



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

to
**SOUTH EASTERN PLANNING COMMITTEE
12 MARCH 2018**

Application Number	HOUSE/MAL/18/00122
Location	The School Room Creeksea Lane, Burnham-on-Crouch
Proposal	Extension of existing building to provide studio.
Applicant	Mr Roger Barcroft
Agent	None
Target Decision Date	19.03.2018
Case Officer	Devan Lawson TEL: 01621 854477
Parish	BURNHAM NORTH
Reason for Referral to the Committee / Council	Member Call In

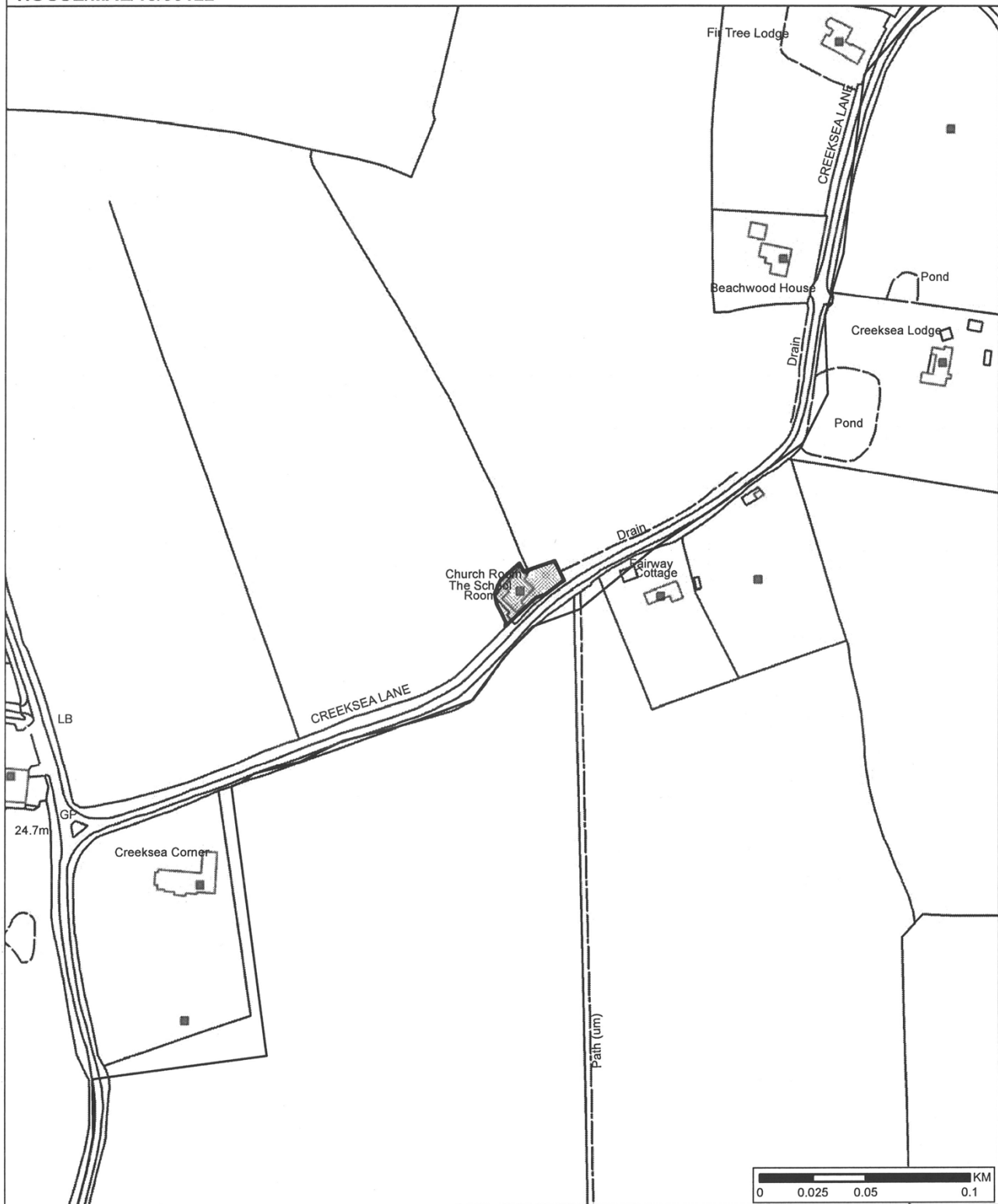
1. RECOMMENDATION

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

2. SITE MAP

Please see overleaf.

The Shool Room Creeksea Lane Burnham On Crouch
HOUSE/MAL/18/00122



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 Maldon District Council 100018588 2014



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Scale: 1:2,500

Organisation: Maldon District Council

Department: Department

Comments: SE Committee 18/00122

Date: 27/02/2018

MSA Number: 100018588

3. SUMMARY

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

- 3.1.1 The application site is located on the northern side of Creeksea Lane, outside of the defined settlement boundary of Burnham-On-Crouch. It consists of a single storey building which is used as a residential property with two single storey projections to the northwest and southwest. The immediate adjoining land and that to the north is agricultural, there is sporadic residential developments along Creeksea Lane.
- 3.1.2 Planning permission is sought to extend the northeast elevation of the existing dwelling to provide a room that is referred to by the applicant as a studio. In this instance, it is assumed that this reference to a studio is intended to mean a form of ancillary space connected to the enjoyment of the dwelling (such as an artist's studio) rather than independent accommodation (such as a studio flat). This matter could be clarified through the imposition of a condition if the development is approved. The proposed extension would project from the northeast elevation of the dwelling by 3.3m, measure 4.8m wide, 2.8m to the eaves and 4.8m to the ridge. It is also proposed to extend the existing glazed corridor by 2m.
- 3.1.3 The application represents a resubmission of two previously refused applications (**FUL/MAL/17/01278** and **HOUSE/MAL/17/00785**).
- 3.1.4 Application **HOUSE/MAL/17/01278** was refused for the following reason:
'The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policy D1 of the Local Development Plan, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.'
- 3.1.5 The most significant changes to the proposal from the previous application (**HOUSE/MAL/17/01278**) are:
- The projection from the northeast elevation has been reduced by 0.45m.
 - The windows on the southeast elevation have been spaced evenly.
 - The quoin detailing has been omitted from the proposed extension.

3.2 **Conclusion**

It is considered that the proposed development, by virtue of the scale, design, siting and accumulation of development to the original building is considered to result in a disproportionate addition that is not only considered to harm the existing building, given that the proposed extension would be highly visible from within the public realm, it would also harm the character of the rural locality. Therefore, the proposed extension is not considered to be in accordance with policies D1, H4 and S8 of the Approved Maldon District Local Development Plan,(LDP) the Burnham-on-Crouch Neighbourhood Plan and guidance contained within the NPPF. Furthermore, the previous reason for refusal has not been overcome.

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:

- **Para 14** – Presumption in favour of sustainable development
- **Para 47** – Boost the supply of high quality homes
- **Paras 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

4.3 Burnham-on-Crouch Neighbourhood Plan

- HO.8 Housing Design Principles

4.4 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- Choose an item.
- Maldon District Design Guidance

5. MAIN CONSIDERATIONS

5.1 Principle of Development

- 5.1.1 The principle of altering a dwelling to provide facilities in association with residential accommodation is considered acceptable, in compliance with policy D1 of the LDP. Other material planning considerations are discussed below.

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:

- 5.2.3 “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”.
- 5.2.4 This principle has been reflected within 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.
- 5.2.5 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the Maldon District Design Guide (2017).
- 5.2.6 The application site lies outside of any defined development boundary. According to policies S1 and S8 of the LDP, the countryside will be protected for its landscape, natural resources and ecological value as well as its intrinsic character and beauty. The policies stipulate that outside of the defined settlement boundaries, the Garden Suburbs and the Strategic Allocations, planning permission for development will only be granted where the intrinsic character and beauty of the countryside is not adversely impacted upon and provided the development is for proposals that are in compliance with policies within the LDP, neighbourhood plans and other local planning guidance.
- 5.2.7 The proposal is a revision of previously refused application **(FUL/MAL/17/01278)**. Therefore, permission should only be granted if the previous reason for refusal has been overcome. As shown above the previous application was refused planning permission because *‘The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policy D1 of the Local Development Plan, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.’*
- 5.2.8 The existing dwelling on site is a single storey building with two projections situated to the rear and the south west side of the main part of the building. The main part of the building is constructed of bricks with a slate roof and the two side additions are

constructed with black weatherboard connected to the dwelling with a glass corridor that extends around the rear and south west side of the main part of the building.

- 5.2.9 The proposed extension would project 3.3m from the northeast elevation, would extend the entire width and match the height of the existing building. The proposed extension would be constructed of materials to match the existing dwelling; second hand slate roof tiles, second hand red and ivory bricks, and the doors and windows would be constructed of painted timber. It is also proposed to extend the existing glazed corridor by 2m.
- 5.2.10 Following the previous application, the design of the proposal has been amended so that the additional window on the southeast elevation would be equally spaced when viewed alongside the other windows, which gives a better level of symmetry. In addition the projection from the northeast elevation has been reduced in depth by 0.45m in an attempt to reduce the scale of the proposal. Whilst it is noted that these elements do help to address the concerns contained within the previous reason for refusal, it is not considered that the reduction in size is large enough as to prevent the extension, when taken into account with the previous additions on the rear and southwest elevations dominating the original building.
- 5.2.11 As part of the previous application, concerns were raised in regards to the impact on what is presented as the original building as a result of a third projection and the contrast resulting from the addition of new built form which adjoins the original structure. It is noted that the building was reconstructed in 2012 under application **FUL/MAL/12/00812** as the building was structurally unsound. However, the structure was mainly constructed from materials salvaged from the original building and was a replica in design to ensure that the character and appearance of the property was preserved.
- 5.2.12 The supporting information states that the building was not listed either nationally or locally and it was demolished in 2012. It also states that there is no planning law or guidance that says that a redeveloped site of no historical interest should make reference to any previous building that occupied the site. However, as the re-development of the site involved a replica of the building, constructed from the original materials it is considered that there is a historic context of the property that should be considered. Furthermore, the property has its own individual character which contributes to the surrounding area, and therefore, must be considered and where possible maintained. Therefore, as previously outlined, the proposal is considered to detract from and dominate the original property which would be detrimental to the character and appearance of both the site and the surrounding area. This is further exacerbated by the omission of the quoin detailing on the southeast elevation, which further detracts from the architectural character of the existing building.
- 5.2.13 As noted in the previous application, whilst the proposed extension would be in alignment with the existing building; it would not form a subservient addition and whilst the proposed materials match those used on the existing building, it is considered that the extension would appear as a later addition. Even with the use of second hand materials, it is considered that there will be a contrast between the existing and new built form that would be poorly treated as a result of the extension being a seamless continuation of the existing building.

5.2.14 It is noted that supporting information has been provided with the application which details other permissions within the surrounding area, which the applicant considers to be comparable to this application. Therefore, these applications will be addressed in turn:

- **FUL/MAL/13/00321**, Oaklands, Creeksea Lane- Demolition of existing house & detached garage and construction of replacement dwelling with attached garage. Approved 15 August 2013. This application relates to a replacement dwelling and therefore, is of a different context to this application. However, the site is of a much more significant scale compared to the application site. Furthermore, as the dwelling was to be replaced there was no dominance of an existing structure as there is in this instance.
- **LDP/MAL/15/01119** – Oaklands, Creeksea Lane. Claim for Lawful Development Certificate: Proposed construction of new single storey pool/leisure outbuilding, ancillary to the existing dwelling house. Granted 9 December 2015. This application was for a Lawful Development Certificate and was assessed against the Town and Country Planning (Development Management Procedure) (England) Order 2010. Therefore, as the proposal related to permitted development, it could not be assessed against the Councils policies. Therefore, this does not provide a comparison to this proposal.
- **HOUSE/MA/17/00048**, Oaklands, Creeksea Lane. Construct detached cart lodge. Approved, 14 March 2017. This application related to a cart lodge, which was detached from the main dwelling. Furthermore, as previously stated, the application site is set within a large plot. Therefore, is not directly comparable to this application.
- **FUL/MAL/12/01057**, Mushroom, Creeksea Lane. Demolish existing house and replace with new 5 bed house and garage. Approved 13 Feb 2013. As with **FUL/MAL/13/00321**, this application relates to a replacement dwelling and therefore, is of a different context to this application. However, the site is of a much more significant scale compared to the application site and as the dwelling was to be replaced there was no dominance of an existing structure as there is in this instance. Furthermore, the site is heavily screened by vegetation and is not as open to long views of the site. Therefore, the harm on the surrounding countryside is lessened in comparison to this application site.
- **FUL/MAL/14/00356**, Land Between Chandlers And Creeksea Lane, Maldon Road. The applicant makes comment to the 180 homes granted planning permission at this site which is within proximity to The School Room. However, it should be noted that each application should be assessed on its own individual merits. The 180 homes have been allocated as part of the approved Maldon District Local Development Plan and are sited adjacent to the settlement boundary of Burnham-on-Crouch and a residential area. Given that the proposal subject of this report relates to an extension of an existing property it is not considered that a strategic allocation as part of the Local Development Plan is comparable to this proposal.

5.2.15 It is therefore considered that these examples do not offer direct comparisons to this proposal. Furthermore, the minor changes to the proposal following the refusal of the previous application, fail to mitigate against the harm to the character and appearance of the existing building or the surrounding countryside, as the accumulation of development on the site will continue to dominate what would have been and is

presented to be the original building and will be highly viewable from within the public realm.

- 5.2.16 The accumulation of development in comparison to the original building at the site is considered to result in a disproportionate addition that is not only considered to harm the existing building, given that the proposed extension would be highly visible from within the public realm, it would also harm the character of the rural locality. Therefore, the proposed extension is not considered to be in accordance with policies D1 and S8 of the Approved Maldon District Local Development Plan and the previous reason for refusal has not been overcome.

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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The application site shares a boundary with agricultural land to the north and a road to the south. As the site does not share a boundary with any neighbouring properties there are no concerns in regards to impacts on neighbouring amenity.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy T2 aims to create and maintain an accessible environment, requiring development proposal, inter alia, to sufficient parking facilities having regard to the Council's adopted parking standards. Similarly, 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.
- 5.4.2 The Council's adopted Vehicle Parking Standards SPD contains the parking standards which are expressed as maximum standards. This takes into account Government guidance which encourages the reduction in the reliance on the car and promotes methods of sustainable transport.
- 5.4.3 The proposed development does not impact the existing car parking arrangements on site nor result in the creation of an additional bedroom. Therefore, the proposed development would not have a detrimental impact on the provision of vehicle parking on the site.
- 5.4.4 As the proposal results in the addition of a private studio, it is unlikely that there will be many additional vehicular movements as a result of the development. Furthermore, the Highway Authority has been consulted and raises no objection in regards to highway safety.
- 5.4.5 As there are no concerns in regards to access, parking and highway safety, it is therefore, considered that the proposal is in accordance with Policies T2 and D1 of the Approved Local Development Plan.

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 Maldon Design Guide SPD advises a suitable garden size for each type of dwellinghouse, namely 100m² of private amenity space for dwellings with three or more bedrooms, 50m² for smaller dwellings and 25 m² for flats.
- 5.5.2 The proposed development would not affect the level of private amenity space provided at the site. Therefore, there are no concerns in this regard.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/09/00898** – Refused planning permission for change of use and conversion to residential dwelling with single storey extensions.
- **FUL/MAL/11/00238** – Approved planning permission for change of use and conversion to residential dwelling with single storey extensions.
- **FUL/MAL/12/00244** – Approved planning permission for amendments to proposed layout and elevations to planning permission **FUL/MAL/11/00248**
- **FUL/MAL/12/00812** – Approved planning permission for Dismantling of existing schoolroom, reconstruction and new single storey extension and conversion of schoolroom to residential 2 bedroom dwelling with associated curtilage.
- **DET/MAL/13/05032** – Compliance with Conditions Notification: Conditions 3, 5, 6, 7, 10, 11 (Dismantling of existing schoolroom, reconstruction and new single storey extension and conversion of schoolroom to residential 2 bedroom dwelling with associated curtilage – **FUL/MAL/12/00812**). Condition 6 was not discharged.
- **HOUSE/MAL/17/00344** - Erection of studio outbuilding, comprising studio room, wc, shower & storage loft. Alterations to existing parking arrangements. – Refused – 21.06.2017.
- **HOUSE/MAL/17/00785** - Extension of existing building to provide studio. Re-positioning of external door assembly. – Refused – 21.09.2017.
- **FUL/MAL/17/01278** – Extension of existing building to provide a studio. Refused – 28.12.2018. Reason for refusal specified in section 3.1.5

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Burnham Town Council	Support – Compliant application	Noted

7.2 External and Statutory Consultees

Name of Internal Consultee	Comment	Officer Response
Highway Authority	No objection.	Please see section 5.4

8. REASON FOR REFUSAL

1. The proposed development, by reason of its appearance, scale, siting and cumulative impact in addition to other developments that have occurred at the site, would detrimentally harm the character and appearance of the existing dwelling and locality by resulting in an addition that harms the character of the existing building at the site. The harm is further exacerbated due to the prominent position of the proposed extension. Therefore, the proposed development is not considered to be in accordance with Policies D1 and S8 of the LDP, guidance contained within the NPPF and the Burnham-on-Crouch Neighbourhood Plan.