



**REPORT of  
INTERIM HEAD OF PLANNING SERVICES**

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**to  
SOUTH EASTERN AREA PLANNING COMMITTEE  
21 MAY 2018**

<b>Application Number</b>	<b>FUL/MAL/18/00341</b>
<b>Location</b>	33 Princes Avenue, Mayland
<b>Proposal</b>	Erection of 2No. 3 bedroom dwelling to replace existing dwelling.
<b>Applicant</b>	Royal Day Investments
<b>Agent</b>	Ken Judge & Associates Ltd
<b>Target Decision Date</b>	25/05/2018
<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 & Previous Decision. Cllr. P Channer Reason: Local knowledge and parish interests.

**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/18/00341**



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Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	08/05/2018
MSA Number:	100018588

### 3. SUMMARY

#### 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 9 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 4 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 two box dormers are proposed to the rear.
- 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 proposal follows the refusal of similar application FUL/MAL/17/01289, which was refused for the following reason:

*The proposed development, by virtue of the proposed first floor, flat-roofed rear projection would be of inadequate design and result in an unacceptable bulk and mass at the rear of the dwellings, thereby being an incongruous and visually unacceptable element, to the detriment of the site and the surrounding area. The proposal is therefore contrary to the National Planning Policy Framework, Maldon District Local Development Plan (2017) policies D1 and H4 and the Maldon District Design Guide (2017).*

- 3.2.4 The proposed building is different from the previously refused development in the following respects:
- The depth of the main part of the building would be 1.8m greater, which prevents the box dormers extending beyond the eaves of the roof as before. This creates a shallower roof pitch.
  - There are 2 rear dormers, one for each dwelling, with a reduced depth of 2.9m opposed to 4.14m.
  - The two rear dormers each have a width of 5.8m, opposed to one continuous dormer with a width of 11.8m.

### **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 (LDP). It is considered that the previous reason for refusal has been satisfactorily addressed.

## **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 Supplementary Planning Guidance**

- Maldon District Design Guide
- Vehicle Parking Standards.

## **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 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 under the terms of application FUL/MAL/17/00318 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 LDP and the Maldon District Design Guidance (MDDG).
- 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 also noted that the proposal makes changes to the previously refused application (FUL/MAL/17/01289) as set out above. It is therefore, necessary to consider the impact of these alterations on the character and appearance of the area and whether the revisions overcome the reason for refusal.
- 5.2.3 The bulk of proposed dwellings would be 1.8m greater in depth, than the previously refused application, which would create a more exaggerated and shallow roof pitch. However, it is noted that the depth of the dwelling is equal to approved application FUL/MAL/17/00138 and although the roof height will be reduced by 0.2m in comparison to the approved scheme, the pitch of the roof would be similar to that of No 35 Princes Avenue and would therefore, not be out of keeping within the character of the area. Therefore, given that the proposal is not fundamentally different in scale to the originally approved application, that the reduced roof pitch would be located to the sides of the building and it would not be highly prominent within the streetscene, it is not considered that there would be material harm to the character and appearance of the surrounding area.
- 5.2.4 In contrast to the previously refused application, this application proposes two box dormers, opposed to one, which will align with the eaves, rather than extending beyond them. It should also be noted that the principle of constructing two box dormers was established as part of approved application FUL/MAL/17/00138.
- 5.2.5 It is not considered that the alterations mentioned above prevent the dormers appearing as a two storey flat roofed projections, which was a concern raised as part of the previous application. However, the bulk and mass at the rear of the dwellings would be reduced as a result and they would no longer extend beyond the eaves to create a two storey flat roofed projection. Therefore, the dormers are considered to be subservient features of the rear elevation of the dwellings. Furthermore, as this element would be at the rear of the building it is considered that the change in comparison to the original planning permission 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.
- 5.2.6 It is noted that storm porches are now proposed above the front doors of the properties in contrast to the original application and the level of hard standing proposed in comparison to the approved development has increased as a result of the front lawn

area being omitted. However, given that further soft landscaping has been incorporated along the sides of the driveways and that the design of the Front elevations, proposed parking and hard and soft landscaping does not differ to the previously refused application (FUL/MAL/17/01289), of which there was no objection to, it is not considered that there are any material alterations that would alter this stance.

### **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. Furthermore, there were no concerns in regards to neighbor amenity raised as part of the previously refused application. It is noted that the proposal is different to the refused application 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 It was also previously noted that the proposed dormers would be situated approximately 25.6m from the rear of No.26 and No. 38 Wembley Way and that given the separation distance between the neighbouring properties and the proposed dormers there would not be an increase in overlooking or the loss of privacy to the occupiers of Nos 26 and 38 Wembley Way.
- 5.3.5 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 2 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.

## 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

- **FUL/MAL/17/00138** - Replace existing dilapidated bungalow with a pair of semi-detached chalets. Approved.
- **FUL/MAL/17/01289** - Erection of 2No. 3 bedroom dwelling to replace existing dwelling. Refused for the reasons outlined in paragraph 3.2.3

## 7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

### 7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Mayland Parish Council	Object: <ul style="list-style-type: none"><li>• Overdevelopment</li><li>• May lead to increase in parking requirements</li><li>• Could cause added congestion on bus route</li></ul>	Each of these matters are addressed above.

### 7.2 Statutory Consultees and Other Organisations

Name of Statutory Consultee / Other Organisation	Comment	Officer Response
ECC Highways Dept	No objections subject to conditions	Noted

### 7.3 Internal Consultees

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

### 7.4 Representations received from Interested Parties

- 7.4.1 No submissions have been received.

## 8. PROPOSED 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, 2416/3  
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. Development shall not commence until a scheme for the provision and implementation of surface water drainage incorporating sustainable urban drainage schemes (SUDs) and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the local planning authority. The scheme shall be constructed and completed in accordance with the approved plans and prior to the occupancy of the development.
- 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.

## **INFORMATIVES**

1. The applicant suggests that a soakaway or soakaways will be used to collect the surface water from this development. Essentially this will satisfy building control measures however, more of these systems fail due to capacity during periods of heavy rainfall. In a development of this size and type it would be favourable to include a more sustainable surface water option than a soakaway which might include water harvesting systems or similar.

Where a soakaway is intended soil percolation tests should be undertaken in or calculated for winter months to mimic saturates soils.

2. Should the existence of any contaminated ground or groundwater conditions and/or hazardous soil gases be found that were not previously identified or not considered in a scheme agreed in writing with the Local Planning Authority, the site or part thereof shall be re-assessed and a scheme to bring the site to a suitable condition shall be submitted to and agreed in writing with the Local Planning Authority. A "suitable condition" means one in that represents an acceptable risk to human health, the water environment, property and ecosystems and scheduled ancient monuments and cannot be determined as contaminated land under Part 2A of the Environmental Protection Act 1990 now or in the future.

The work will be undertaken by a competent person in accordance with the Essex Contaminated Land Consortium's Land Contamination Technical Guidance For Applicants and Developers and UK best-practice guidance.

3. If the existing structure was built before 2000, prior to demolition it is recommended that an appropriate Asbestos Type survey of the buildings shall be undertaken. Where asbestos is found the HSE must be notified and a scheme shall be implemented to remove and safely dispose of any asbestos-containing materials in accordance with the Control of Asbestos Regulations 2012 including the use of licensed contractors.  
It is recommended that the council's Building Control department is notified of the demolition in order that requirements can be made under the Building Act 1984.
4. The applicant should ensure the control of nuisances during construction works to preserve the amenity of the area and avoid nuisances to neighbours:
  - a) No waste materials should be burnt on the site, instead being removed by licensed waste contractors;
  - b) No dust emissions should leave the boundary of the site;
  - c) Consideration should be taken to restricting the duration of noisy activities and in locating them away from the periphery of the site;
  - d) Hours of works: works should only be undertaken between 0730 hours and 1800 hours on weekdays; between 0800 hours and 1300 hours on Saturdays and not at any time on Sundays and Public Holidays.
5. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and specifications of the Highway Authority; all details shall be agreed before the commencement of works