



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

---

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

<b>Application Number</b>	<b>HOUSE/MAL/18/00308</b>
<b>Location</b>	Windward, Sandpit Lane, Burnham-on-Crouch
<b>Proposal</b>	Resubmission of Application HOUSE/MAL/17/01444 for Side/front extension including cladding of existing dwelling. Replacement Garage and raise existing ground levels at rear including new 1.8m high close boarded fence to West & South boundaries.
<b>Applicant</b>	Mr and Mrs Swallow
<b>Agent</b>	Mr Kevin Green – Anglia Design Services
<b>Target Decision Date</b>	EOT: 25.05.2018
<b>Case Officer</b>	Devan Lawson TEL: 01621 875845
<b>Parish</b>	<b>BURNHAM NORTH</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr Pratt Reason: Public Interest

1. **RECOMMENDATION**

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

2. **SITE MAP**

Please see overleaf.

**Windward Sandpit Lane Burnham On Crouch**  
**HOUSE/MAL/18/00308**



**Copyright**



For reference purposes only.  
 No further copies may be made.  
 This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright.  
 Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.  
 Maldon District Council 100018588 2014

[www.maldon.gov.uk](http://www.maldon.gov.uk)

Scale:	1:1,250
Organisation:	Maldon District Council
Department:	Department
Comments:	SE Committee
Date:	08/05/2018
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 western side of Sandpit Lane, within the settlement boundary of Burnham-on Crouch. The site is occupied by a single storey, detached bungalow. The surrounding area is typically residential in nature, with dwellings sited to the north, west and south of the site. To the east of the site lies an allotment garden.
- 3.1.2 Planning permission is sought to construct front and side extensions to the property and a replacement garage. The works will also include the cladding of the existing dwelling in weatherboard and the construction of a 1.8m closer boarded fence to the rear and south of the site. It is also proposed to raise an area of 92m<sup>2</sup> in the rear garden of the site by 1.2m to level the rear garden.
- 3.1.3 The proposed side and front extension would measure a maximum of 4.9m in height, 7.2m in depth and 3.5m in width. The extension would have a front gable which would project 0.6m forward of the principal elevation.
- 3.1.4 It is also proposed to construct a porch to the front of the dwelling. The porch would measure 1.9m in width and 1.1m in depth and it will have a maximum height of 3.4m.
- 3.1.5 The proposed garage would measure 2.7m in width 5.5m in depth and a maximum height of 3.8m to the top of the gable roof. The garage is currently an attached garage, situated on the northern elevation of the property. It is proposed to replace the garage a distance of 0.2m from the northern boundary, being detached from the dwelling.
- 3.1.6 It is proposed to clad the walls of the dwelling and garage in Marley Cedral weatherboarding in cream white. The roof will be constructed from interlocking concrete roof tiles and lead for the flat roof canopy. The windows will be UPvc and the doors painted hardwood.
- 3.1.7 The application represents a resubmission a previously refused application HOUSE/MAL/17/01444. That application was refused for the following reasons:
1. The proposal due to its siting and design would result in a dominant and incongruous form of development which would be materially at odds with the prevailing pattern of development within the vicinity. Furthermore, the proposal would introduce new architectural features to the dwelling and the surrounding area which would be materially harmful to the character and appearance of the dwelling and 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. The proposed raising of the ground levels to the rear of the site by reason of the relationship with the adjacent dwelling to the south of the site would give rise to the perception of overlooking and result in a loss of privacy that would be an unneighbourly form of development. Therefore, the proposed

development would be contrary to policies D1 and H4 of the Local Development Plan and the guidance and provisions as contained within the NPPF.’

3.1.8 The most significant changes to the proposal from the previous application (HOUSE/MAL/17/01444) are:

- A flat roof canopy has been omitted from the front elevation
- The front gable projection projects 0.6m beyond the principal elevation opposed to 1.8m.
- A 1.8m close boarded fence is proposed on the southern elevation.

### **3.2 Conclusion**

3.2.1 It is considered that, the raising of the ground level to the rear of the site combined with the addition of a 1.8m high fence on the southern boundary is considered to result in an overbearing and visually intrusive form of development to the detriment of the occupiers of the property to the south. Therefore, the proposal is contrary to Policy D1 of the Maldon Local Development Plan (LDP) and guidance contained with the Maldon District Design Guide (MDDG) and the National Planning Policy Framework (NPPF). Therefore, 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)
- 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:

“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 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:-

- Architectural style, use of materials, detailed design features and construction methods. Innovative design and construction solutions will be considered where appropriate;
- Height, size, scale, form, massing and proportion;
- Landscape setting, townscape setting and skylines;
- Layout, orientation, and density;
- Historic environment particularly in relation to designated and non-designated heritage assets;
- Natural environment particularly in relation to designated and non-designated sites of biodiversity / geodiversity value; and
- Energy and resource efficiency.

- 5.2.4 Similar support for high quality design and the appropriate layout, scale and detailing of development is found within the MDDG (2017)..

- 5.2.5 The proposal is a revision of previously refused application (**HOUSE/MAL/17/0144**). Therefore, permission should only be granted if the previous reasons for refusal have been overcome. As shown above the previous application was refused planning permission for two reasons. In design terms it was refused because *'The proposal due to its siting and design would result in a dominant and incongruous form of development which would be materially at odds with the prevailing pattern of development within the vicinity. Furthermore, the proposal would introduce new architectural features to the dwelling and the surrounding area which would be materially harmful to the character and appearance of the dwelling and 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.'*

#### Front and Side Extension

- 5.2.6 The character and style of the dwellings within Sandpit Lane, varies with a mixture of single and two storey detached dwellings. Whilst the single storey dwellings mainly have simple pitched roofs, the two storey dwellings tend to have forward projecting gables on the principal elevations. On that basis and given the character of the area, the principle of a forward projecting gable would be in keeping with the surrounding area to an acceptable degree.

- 5.2.7 The front gable projection has been reduced in depth by 1.2m in comparison to the previous proposal, thereby reducing the extent to which the development projects beyond the principal elevation. It is noted that despite the reduction this element will still extend beyond the front elevations of the neighbouring properties to the north and south. However, it is noted that the dwellings towards the north of Sandpit Lane include forward projections and given the natural curve of the road to the east towards the end of the lane, the 0.6m gable projection proposed would not appear to extend beyond the building line. Therefore, although the proposal would be situated 0.3m away from the neighbouring boundary to the south, which would exacerbate the visual impact of the 0.6m projection, given the characteristics of the streetscene which includes dwellings which are situated on the boundaries and the presence of other front projections towards the north of the road, on balance, it is not considered that this part of the proposal would result in significant harm as to warrant a reason for refusal.

#### Porch

- 5.2.8 The proposed porch is considered to be of a typical style and design for residential development and is not considered to result in any material harm to the character and appearance of the area.

#### Garage

- 5.2.9 The existing garage, which is attached to the northern side of the dwelling will be demolished. The proposed garage is of some architectural merit and is of a typical design and style for a detached garage. Whilst it is noted that the proposed garage is located within close proximity to the neighbouring site (0.2m) given that it would be set back 7.1m from the highway and 3.7m from the neighbouring dwelling, it is not considered that it would have a dominant impact on the site or the surrounding area. Furthermore, the proposal is of an acceptable scale and bulk in comparison to the

dwelling. Therefore, it is not considered that the garage will result in material harm to the character and appearance of the area.

#### Materials

- 5.2.10 The existing dwelling is currently constructed from render and timber windows and doors. Given that there is a vast mix of materials within the streetscene and weatherboard is used on some properties, it is not considered that the use of cream coloured weatherboard would materially harm the character and appearance of the area.

#### Raising of the Ground

- 5.2.11 The raising of part of the rear garden by 1.2m to level the rear garden is not considered to cause harm to the character and appearance of the area, as the development would not be highly viewable from the streetscene and the development is considered to result in a minor change to the rear of the site.

#### Fence

- 5.2.12 The proposed 1.8m fence to the south and west elevations would be situated on top of a 1.15m retaining wall. However, given the resulting ground levels as part of the wider application the fence would only project 1.8m above ground level when viewed from the application site. Furthermore, the fence is situated to the rear of the site and so there are no views available from the public realm. Therefore, there are no objections in regards to the impact on the character and appearance of the area.

### **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 proposed extension will be located 0.3m from the boundary with the neighbouring property to the south. Although this is close to the neighbouring boundary, the property to the south does not have any windows on the northern elevation and the extension would not project beyond the rear of the existing dwelling of the neighbouring site. Furthermore, the proposal is single storey, whereas the neighbouring property is two storeys in height. Therefore, it is not considered that the proposed extensions would have an overbearing or overpowering impact on the neighbouring occupiers and nor would they result in a loss of light.
- 5.3.3 It is noted the proposal includes a high level window that serves a living room. The plans state that this will be obscure glazed. However, given the lack of windows on the northern elevation of the neighbouring property, it is not considered necessary to apply a condition in this respect as there is not an increase in overlooking to either occupier.
- 5.3.4 The garage will be situated 0.2m from the boundary with the neighbouring property to the north and will project 1m beyond the rear of the neighbouring property. Given that there are no windows proposed within the garage and no ground floor windows within the side elevation of the neighbouring property, it is not considered that there will be an increased loss of privacy. Furthermore, the proposal would have a height

of 3.8m which is not considered to be overbearing to the neighbouring occupiers, particularly as the development only extends 1m beyond the rear elevation. In addition, given the orientation of the dwellings it is also not considered that the proposal will result in detrimental overshadowing or loss of light.

- 5.3.5 The raising of the rear garden by 1.2m will increase the opportunity for overlooking into the rear garden of No.4 Arcadia Road, and the properties located to the north and south of the site. No.4 has a substantially sized rear garden that is screened from the application site by a dense row of vegetation and the proposed development would be located to the far end of the neighbouring garden. Furthermore, the dwelling in the neighbouring site is located to the south of the application site. Therefore, there are no direct views available into the dwelling at No.4 Arcadia Road.
- 5.3.6 The proposed fence will be sited 1.8m above the newly formed ground level at the rear and south of the application site. However, it is noted that the ground levels to the rear and south of the site drop by approximately 1.2m. Therefore, the fence would be situated 3m above ground level from No.4 Arcadia Road and Quantocks, Sandpit Lane. The development would be a significant distance from the neighbouring dwelling to the west (No.4 Arcadia Road) and the garden is of a significant size. Therefore, it is not considered that the development would be overbearing or overpowering to the occupiers of No.4 Arcadia Road.
- 5.3.7 The 1.8m fence proposed on the southern elevation of the site will reduce the levels of overlooking into Quantocks as a result of the raised ground levels (which was previously a concern). However, given that the ground levels in the neighbouring site are lower than existing within the application site, the additional 1.2m increase in ground level and an additional 1.8m high of closeboard fence on top of this would result in an overall height of 3m at the boundary of the site which would be imposing and visually unacceptable (unlike the fence to the rear which would be mitigated by landscaping). This is further exacerbated by the shallow nature of the neighbouring amenity space which is a maximum of 7.8m in depth. Consequently, the 5.3m length of fencing on this boundary would extend over half the depth of the neighbouring garden. Therefore, the proposed raising of ground levels and addition of a 1.8m high fence on the southern elevation will result in a visually intrusive and dominant form of development to the detriment of the neighbouring occupiers.
- 5.3.8 It is not considered that the raising of the ground level will increase overlooking into the neighbouring property to the north, as the ground levels would be similar as within the neighbouring property and the sites are bounded by a significantly sized hedge.
- 5.3.9 The raising of the ground levels might also increase views into the rear of No37 Hester Place, which is situated to the rear of the site. However, the distance from the rear garden of the application site to the neighbouring dwelling is 39.7m. Therefore, given the significant separation distance, it is not considered that there will be an increase in overlooking or loss of privacy to No.37 Hester Place.
- 5.3.10 It is therefore, considered that the development would have a detrimental impact on the amenity of the adjoining neighbours to the south by way of being overbearing and visually dominant, contrary to policy D1 of the LDP.

## **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 current parking provisions will not be decreased by the proposed development and the development proposes no additional bedrooms therefore, it is considered that the proposed development will not have a detrimental impact on the provision of vehicle parking on the site.

## **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 MDDG SPD advises a suitable garden size for each type of dwellinghouse, namely 100m<sup>2</sup> of private amenity space for dwellings with three or more bedrooms, 50m<sup>2</sup> for smaller dwellings and 25 m<sup>2</sup> for flats.
- 5.5.2 Whilst the proposed development proposes the loss of some amenity space the remaining would still be in excess of the standard and therefore complies with D1 of the LDP.

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

- **BUR/66/0040** – Approved Bungalow and Garage.
- **HOUSE/MAL/17/01444** - Side/Front extensions including cladding of existing dwelling. Replacement Garage and raise existing ground levels at rear including new 1.8m high close boarded fence to boundary. Refused

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

### **7.1 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Burnham-on-Crouch Town Council	Support – Compliant application	Noted

## 7.2 External and Statutory Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Highway Authority	No objection.	Noted

## 8. REASON FOR REFUSAL

1. The proposed raising of the ground levels to the rear of the site combined with the addition of a 1.8m fence on the southern side of the site would result in a visually intrusive, overbearing and dominant form of development that would be an unneighbourly form of development to the detriment of the neighbouring occupiers to the south of the site. Therefore, the proposed development would be contrary to policy D1 of the Local Development Plan and the guidance and provisions as contained within the NPPF.'