



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

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

<b>Application Number</b>	<b>FUL/MAL/18/00285</b>
<b>Location</b>	Casimir 134 Imperial Avenue Mayland
<b>Proposal</b>	Replacement Bungalow
<b>Applicant</b>	Mr D Cottee
<b>Agent</b>	Mr Mel Bajic – Iconico Ltd
<b>Target Decision Date</b>	EOT: 25.05.2018
<b>Case Officer</b>	Devan Lawson <a href="tel:01621875845">TEL:01621 875845</a>
<b>Parish</b>	<b>MAYLAND</b>
<b>Reason for Referral to the Committee / Council</b>	Member Call In Cllr Helm Reason: Public Interest

**1. RECOMMENDATION**


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

**2. SITE MAP**

Please see overleaf.

**Casimir 134 Imperial Avenue Mayland**  
**FUL/MAL/18/00285**



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	<p>Organisation: Maldon District Council</p>	<p>Department: Department</p>
	<p>Comments: SE Committee</p>	<p>Date: 08/05/2018</p>
	<p>MSA Number: 100018588</p>	<p>www.maldon.gov.uk</p>

### **3. SUMMARY**

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

- 3.1.1 The application site is located on the southern side of Imperial Avenue, within the settlement boundary of Mayland. The site is occupied by a single storey, detached bungalow with a detached garage. The surrounding area is typically residential in nature, with an eclectic mix of dwellings ranging from one storey bungalows to three storey dwellings.
- 3.1.2 Planning permission is sought for a replacement bungalow with an integral garage. The proposed bungalow would have a maximum height of 5.6m, a width of 15.8m and a maximum depth of 16m, inclusive of the integral garage which will project 3m from the principal elevation. It will be constructed from red bricks and off white render which is not dissimilar to the existing. The windows and doors will be grey aluminum with the exception of the front entrance door which will be composite grey. The roof tiles will be composite slate in a dark grey colour which varies to the existing concrete tiles.
- 3.1.3 In terms of boundary treatments the existing hedges at the site are to be retained.

#### **3.2 Conclusion**

- 3.2.1 The proposal would replace a single bungalow with a three bedroom bungalow within the settlement limits for Mayland. The proposal would not substantially harm the character of the area or the amenities of neighbouring residents. Furthermore, the proposal provides sufficient car parking and amenity space at the site and is therefore considered to be in accordance with policies S1, D1, H4 and T2 of the Maldon District Local Development Plan (LDP).

### **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 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 constructing a replacement dwelling is considered acceptable under Policy H4 of the approved LDP which states that planning permission for the replacement of an existing dwelling with a new dwelling will only be granted if:

- 1) The residential use of the original dwelling has not been abandoned;
- 2) The original dwelling is not a temporary or mobile structure;
- 3) The original dwelling is not worthy of retention because of its design and relationship to the surrounding area;
- 4) The proposed replacement dwelling is of an appropriate scale to the plot and its setting in the landscape;
- 5) The proposed replacement dwelling is of a design appropriate to its setting; and
- 6) The proposal will not involve the loss of any important landscape, heritage features or ecology interests.

It is considered that the residential use of the dwelling has not been abandoned and the original structure is not temporary. Therefore, the principle of constructing a replacement of the dwelling at the site is considered acceptable. Other material considerations relating to points 3-6 will be 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 (MDDG) (2017)..
- 5.2.6 The existing dwelling on site measures 10.7 metres in width, a maximum depth of 11.2 metres and a height of 4.8 metres. It is a single storey bungalow, with a detached garage, set in a generously sized plot. The proposed development would result in a larger property, but it would still be single storey with a height of 5.6 metres. The proposal would be in a similar position as the existing dwelling on site but with a larger footprint.
- 5.2.7 The existing bungalow on site is considered to make a limited contribution to the character and appearance of the area and is therefore, not considered to be worthy of retention. Although it is one of the few remaining bungalows within this area of Imperial Avenue, the proposed replacement dwelling would be single storey and constructed from similar materials to the existing dwelling which would prevent the erosion of the character of the site.
- 5.2.8 The streetscene is made up of an eclectic mix of properties which have varying scales and designs all set in similar sized plots. The application site is situated within a row of three detached single storey properties. However, each has an individual style. Therefore, given that the proposed replacement dwelling would be single storey in nature, it is proportionate in relation to the plot size and is of a typical design for a property of its type. Whilst the design of the new dwelling is considered to be of no specific architectural merit it is considered that the design would be in keeping with the surrounding area to an acceptable degree.
- 5.2.9 The proposed dwelling would have a maximum height of 5.6m, which is 0.8m greater in height than No.132 Imperial Avenue to the east of the site. However, as previously noted, the dwellings within the streetscene are varied in height, for example Nos. 97 and 97a opposite the site are three storey and No. 130 is two storey. Therefore, the differing ridge height in comparison to the neighboring dwellings would not detrimentally harm the character of the streetscene.
- 5.2.10 It is noted that the proposed garage will project 3m from the principal elevation of the property, which will be 0.5m forward of the neighbouring property to the east. However, the building line within the streetscene is varied and the proposal would not project beyond the building line of properties Nos. 112 – 106 Imperial Avenue.

Therefore, it is not considered that the forward projection would disrupt the prevailing pattern of development and cause material harm to the character of the area.

- 5.2.11 The proposed brick plinth with white render above and slate roof tiles is in keeping with the materials used on other dwellings within the streetscene and so would not appear out of character with the surrounding area. The proposed aluminum windows and doors are considered to be a modern addition. However, given the differing styles within the streetscene it is not considered to result in material harm to the appearance of the area.
- 5.2.12 The proposal will not involve the loss of any important landscape features, heritage features or ecological interests. The retention of the existing hedgerows to the site will ensure that a soft edge to the site is maintained and will preserve the character of the area. From the site plan it appears that the existing driveway and grass area will be retained and the application form states that a permeable material will be used for the driveway. However, to ensure that the soft and hardscaping proposed is acceptable in relation to the surrounding area a condition should be applied requesting these details.
- 5.2.13 The proposed replacement bungalow is considered to be of an appropriate scale and bulk in relation to the plot and is of a style and design which is in keeping with the character and appearance of the surrounding area to an acceptable degree, in accordance with policies S1, D1 and H4 of the approved 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. This is supported by section C07 of the MDDG (2017).
- 5.3.2 The proposed property would be situated 1.2m from the boundary shared with No.136 Imperial Avenue to the west and 1.5m from the eastern boundary shared with No. 132 Imperial Avenue. Given the single storey nature of the dwelling, the lack of any windows in the side elevation of No. 132 Imperial Avenue and the dense mature hedgerow separating the application site and No. 136, it is not considered that the proposal would result in any increased overlooking or loss of privacy.
- 5.3.3 The proposal would extend 4.3m forward of No. 132 Imperial Avenue and 1m beyond the rear elevation. However, given the orientation of the dwelling and that it is single storey it is not considered to result in an unacceptable loss of light to the rear of No.132. Furthermore, as shown on plan 'site plan' the 45° line would not extend beyond the centre line of the window to the front of No.132 Imperial Avenue, this is also the same when carrying out the test in elevation. Therefore, it is not considered that there would be an unacceptable loss of light to the front of No. 132 Imperial Avenue.
- 5.3.4 It is therefore, considered that the development would not 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 proposed bungalow will have three bedrooms. The Vehicle Parking Standards state that a three bedroom dwelling should provide 2 parking spaces. The proposed garage has space to park one vehicle and there is space for one car within the driveway of the site. Therefore there is no objection in regards to car parking provision.
- 5.4.4 It is not that the Highway Authority supports the application subject to the conditions. The condition requiring the provision of cycle storage is not considered to meet the 6 tests defined within the NPPF as there is sufficient space to store bicycles in the garage of the dwelling and the site is within the defined settlement boundary which is considered a sustainable location.

## **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**

None

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

### **7.1 Internal Consultees**

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Mayland Parish Council	The roof height is over and	Please see section 4.2

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
	above the neighbouring properties  Parking might be restricted	Please see section 4.4
Environmental Health	No objection subject to conditions	Noted.

## 7.2 External and Statutory Consultees

<b>Name of Internal Consultee</b>	<b>Comment</b>	<b>Officer Response</b>
Highway Authority	No objection subject to conditions	Please see section 4.4

## 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: Drawings: location plan, existing elevations, proposed elevations, proposed floor plans, site plan.  
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. The external surfaces of the building(s) shall be constructed of the materials specified on plan Proposed Elevations and within the planning application.  
REASON: To protect the amenity and character of the area in accordance with policy D1 of the Local Development Plan
4. Details of the materials to be used for the hard surfacing of the site shall be submitted to and approved in writing by the local planning authority. The hard landscape works shall be carried out as approved prior to the first use / occupation of the development hereby approved 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.
5. 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 dormer window or other form of addition or opening shall be constructed in the roof or gable walls of the building(s)/ extension hereby permitted without planning permission having been obtained from the local planning authority.  
REASON: To protect the amenity of neighbouring occupiers in accordance with policies S1 and D1 of the Maldon District Local Development Plan

6. Prior to the commencement of the development details of the surface water 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. The scheme shall ensure that for a minimum:
- 1) The development should be able to manage water on site for 1 in 100 year events plus 40% climate change allowance.
  - 2) Run-off from a greenfield site for all storm events that have a 100% chance of occurring each year (1 in 1 year event) inclusive of climate change should be no higher than 10/l/s and no lower than 1/l/s. The rate should be restricted to the 1 in 1 greenfield rate or equivalent greenfield rates with long term storage (minimum rate 1l/s) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield) or 50% betterment of existing run off rates on brownfield sites (provided this does not result in a runoff rate less than greenfield)

You are advised that in order to satisfy the soakaway condition the following details will be required:- details of the area to be drained, infiltration rate (as determined by BRE Digest 365), proposed length, width and depth of soakaway, groundwater level and whether it will be rubble filled.

Where the local planning authority accepts discharge to an adopted sewer network you will be required to provide written confirmation from the statutory undertaker that the discharge will be accepted.

REASON: To ensure that the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

7. 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 the details of the proposal are satisfactory and will not increase the risk of surface water flooding in accordance with policy D5 of the approved Maldon District Local Development Plan.

8. No unbound materials shall be used in the surface treatment of the proposed vehicular access within 6m of the highway boundary.

REASON: To ensure that loose materials are not brought out onto the highway, in the interests of highway safety and in accordance with Policy T1 of the approved Maldon District Local Development Plan.

9. The garage(s) shall not be used other than for the accommodation of private motor vehicles or for any other purpose incidental to the enjoyment of the dwelling house as such and shall not at any time be converted or used as habitable space / living accommodation.

REASON: To ensure that alterations are not carried out which would deplete the provision of car parking facilities within the site, in accordance with policy T2 of the Local Development Plan.