



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

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

Application Number	FUL/MAL/17/01393
Location	Land Rear Of 47 Spital Road Maldon Essex
Proposal	Proposed 2 bedroom bungalow
Applicant	Mrs Anita Church
Agent	Lawrence Planning Limited - Derek Lawrence
Target Decision Date	12 February 2018
Case Officer	Hilary Baldwin, TEL: 01621 875730
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Councillor / Member of Staff

1. RECOMMENDATION


REFUSE subject to the reasons as detailed within Section 8 of this report.

2. SITE MAP

Please see overleaf.

Land Rear Of 47 Spital Road
Maldon FUL/MAL/17/01393



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	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 The application site was formerly part of the amenity space associated with No. 47 Spital Road. The application site is an irregular shape and is accessed by Greenways Chase which also serves Bramleys, a detached dwelling to the south of the site, and a number of garages relating to properties fronting onto Spital Road. The access road is approximately 120m in length with a 90 degree turn half way along. The access is narrower towards Spital Road and opens up in width past the 90 degree turn.
- 3.1.2 The site currently contains a detached garage, general storage, and an area of land that has been separated from No.47 Spital Road by planting and fencing.
- 3.1.3 Planning permission is sought for the erection of a single storey dwelling. The development would be served by the existing access serving Bramleys and the garages/ storage buildings to the rear of dwellings fronting Spital Road.
- 3.1.4 The dwelling would be 10.9m in depth (max) and 10.0m in width. It would contain two bedrooms, a study, kitchen and lounge. A garden space measuring 84m² would be provided to the rear of the site. The bungalow would have a maximum height of 6.2m to the ridge and 2.3m to the eaves.

3.2 Conclusion

- 3.2.1 The erection of a dwelling within the application site, albeit single-storey and relatively modest in size, would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality, but would significantly detract from its surroundings. This is consistent with an appeal which was dismissed at St Peters Avenue, 140 metres from the application site (APP/X1545/W/15/3010680).
- 3.2.2 Therefore, the proposed erection of a dwelling on the site would be unacceptably harmful to the character and appearance of the area. It would be contrary to approved Policies D1 and H4 which seek to protect local character and appearance and it would also not meet the aims of paragraph 17 of the NPPF, to achieve high quality design and take account of the different roles and character of different areas.

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, 49 and 59

4.2 Maldon District Local Development Plan submitted to the Secretary of State for Examination-in-Public on 25 April 2014:

- 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
- Maldon District Design Guide

5. MAIN CONSIDERATIONS

5.1 Principle of Development

5.1.1 The Council is required to determine planning applications in accordance with its adopted Development Plan unless material considerations indicate otherwise (Section 38(6) of the Planning and Compulsory Purchase Act 2004 (PCPA 2004) and Section 70(2) of the Town and Country Planning Act 1990 (TCPA1990).

5.1.2 The proposal is for a new dwelling inside the settlement boundary of Maldon as defined by the approved Local Development Plan and is therefore considered to accord with policy in principle. Nonetheless, there must be compliance with other policies in the Plan and the National Planning Policy Framework, which seeks to ensure that new residential development, does not take place at the expense of other material planning considerations.

5.1.3 The planning history of the site and planning appeal decisions on sites within the local area are pertinent in the assessment of this current application. These are discussed in the next section of this report.

5.2 Relevant Planning History

There have been three preceding applications submitted to the Local Planning Authority for very similar development of this site. The first, dating from 2013 was refused on the following grounds;

The proposal would result in an unacceptable form of backland development which would have insufficient vehicle turning space, poor and unsuitable servicing for fire and emergency service vehicles, insufficient room for suitable refuse storage and collection facilities and an access which is excessive in length. The proposal is therefore contrary to policy BE1 of the adopted Maldon District Replacement Local Plan, policy D1 of the Pre submission Local Development Plan, adopted guidance contained in the Essex Design Guide, and principles contained in the National Planning Policy Framework.

- 5.2.1 The two subsequent applications, submitted in 2014 and 2016, both of which proposed very similar developments were withdrawn prior to the Local Planning Authority issuing a decision.
- 5.2.2 The current application represents the same development as that submitted in 2016 and has been supported by additional written information within the planning statement which states that in the applicant's opinion, the submission is policy compliant. For clarity, this relates to the vehicle and public access to the site.
- 5.2.3 Since the submission and assessment of the previous proposals the Council is now in receipt of the approved Local Development Plan (LDP) and as such the current proposal must now be assessed against the approved policies of the LDP which was approved by the Secretary of State on 21st July 2017 and subsequent to the first three proposals.

5.3 Housing Need

- 5.3.1 The Strategic Housing Market Assessment (SHMA) identifies that there is a need for a higher proportion of two bedroom units to create a better housing offer and address the increasing need for smaller properties due to demographic and household formation change.
- 5.3.2 Policy H2 of the LDP and its preamble, which when read alongside the evidence base from the SHMA, shows an unbalanced high number of dwellings of three or more bedrooms, with less than half the national average for one and two bedroom units, and around 71% of all owner occupied properties having three or more bedrooms.
- 5.3.3 The Council is therefore encouraged in policy H2 to provide a greater proportion of smaller units to meet the identified needs and demands. The proposal would result in 1, two bed dwelling being created. However, the proposal is considered to make a very limited contribution to the housing supply/ addressing the housing stock imbalance in the district and therefore be given minimal weight as a material consideration when determining this application.

5.4 Design and Impact on the Character of the Area

- 5.4.1 The NPPF is unequivocal in stating the importance of high quality and inclusive design both for individual buildings and within public spaces. Design should establish a strong sense of place to create attractive places to live.
- 5.4.2 Approved policy D1 also states that development must respect and enhance the character and local context and make a positive contribution in terms of:
- Architectural style, including materials, design features and innovative design
 - Scale, height, massing and proportion
 - Landscape setting
 - Historic environment particularly in relation to designated assets and:
 - The natural environment

- 5.4.3 Planning permission is sought for the erection of a single storey dwelling. The development would be served by the existing access serving Bramleys and the garages/ storage buildings to the rear of dwellings fronting Spital Road. The dwelling would be 10.9m in depth (max) and 10.0m in width. The bungalow would have a maximum height of 6.2m to the ridge and 2.3m to the eaves.
- 5.4.4 The application site is currently occupied by a garage at the southern end and the remainder of the site is relatively unkempt, there are large conifer trees at the northern boundary of the site.
- 5.4.5 The application site is located within a predominantly residential area and was at one time part of the garden of No. 47 Spital Road, which is a chalet style dwelling fronting Spital Road. With some exceptions, there is a strongly linear pattern of development within the immediate locality, with most properties fronting the highway and set back a largely uniform distance from it. The fairly regular layout and generally consistent pattern of built form contribute to the locality's pleasant suburban appearance.
- 5.4.6 The application site is situated to the rear of No. 47 Spital Road and accessed by a long private drive currently used by Brambles, a detached dwelling to the south of the site. As a result, the erection of a dwelling within the application site, even if single-storey and relatively modest in size, would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality, but would significantly detract from its surroundings, this is consistent with an appeal which was dismissed at St Peters Avenue, 140 metres from the application site (APP/X1545/W/15/3010680).
- 5.4.7 Therefore, the proposed erection of a dwelling on the site would be unacceptably harmful to the character and appearance of the area contrary to approved policies D1 and H4 which seek to protect local character and appearance. Furthermore, it would also not meet the aims of paragraph 17 of the NPPF, to achieve high quality design and take account of the different roles and character of different areas.
- 5.4.8 It is also pertinent to note that in December 2017, the Local Planning Authority adopted the Maldon District Design Guide, (MDDG), which is an adopted Supplementary Planning Document and which is now a key mechanism for the delivery of design quality within the district. This new guide, not only looks at overall layout and form, but also the individual characteristics of the built environment. This document is now a material consideration in the assessment of all planning applications.
- 5.4.9 As such, this document considers layout and density a key factor in the delivery of new development. Section C12 states that new development should respond to the existing pattern of development within a settlement taking cues from existing patterns of plot subdivision and the relationship between the built and non-built form. Effective use of land includes local density appropriate to the location and must respond to and enhance the character of the existing settlement. Section C14, also states that form and massing have a significant contribution to the character of the area.

- 5.4.10 As previously stated, the pattern of development in this location is that of a uniform pattern of development fronting onto Spital Road with gardens extending down to the access way serving the dwelling known as Bramleys to the rear. Although it is acknowledged that the site has been separated from the rear garden of No 47 Spital Road for use as a garage and storage area in relation to that property, it does not follow that its future use for residential development is satisfactory.
- 5.4.11 Furthermore, it is noted that similar small single storey developments are located within the vicinity of the site within Greenways and Orchard Close. However, these properties are directly served by formal vehicle access and footways and provide a pleasing layout for communities of residents in these dwellings.
- 5.4.12 This isolated property does not follow the grain of local development and is therefore considered contrary to the aims and criterion of this Supplementary Planning Document.

5.5 Effect on amenity of neighbouring occupiers

- 5.5.1 The application site is located in a predominantly residential setting in Maldon and the application site is surrounded by dwellings.
- 5.5.2 The proposed dwelling would be single storey in nature and measure 10.9m in depth (max) and 10.0m in width. The proposed dwelling would be located 23 metres from the rear elevation of No. 47 Spital Road. Given that the dwelling is single storey in nature it is considered unlikely to result in overlooking. In addition, given the distance from the proposed dwelling to neighbouring dwellings the proposal is not considered unneighbourly or to the detriment of the amenities of neighbouring occupiers.
- 5.5.3 However, the proposed turning area as shown on the plan projects forward to the main entrance and front door of Bramleys. This arrangement is considered to result in potential conflict between the separate residential occupiers and result in an unneighbourly form of development. Furthermore, it is contrary to the conditions appended to the original grant of permission for the dwelling known as Bramleys. This is discussed in more detail in the following section of this report.
- 5.5.4 Therefore, the proposed development whilst not resulting in demonstrable impact upon the amenity of neighbouring occupiers within Spital Road, is considered to result in an unneighbourly form of development to occupiers of Bramleys. Therefore the proposal is considered contrary to the stipulations policy D1 of the LDP.

5.6 Access, Parking and Highway Safety

- 5.6.1 The Maldon District Council Supplementary Planning Document, Vehicle Parking Standards, states that residential dwellings comprising two/three bedrooms or more require a maximum of 2 spaces. Such provision could be accommodated within the site.
- 5.6.2 Access to the site would be taken from Greenways Chase which is an un-adopted road connecting to Spital Road. The access road is approximately 120m in length with a

90 degree turn half way along. The access is narrower towards Spital Road and opens up in width past the 90 degree turn. The access road currently serves Bramleys which is a detached dwelling to the south of the application site. Whilst there are some concerns about the adequacy of the highway the Highways Authority have been consulted and raised no objection to the proposal on highways safety grounds, there are no new material considerations would alter this position. However, it is relevant to note that the highway authority has no remit to control private tracks and access driveways and therefore comment accordingly.

- 5.6.3 The location and block plans identify an area to the south of the dwelling for the parking of two vehicles associated with the dwelling. The parking spaces identified measure 4.8m by 2.5m which satisfies the minimum bay size of 4.8m x 2.4m as set out in the Maldon District Vehicle Parking Standards SPD. For a dwelling with two bedrooms the SPD requires the provision of a maximum of two spaces, the proposal satisfies this requirement. Therefore, there is no objection to the proposal in relation to car parking provision as shown.
- 5.6.4 Two parking spaces are shown on the plans and the red line area of the site includes the required turning area of vehicles from the parking bays. This is a key difference from previous proposals.
- 5.6.5 The application site is located to the north of the existing dwelling Bramleys; both the original planning application at Bramleys in 2002 and the 2003 amendment application included part of the current application site in the red line area. The conditions of both the 2002 and 2003 planning applications specifically require that the access and turning space serving Bramleys remains clear at all times. Allowing the proposed development would result in the parking of vehicles within the space which should remain clear as per the conditions of the planning consents. The current proposal would therefore directly conflict with the earlier planning permissions and results in parking and servicing difficulties for both the existing and proposed developments.
- 5.6.6 In addition to this, and as highlighted in the assessment of the previous submission, the first part of the access off Spital Road is very narrow, measuring a maximum of 4m wide between boundary fences and walls. Although this is sufficient for a single vehicle, it is evident that two vehicles would not be able to pass each other along this road. As such vehicles could potentially be required to reverse onto Spital Road – a main and busy route through the town. There is not sufficient room along this part of the access for a vehicle passing bay to be provided.
- 5.6.7 Furthermore, the length of the access would not enable quick access for fire rescue or emergency services, and bin storage would need to be provided close to Spital Road. The Essex Design Guide (EDG) confirms that bin storage should be 25m from the highway. If this were to be provided the width of the access would decrease and make it less suitable for use. Furthermore, driveways of over 45m would necessitate use of it by fire tenders and so details should be provided within the application to show that this can take. In this instance, no formal documentation has been submitted to evidence that emergency and service vehicles would be capable of accessing the site via this route and be able to turn within the site as required by the current adopted Building Regulations.

- 5.6.8 It is acknowledged that the existing dwelling was granted planning permission and building regulation approval in 2003. However, since that time it is noted that the Building Regulations Part B has been amended in 2006, 2010 and 2013. Whilst there is no record of concern in relation to this element in the original applications for Bramelys for both planning and building regulations, the Council must take a precautionary approach to protect the safety of potential future residents.
- 5.6.9 It is noted that the submission has been supported by photographic evidence of a lorry within the site. However, this is not considered to be of sufficient gravitas or documentary evidence to overcome previous concerns in relation to this element of the proposal in relation to service and emergency vehicles.
- 5.6.10 The proposal is therefore considered contrary to adopted policies D1, T1 and T2 as the conflicting use of the proposed vehicle turning area would result in difficulties in providing adequate parking for the existing and proposed dwelling and it has not been demonstrated that the turning area and access road is suitable for all vehicles.

5.7 Private Amenity Space and Landscaping

- 5.7.1 The Essex Design Guide requires that two bedroom dwellings have a minimum of 50m² of private garden space rising to 100m² for larger dwellings. Such a provision would be met in this instance.
- 5.7.2 The application site already comprises some mature boundary treatment. A condition for their protection and retention, is considered necessary and reasonable and can be imposed upon any grant of permission.
- 5.7.3 In this respect the scheme is considered to accord with policies D1 and H4 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/13/01092** – Erection of a single storey dwelling.
Refused 27 February 2014
- **FUL/MAL/14/00592** – Erection of a single storey house
Withdrawn
- **FUL/MAL/16/01230** – Proposed new 3 bedroom bungalow
Withdrawn

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

7.2 Internal Consultees (*summarised*)

Name of Internal Consultee	Comment	Officer Response
Environmental Health Service	No comment received at the time of writing this report	Any response will be reported by way of the Members Update

7.3 Statutory Consultees and Other Organisations (*summarised*)

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
Essex County Highways	No objection.	The comments of the Highway Authority are Noted

Representations received from Interested Parties

7.3.1 At the time of writing this report, no letters of representation had been received.

8. REASONS FOR REFUSAL

REFUSE: for the following reasons;

1. The proposal would result in an unacceptable form of back-land development which would be materially at odds with the prevailing pattern of development within the vicinity. The awkward configuration of the site and its poor visual and physical relationship to other properties nearby would result in a contrived form of development that would not complement the positive qualities of the locality. The proposal is therefore contrary to the criterion of approved policies D1 and H4 of the Maldon District Local Development Plan, the Maldon District Design Guide (2017) and the guidance and provision as contained within the National Planning Policy Framework.
2. It has not been demonstrated to the satisfaction of the Local Planning Authority that the site benefits from adequate vehicle turning space or is suitable for servicing for fire and emergency service vehicles, or that there is sufficient room for suitable refuse storage and collection facilities.

Furthermore, the proposed turning area would result in an unneighbourly form of development. The proposal is therefore contrary to policies D1, T1 and T2 of the Maldon District Local Development Plan and the guidance and provision as contained within the National Planning Policy Framework.