



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

to
**CENTRAL AREA PLANNING COMMITTEE
30 MAY 2018**

Application Number	HOUSE/MAL/18/00411
Location	25 Victoria Road Maldon Essex CM9 5HE
Proposal	Proposed rear dormer
Applicant	Mr Sam Firman
Agent	Mr Alfred Coot - A G Coot Design
Target Decision Date	12 June 2018
Case Officer	Louise Staplehurst, TEL: 01621 875706
Parish	MALDON NORTH
Reason for Referral to the Committee / Council	Member Call In by Councillor Rev. A E J Shrimpton – in the public interest

1. RECOMMENDATION


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

2. SITE MAP

Please see overleaf.

25 Victoria Road Maldon
HOUSE/MAL/18/00411



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	Organisation:	Maldon District Council
	Department:	Department
	Comments:	Central Committee
	Date:	16/05/2018
	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 southwest side of Victoria Road, within the Maldon Conservation Area and within the settlement boundary of Maldon. The site is occupied by a two storey semi-detached dwelling. The property is subject to an Article 4 (2) Direction which affects the principal elevation of the property. The surrounding area is residential in nature with properties of a similar design.

3.1.2 Planning permission is sought for a rear dormer. It will measure 2.1 metres wide, 2.8 metres deep and 1.6 metres high.

3.1.3 In terms of materials, the walls will be made of hanging slate tiles, there will be a flat leaded roof and a painted timber sash window.

3.1.4 The application follows a previous application for a larger, 'L' shaped dormer which was refused in December 2017. The reason for refusal was:

'The proposed development, by reason of its scale and design, is considered to be detrimental and harmful to the character and appearance of the existing dwelling and the Maldon Conservation Area, which is not in compliance with policies D1 or D3 of the LDP or the National Planning Policy Framework.'

3.2 Conclusion

3.2.1 The proposed development is not considered to result in any undue harm by way of overlooking or overshadowing. In addition, it also does not adversely impact on amenity space or car parking provision. However, by reason of its scale and design, the proposed dormer would detrimentally harm the character and appearance of the existing dwelling and the Maldon Conservation Area. The proposal is therefore not in compliance with policies D1 or D3 of the 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:

- 56-68 Requiring Good Design
- 126-134 Conserving and Enhancing the Historic Environment

4.2 Maldon District Local Development Plan approved by the Secretary of State:

- D1 Design Quality and Built Environment
- D3 Conservation and Heritage Assets
- T2 Accessibility
- S1 Sustainable Development
- H4 Effective Use of Land

4.3 Relevant Planning Guidance / Documents:

- Car Parking Standards
- Essex Design Guide
- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- Maldon District Design Guide

5. MAIN CONSIDERATION

5.1 Principle of Development

5.1.1 The principle of altering and extending the 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 and appearance 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 should be sought to create a high quality built environment for all types of development. There is similar support for high quality design and the appropriate layout, scale and detailing of development found within the Maldon District Design Guide (2017).
- 5.2.2 Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the Council to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
- 5.2.3 Victoria Road forms part of the Maldon Conservation Area and is characterised by two storey, detached and semi-detached dwellings most of which date back to the late 19th and early 20th century. The dwellings within the vicinity of the site are of a similar architectural style, with largely unaltered roof-scapes. In addition, the road is covered by an Article 4 direction, intended to maintain the original style and materials of the windows and doors.
- 5.2.4 The dormer window has been reduced in size from the previous application, and is no longer an 'L' shape. It is considered to be of limited architectural merit. In terms of scale and appearance, it is considered to result in an incongruous development which appears as an inappropriate addition to the rear elevation and does not reference the style and design of the existing dwelling, to the detriment of the appearance of the dwelling and surrounding area. Although the materials have been changed from the previous application to be more sympathetic to the conservation area, the design of the box-shape dormer is still considered to be out of keeping with the conservation area.
- 5.2.5 The proposed dormer would not be highly visible from within Victoria Road. However, views of the proposed dormer would be available from Edward Bright

Close, which is located south west of the application site. It is considered that, although the dormer has been reduced in size, it would still be considered to erode the traditional architectural character of this part of the conservation area. The proposed dormer would fail to enhance or preserve the special character and appearance of the conservation area and would detrimentally impact the existing dwelling. It is noted that the Conservation Officer has objected to this application due to the detrimental impact on the conservation area.

- 5.2.6 It is also noted that there was an application in 2017 for a rear dormer at No. 35 Victoria Road and, although it was a larger dormer, it was dismissed at appeal as it would appear as a 'strident interloper that would fail to harmonise with the style and form of the host property or the roof scale of the terrace more generally'.
- 5.2.7 Although there are some dormers visible on the rear of properties near the application site, they appear to have been constructed without planning permission under the terms of former permitted development rights. It is noted that No.17 Victoria Road was granted permission for a rear dormer in 2015, however the rear elevation of this property is less prominently visible than the application site.
- 5.2.8 It is considered that the proposed dormer would detrimentally harm the character and appearance of the original dwelling and the Maldon Conservation Area. The proposed development is therefore considered to be contrary to policies D1, D3 and H4 of the LDP.

5.3 Impact on Residential Amenity

- 5.3.1 Policy D1 of the LDP seeks to protect the amenity of surrounding areas. The application site has two adjacent neighbouring properties. No. 23 abuts the boundary with the application site to the south east and No. 27 is located to the North West.
- 5.3.2 The proposed dormer would be located 2.1 from the boundary with the neighbouring property to the North West, No. 27 Victoria Road. There will be no windows on the side elevation facing the neighbouring property and therefore due to this, as well as the positioning on the roof slope, the development is not considered to cause overshadowing or overlooking to an extent to justify the refusal of the application.
- 5.3.3 The proposed dormer would be located 1.3 metres from the adjoining neighbouring property to the south east, No. 23 Victoria Road. There will be no windows on the side elevation facing the neighbouring property and therefore due to this, as well as the positioning on the roof slope, the development is not considered to cause overshadowing or overlooking to an extent to justify the refusal of the application.
- 5.3.4 All other properties would be a substantial distance from the proposed development. It is consequently considered that the proposed development will not cause overlooking or have a harmful impact of the amenities of neighbouring residents and would therefore be in accordance with this aspect of policy D1 of the LDP.

5.4 Access, Parking and Highway Safety

- 5.4.1 Policy D1 of the LDP seeks to ensure that safe and secure vehicle parking is provided in accordance with the Council's adopted parking standards. The adopted Maldon

District Vehicle Parking Standards Supplementary Planning Document (SPD) sets out that a two bedroom dwelling should provide two spaces to park vehicles. The Parking Standards are expressed as maximum standards and Government guidance encourages the reduction in the reliance on the car and promoted methods of sustainable transport.

5.4.2 The proposed development would result in an additional bedroom creating potential for a three bedroom dwelling. The parking requirement for this number of bedrooms is not different from the current requirement. Whilst there is no off street car parking provision on site, permit parking is available along Victoria Road and it is considered that due to the access to public transport and distance from the High Street, the site is within a sustainable location where a relaxation in on-site car parking provisions is reasonable. Therefore, the proposal is not considered to have such a detrimental impact on vehicle parking as to warrant a reason for refusal.

5.4.3 Therefore, there is no objection to the proposal in terms of car parking as it complies with this aspect of policy D1 of the LDP.

5.5 Amenity Space

5.5.1 The Essex Design Guide advises a suitable garden size for dwellings with three or more bedrooms is 100m². The current garden size is approximately 250m² which is above the minimum requirement for a dwelling of this size.

5.5.2 The existing garden on the site satisfies the standard contained within the Essex Design Guide; the proposed development would not result in a loss of the rear amenity space. Therefore, there is no objection to the proposal in relation to amenity space as it is in compliance with this aspect of policy D1 of the LDP.

6. ANY RELEVANT SITE HISTORY

- **FUL/MAL/08/00586** – Single storey rear extension – Approved.
- **HOUSE /MAL/17/01175**– Proposed dormer in the roof at the rear to provide bedroom – Refused.

7. CONSULTATIONS AND REPRESENTATIONS RECEIVED

7.1 Representations received from Parish / Town Councils

Name of Parish / Town Council	Comment	Officer Response
Maldon Town Council	Recommends approval.	Comments noted.

7.2 Representations received from Internal Consultees

Name of Internal Consultee	Comment	Officer Response
Conservation Officer	<p>More sympathetic materials have been proposed compared to the previous application however it would still resemble a box extension and not a traditional dormer and would appear as an incongruous feature, exacerbated by the misalignment of the window.</p> <p>It would cause less harm to the conservation area than the previous application but it still does not preserve or enhance the conservation area and therefore the application should be refused.</p>	Comments noted.

7.3 Representations received from Interested Parties (*summarised*)

7.3.1 No letters of representation have been received at the time of writing this report.

8. REASON FOR REFUSAL

- 1 The proposed dormer, by reason of its scale and design, is considered to be an incongruous addition which would be detrimental and harmful to the character and appearance of the existing dwelling and the Maldon Conservation Area, contrary to policies D1 and D3 of the Maldon District Local Development Plan and the guidance contained within the National Planning Policy Framework.