**

<b>Application Number</b>	<b>FUL/MAL/17/01289</b>
<b>Location</b>	33 Princes Avenue Mayland Essex CM3 6BA
<b>Proposal</b>	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
<b>Applicant</b>	Royal Day Investments
<b>Agent</b>	Mr Gary Taylor - Ken Judge & Associates Ltd
<b>Target Decision Date</b>	15 January 2018
<b>Case Officer</b>	Devan Lawson, TEL: 01621 875845
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In

**1. RECOMMENDATION**

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

**2. SITE MAP**

Please see overleaf.

**33 Princes Avenue Mayland**  
**FUL/MAL/17/01289**



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee 17/01289/FUL
Date:	03/01/2018
MSA Number:	100018588

### **3. SUMMARY**

#### **3.1 Application Site**

- 3.1.1 The application site is on the north side of Princes Avenue and is occupied by a vacant detached bungalow with a pyramidal roof which is set back about 10 metres behind the general building line of the neighbouring properties. There is a garage attached to the side and a small conservatory to the rear. To the east is a chalet style bungalow and to the west a conventional bungalow gable end to the street. To the rear are the gardens of properties in Wembley Avenue. Whilst the street is mainly characterised by detached bungalows there are semi-detached chalets and a terrace.
- 3.1.2 It is relevant to note that planning permission has been granted for the replacement of the existing building with a pair of semi-detached dwellings under the terms of application FUL/MAL/17/00138.

#### **3.2 Proposal**

- 3.2.1 It is proposed to demolish the existing bungalow and erect a pair of semi-detached, three bedroom, chalet style properties. The main part of the building would measure 7.25 metres deep and 12.3 metres wide with a pitched roof built to an eaves height of 3.4 metres and a maximum height of 6.8 metres. To the rear would be a single storey flat roof projection that would measure 5.75 metres deep with a flat roof built to a height of 3.3 metres. Four dormers are proposed to the front of the building and one long box dormer is proposed to the rear which would extend beyond the eaves of the roof, thereby creating what could be termed a first floor extension rather than a dormer. This would have a weatherboard finish.
- 3.2.2 Four parking spaces are proposed to the frontage of the site with two points of access that would be shared with the neighbouring properties, as already exist.
- 3.2.3 The proposed building is different from the previously approved development in the following respects:
- The building would measure 0.3 metres narrower.
  - The ridge height would be 0.3 metres taller.
  - The depth of the main part of the dwelling has been reduced from 9.1 metres to 7.25 metres, but the single storey rear projection has been lengthened to result in the building being the same overall depth.
  - Storm porches would be provided above the front doors.
  - The number of dormers to the front would be the same, but their positioning and dimensions would be slightly adjusted.
  - The building would feature one large box dormer to the rear rather than two dormers and the box dormer would extend 1.7 metres beyond the eaves, thereby forming a first floor extension.
  - Roof lanterns to the flat roof rear projection have been omitted.

### **3.3 Conclusion**

- 3.3.1 The proposal would replace a single bungalow with 2 two bed dwellings within the settlement limits for Mayland and represents the alteration of a development that has previously been approved at the site. The proposal would not substantially harm the character of the area or the amenities of neighbouring residents and is therefore considered to be in accordance with policies S1, D1 and H4 of the Maldon District Local Development Plan.

## **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:**

- **Paragraph 14** – Presumption in favour of sustainable development
- **Paragraph 47** – Boost the supply of high quality homes
- **Paragraphs 56-66** -- Requiring good design

### **4.2 Maldon District Local Development Plan 2017:**

- S1 Sustainable development
- S8 Settlement boundaries and the countryside
- H4 Effective Use of Land
- D1 Design quality and built environment
- T1 Sustainable Transport
- T2 Accessibility

## **5. MAIN CONSIDERATIONS**

### **5.1 Principle of Development**

- 5.1.1 The proposed dwellings would be located within the settlement boundaries for Mayland and so would comply with the requirements of policy S1 of the Local Development Plan (LDP) which seeks to direct new residential development to within established settlements thereby preserving the appearance and character of the countryside. Mayland is recognized as being a “larger village” which has a range of service facilities as well as public transport links. The location would therefore be regarded as sustainable and there would be a net gain of one dwelling. It is noted that the principle of replacing the existing dwelling with two additional dwellings has previously been supported and the subsequent changes in policies do not give grounds to alter the position of the Local Planning Authority in respect of the principle of the development.

## **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, livable 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. This is supported by policies D1 and H4 of the Maldon District Local Development Plan and the Maldon District Design Guidance.
- 5.2.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can be found to be visually acceptable without causing material harm to the character and appearance of the site and the area. This planning permission provides a fallback position of substantial weight. It is noted that the proposal is different in the ways that are set out above and it is therefore necessary to consider the impact of these alterations on the character and appearance of the area.
- 5.2.3 The proposed dwelling would be 0.3 metres taller, but 0.3 metres narrower. It would have the same overall depth at ground floor but would be reconfigured so that the span of the main roof has been reduced. The alterations would alter the appearance of the dwellings, but not to an extent that would be materially worse than the approved development. The dwellings would now be 0.5 metres taller than the neighbouring properties to the south rather than 0.2 metres taller, but given the variation of roof heights within the streetscene it is considered that this alteration does not materially change the impact of the development on the character of the area.
- 5.2.4 The alteration of the dormer to the rear elevation to provide one large box dormer rather than two smaller dormers is considered to be unfortunate and a slight reduction in the design quality of the proposal. It is also considered to be unfortunate that the dormer would now extend beyond the eaves at the rear of the roof to effectively become a two storey flat roofed projection. However, as this element would be at the rear of the building it is considered that the change would not materially alter the impact on the streetscene. Therefore, on balance and giving substantial weight to the fallback position of erecting two box dormers, it is considered that this change would not result in the building being harmful to visual amenity to an extent that would conflict with the abovementioned policies.

## **5.3 Impact on Residential Amenity**

- 5.3.1 The basis of policy D1 of the submission LDP seeks to ensure that development will protect the amenity of its surrounding area.
- 5.3.2 As set out above, it has previously been accepted that the replacement of one dwelling with two can occur without causing material harm to the amenities of neighbouring dwellings. That planning permission provides a fallback position of substantial weight. It is noted that the proposal is different in the ways that are set out above and it is therefore necessary to consider the impact of these alterations on the amenities of neighbouring residents.
- 5.3.3 It was previously noted that the bungalow to the west has a garage / workshop on the boundary so there will be no loss of light to habitable rooms. It was also highlighted that the dwelling to the east is a chalet with a recess in the front elevation and a

habitable room facing south. Therefore it was deemed that the proposal would not be likely to cause a significant loss of light to habitable rooms and it was noted that there would have been no windows in the side elevations at first floor level.

- 5.3.4 The same is true in respect of this application and it is considered that the alterations to the dimensions of the building do not materially alter the overall impact on neighbouring residents. It is therefore considered that the proposal is in accordance with the abovementioned policies.

#### **5.4 Access, Parking and Highway Safety**

- 5.4.1 The existing dwelling has two access points and these are to be widened and re-used to provide a driveway to each and retain a small area of grass to the front. It is shown that two spaces for each dwelling will be provided, but it appears that a third car parking space would be available for each property. The level of parking provision and the means of accessing the site, which would not be altered in comparison to the previous proposal, is considered to be acceptable.

- 5.4.2 The Highway Authority has raised no objection to the application subject to conditions. It was previously determined that a request for a condition requiring no planting with 1 metre of the highway (footpath) was excessive and not easily enforceable and the same opinion is reached in respect of this application.

#### **5.5 Private Amenity Space and Landscaping**

- 5.5.1 Each dwelling would have a private amenity space at the rear of in excess of 160 sq metres which more than meets the adopted standard.

### **6. ANY RELEVANT SITE HISTORY**

- 6.1 Planning permission FUL/MAL/17/00138 for the erection of two dwellings at the site is fully discussed above.

### **7. CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

<b>Name of Parish / Town Council</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	Object: The proposal would represent overdevelopment of the site. The proposal is not in-keeping with neighbouring properties and insufficient parking is proposed.	Each of these matters are addressed above.

## 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Council (ECC) Highways Department	No objections subject to conditions.	Noted.

## 7.3 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No objection subject to conditions.	Noted.

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

7.4.1 No submissions have been received.

## 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 shall be carried out in accordance with the following approved plans and documents: Drawing Nos 2416/1 A and 2416/2.  
REASON: To ensure that the development is implemented as applied for and to meet the requirements of policy D1 of the Maldon District Local Development Plan.
- 3 Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall 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 ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 4 No development shall commence until details of the siting, height, design and materials of the treatment of all boundaries including gates, fences, walls, railings and piers have been submitted to and approved in writing by the Local Planning Authority. The screening as approved shall be constructed prior to the first use / occupation of the development to which it relates and be retained as such thereafter.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.

- 5 No development shall commence until details of the materials to be used for the hard surfacing of the site have been submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented and completed in accordance with the approved scheme within 3 months following the first occupation of the development hereby permitted and retained and maintained as such thereafter.  
REASON: To ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 6 The development shall not be commenced / first occupied unless and until the vehicular access as shown on the plan attached to and forming part of this permission has been constructed, surfaced and made available for use and shall be provided with a dropped kerb vehicular crossing of the footway / highway verge. The access shall be retained as such at all times thereafter.  
REASON: In the interests of highway safety and in accordance with policies T1 and T2 of the Maldon District Local Development Plan.
- 7 Prior to the commencement of the development details shall be submitted to and approved in writing by the Local Planning Authority showing the means to prevent the discharge of water from the development onto the highway. The approved scheme shall be undertaken and completed prior to the first use of the access and retained as such thereafter.  
REASON: To reduce the risk of flooding or the presence of ice on the highway and in the interests of highway safety.
- 8 Notwithstanding the provisions of Article 3 of the Town & Country Planning (General Permitted Development) Order 2015 (or any Order amending, revoking or re-enacting that Order) no window or other form of opening shall be formed in the side gable walls of the at first floor level of the dwellings hereby permitted without planning permission having been obtained from the Local Planning Authority.  
REASON: In the interests of the residential amenity of adjacent properties and in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
- 9 No development shall commence until details of existing ground levels and proposed finished ground, and its relation to the adjoining land, and floor levels 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 ensure that the details of the proposal are satisfactory in accordance with policies D1 and H4 of the Maldon District Local Development Plan.
10. Prior to commencement of the development no works shall take place until a detailed Sustainable urban Drainage Scheme as specified in the Essex Sustainable Drainage Systems Design Guide submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented prior to occupation of the development and should include and not be limited to:
- Discharge rates/location
  - Storage volumes
  - Treatment requirement
  - Detailed drainage plan

- A written report summarising the final strategy and highlighting any minor changes to the approved strategy

Where the surface water drainage strategy proposes the use of soakaways the details of the design and the results of a series of percolation tests carried out upon the subsoil in accordance with DG 365 2016. You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where discharging to a watercourse the proposed scheme shall include details of the destination and discharge rates equivalent to "greenfield runoff" up to and including a 1 in 100 year rainfall event inclusive of climate change. This is typically achieved by installing some form of attenuation on site e.g. temporary storage. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s). If the land is designated as a Brownfield Site it should aim to limit run-off for a storm event that has a 100% chance of occurring each year (1 in 1 year event) OR demonstrate 50% betterment of the current rates.

The applicant must demonstrate that the system is an appropriate point of discharge for the site. The discharge hierarchy should be used to determine discharge location. This is particularly important when considering greenfield development which may currently discharge to a sewer but may have the capacity to discharge to a watercourse or to the ground. If not, then further information/assessment will be required to determine the suitability of the system to convey the proposed flows and volumes of water. Evidence will be required that the development will not increase risk to others. If the proposed discharge point is outside the development site then the applicant will need to demonstrate that the necessary permissions and or agreements to achieve connection are possible.

Where the Local Planning Authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

Prior to first occupation a maintenance plan detailing the maintenance arrangements including who is responsible for different elements of the surface water drainage system and the maintenance activities / frequencies, has been submitted to and agreed in writing, by the Local Planning Authority. REASON: To ensure that adequate provision is made for surface water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.

11. 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 ensure that adequate provision is made for foul water drainage in accordance with policies D1 and D5 of the Maldon District Local Development Plan.