



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

to
**CENTRAL AREA PLANNING COMMITTEE
24 JANUARY 2018**

Application Number	HOUSE/MAL/17/01237
Location	125 Holloway Road Heybridge Essex CM9 4SW
Proposal	Detached garage with pitched roof
Applicant	Mr Billy Clarke
Agent	Mr Alan Ellis
Target Decision Date	18 January 2018
Case Officer	Spyros Mouratidis, TEL: 01621 875841
Parish	HEYBRIDGE WEST
Reason for Referral to the Committee / Council	Member Call In

1. RECOMMENDATION

APPROVE subject to conditions as detailed in Section 8 of this report.

2. SITE MAP

Please see overleaf.

125 Holloway Road
Heybridge HOUSE/MAL/17/01237



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 Maldon District Council 100018588 2014



MALDON DISTRICT COUNCIL

www.maldon.gov.uk

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Planning Services
Comments:	Central Area Committee
Date:	12/01/2018
MSA Number:	100018588

3. SUMMARY

3.1. Proposal / brief overview, including any relevant background information

- 3.1.1. Planning permission is sought for a single-storey, dual-pitched roof outbuilding to be used as a garage and for other purposes incidental to the enjoyment of the dwellinghouse. The development is at an advanced stage of construction and is already in use. Therefore, the application is retrospective in nature. The outbuilding measures 4.6m wide by 11.3m deep. Its height to the eaves is 2.25m and the overall height is 4m. The materials used in its construction are red brick for the walls, slate tiles for the roof and brown uPVC for the fenestration and the guttering. The building is located 0.4m away from the boundary fence with the neighbouring property to the north-west and 12m to the south-west of the rear elevation of the main dwellinghouse on site.
- 3.1.2. The application site lies to the south-west of Holloway Road, within the development boundary for Maldon and Heybridge. The area is urban in nature comprised predominantly of detached and semi-detached dwellinghouses. The use of outbuildings and garages is common in this area. Across the road, there are currently agricultural fields, but the area is one of the strategic sites for development as identified within the LDP. Part of the site also lies within flood zone 2.

3.2. Conclusion

- 3.2.1. It is considered that the development has not resulted in any detrimental harm upon the character and appearance of the area, the residential amenity of neighbouring occupiers, the highway safety or the provision of amenity space on site. Moreover, the use of the development is not considered vulnerable to flooding nor it is expected that the development to increase flooding elsewhere. Therefore, the proposal is in line with policies S1, D1, D5 and T2 of the Local Development Plan as well as the guidance provided within 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:

- 7-8 Roles of sustainable development
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 56-68 Requiring good design
- 196-197 Determining applications

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

- S1 Sustainable Development
- D1 Design Quality and Built Environment
- D5 Flood Risk and Coastal Management

- H4 Effective Use of Land
- T2 Accessibility

4.3. Relevant Planning Guidance / Documents:

- National Planning Policy Framework (NPPF)
- Planning Policy Guidance (PPG)
- Car Parking Standards
- Maldon District Council Design Guide SPD

5. MAIN CONSIDERATIONS

5.1. Principle of Development

5.1.1. The application is for the provision of facilities in association with an existing dwellinghouse on site. The principle of a proposal of this nature is acceptable in line with policies S1, H4 and D1 of the 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. Policy H4 of the LDP states that development which includes the addition to a building must:

1) Maintain, and where possible enhance, the character and sustainability of the original building and the surrounding area;

2) Be of an appropriate scale and design that makes a positive contribution to the character of the original building and the surrounding area and where possible enhance the sustainability of the original building; and

3) Not involve the loss of any important landscape, heritage features or ecology interests.

5.2.5. The building is of a typical design and scale; yet, it is of limited architectural merit. The development is located to the rear of the dwellinghouse, the main building on site. Glimpses of the development from public vistas and the adjacent highway are visible. Nevertheless, the development is read as a subservient building located between residential properties. This does not conflict with the character and appearance of the residential area. The use of materials and the appearance of the building do not appear out of keeping within the local context. Overall, the impact of the development upon the character and appearance of the area is considered acceptable. The proposal is in line with the relevant stipulations of policies S1, D1 and H4 of the LDP.

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 building is located in very close proximity to the boundary of the site, approximately 10m away from the neighbouring dwellinghouse. Despite this proximity, it is not considered that the building has a detrimental overbearing impact upon the amenity of the neighbouring occupiers. As the eaves height of the building measures 2.25m and the pitch of the roof slopes away from the boundary coupled with the distance from the dwelling and the extent of the neighbouring garden, it is considered that the impact from the development is minimal.

5.3.3. In terms of overlooking, although there is a window on the north gable of the building, this is only for the provision of light as there is no upper floor within the building. As such there is no overlooking resulting from this window. However, because an upper floor could be created in the future, to control and to avoid any potential impact to the amenity of neighbouring occupiers from this, an appropriately worded condition to prevent the creation of an upper floor would meet the six tests. Similarly, the roof lights on the eastern roof slope are not considered to cause any detrimental harm in terms of overlooking. Other openings are located at ground floor level where any impact to neighbouring properties is not demonstrable.

5.3.4. Regarding any overshadowing effect, the 45° rule has been applied; there was no overshadowing to any of the windows of the neighbouring property to the north. Any

impact to other neighbouring properties is significantly less than the impact caused to the property immediately to the north of the building. Limiting the use of the building only to those purposes incidental to the enjoyment of the dwellinghouse is considered to safeguard the amenity of the neighbouring occupiers from any potential harm from other uses. Hence, subject to conditions, the development is in line with the stipulations of policy D1 of the LDP and the NPPF.

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. The Council's adopted parking standards are expressed as maximum standards taking into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.2. The proposal has not altered the access or parking arrangements on site. The development has resulted in the replacement of an old and unusable garage with one usable by modern day cars. As the requirements for parking on site have not been altered either, the development is in line with policies D1 and T2 of the LDP and the guidance contained within the NPPF.

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 100sq.m. of private amenity space for dwellings with three or more bedrooms.
- 5.5.2. The development, albeit it has reduced the available amenity space on site, has not resulted in the reduction of the amenity space below the required standard. Therefore, the proposal is acceptable and in line with policy D1 of the LDP as well as the NPPF

5.6. Other Material Considerations

- 5.6.1. Flood risk – the development will not be used to accommodate habitable space and as such its use is not considered to be a vulnerable use. Moreover, the surface water will be drained with a soak away, thus not significantly increasing the risk of flooding elsewhere. A condition to limit the use of the building to purposes incidental to the use of the dwellinghouse is considered to meet the six tests of the national guidance. Moreover, a condition for the development to be completed in line with the mitigation measures proposed within the Flood Risk Assessment is considered to meet the tests. Therefore, subject to conditions, the proposal is considered acceptable in terms of policy D5 of the LDP and national guidance contained in the NPPF.

6. **ANY RELEVANT SITE HISTORY**

- **14/00191/HOUSE** – Proposed replacement roof incorporating new first floor accommodation. Side and rear extension, internal alterations and dropped kerb – APPROVED [12.05.2014]

7. **CONSULTATIONS AND REPRESENTATIONS RECEIVED**

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

Name of Parish / Town Council	Comment	Officer Response
Heybridge Parish Council	No comment	Noted

7.2. **Statutory Consultees and Other Organisations** (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Lead Local Flood Authority	No comment – The development is too minor	Noted

7.3. **Internal Consultees** (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health	No comment or objection	Noted

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

7.4.1. 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:

- Mr. & Mrs. Longman, Hei Jays, 131 Holloway Road, Heybridge, Essex

Supporting Comment	Officer Response
The proposal is ok	Noted

8. **PROPOSED CONDITIONS**

1. The development hereby approved shall be single storey only and no additional floor shall ever be created above ground floor.
REASON: To protect the residential amenity of neighbouring occupiers in line with policy D1 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.
2. The building hereby permitted shall only be used for those purposes incidental to the use of the dwellinghouse to which it relates and not for any commercial or business purpose or as annex accommodation.
REASON: To protect the residential amenity of neighbouring occupiers and in the interest of minimizing the exposure of vulnerable uses to flood risk in line

with policies D1 and D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.

3. The development shall be carried out in accordance with the details contained within the submitted Flood Risk Assessment for this application received by the Council on 23 November 2017.

REASON: In the interest of mitigation against flood risk in line with policy D5 of the Local Development Plan and the guidance contained within the National Planning Policy Framework.