

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**22 August 2018**

**REFERENCE:** HW/FUL/18/00212

**OFFICER:** Ganesh Gnanamoorthy

**APPLICANT:** Mr and Mrs Pasquariello

**LOCATION:** 103 Herons Wood  
Harlow  
Essex  
CM20 1RT

**PROPOSAL:** New Dwellinghouse

**LOCATION PLAN:**



**REASON BROUGHT TO COMMITTEE:** More than two representations received which are contrary to officer recommendation.

## **Application Site and Surroundings**

The application site hosts a 2-storey end of terrace property to the north-eastern aspect of Herons Wood.

The surrounding area is predominantly residential in character.

The application site is not located within a designated conservation area, nor is the site designated as green wedge land or near listed buildings.

## **Details of the Proposal**

The application seeks to erect a new end of terrace, 3-bedroom dwelling house within the curtilage of the existing property.

Two off street car parking spaces are proposed for the new dwelling, with an additional two provided for the existing dwelling.

## **RELEVANT PLANNING HISTORY:**

Application Reference Number: HW/PL/15/00029

Proposal: New Dwelling House

Application Status: Refuse Permission

Date Application Received: 27 January 2015

Date Application Decided: 25 March 2015

Application Reference Number: HW/PL/06/00127

Proposal: Two Storey Side Extension and Single Storey Rear Extension

Application Status: Grant Permission

Date Application Received: 03 April 2006

Date Application Decided: 02 May 2006

## **CONSULTATIONS:**

### **Internal and external Consultees**

#### **HDC – Consultant Arborist**

No objection raised subject to the imposition of a condition requiring an arboricultural method statement.

#### **HDC – Cleansing And Environment**

No objection raised.

#### **ECC – Highway Authority**

No objection raised.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 22

Total Number of Representations Received: 3

Date Site Notices Expired: 17 May 2018

Date Press Notice Expired: Not Applicable

## **Summary of Representations Received**

The three representations all object to the proposal. The concerns raised can be summarised as follows:

- Increased parking stress on an already congested road
- Unacceptable levels of noise disturbance for future occupiers by virtue of proximity to Elizabeth Way and the Ram Gorse development
- Location of nearby sewer

## **PLANNING POLICY:**

BE1: "Character and Identity" new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character. Permission will be granted for new development providing: it is well connected to and integrated with the wider settlement; the height massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and details of the surrounding area; building design is specific to the site and its context; it enhances the character, image and perception of the area when highly visible.

H10: "Existing Housing Areas" planning permission will be granted for infill development if: the proposal does not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene or the amenities afforded to occupiers of adjacent dwellings; off street parking and access arrangements are acceptable and do not prejudice the potential for comprehensive development of adjacent land.

NE11: "Trees and Hedgerows" in considering applications for development affecting trees or hedges the following may be required: a survey of the site and trees and hedges concerned; oppose the loss of trees and hedgerows of amenity value and wildlife importance; serve TPO's to protect trees with public amenity value; may impose conditions to ensure the retention or replacement of trees and hedgerows of amenity value or wildlife importance and their protection during construction.

T9: "Vehicle Parking" parking shall be provided in accordance with the adopted vehicle parking standards. Justification is required for the amount of car parking proposed on an operational need and, if applicable, a Green Commuter Plan.

## **PLANNING STANDARDS:**

National Planning Policy Framework (NPPF) (2018) - sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

### **Supplementary Planning Documents/Current Planning Guidance**

The Harlow Design Guide SPD (2011)

The Essex Parking Standards: Design and Good Practice (2009)

Essex County Council's Adopted Development Management Policies (2011)

Planning Practice Guidance (PPG)

### *Harlow Local Development Plan Pre-Submission Publication (2018)*

Harlow Council is in the process of submitting a new local plan to the Secretary of State for examination.

Paragraph 48 of the NPPF sets out that weight may be given to relevant policies in emerging local plans according to the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given); the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight may be given); and the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

The 'Harlow Local Development Plan Pre-submission Publication' (the 'emerging Local Plan') is the final version of the plan for consultation before it is submitted for examination.

The consultation closed on 6<sup>th</sup> July 2018.

It is considered that the policies within the emerging Local Plan are consistent with the policies in the NPPF and that limited weight should be given to relevant emerging local plan policies at this stage. Relevant policies are discussed within the Planning Assessment section.

## **PLANNING ASSESSMENT:**

The key issues for consideration in the determination of the application are: the principle of the development; layout, design and the character and appearance of the area; landscaping; neighbour amenity; and access, parking, and highway safety.

### **Summary of Main Issues**

#### **Principle of development**

The application seeks planning permission for 1 No. end of terrace dwelling.

Policy H10 of the (ARHLP, 2006) states that planning permission for residential infill development will be granted provided that: the development proposal would not have an

unacceptable adverse effect on the character of the locality, the appearance of the streetscene, or the amenities enjoyed by the occupiers of neighbour dwellings; off-street parking and access arrangement can be provided for both existing and proposed dwellings and that the proposal would not prejudice the potential for comprehensive development of adjacent land. Policy H2 of the emerging local plan reflects this. There are no plans for comprehensive development in the area.

It is therefore considered that the proposal should be accepted in principle, subject to the planning considerations highlighted in the following sections of this report.

### **Design, layout and impact on the character and appearance of the area**

The proposed end of terrace dwelling would broadly replicate the proportions and design features of the adjoining property at 103 Herons Wood. The terrace features a clearly designed housing type although the property at 103 Herons Wood is narrower than the rest. However, this forms part of the original development and it is considered that a new property at a similar width to the property at 103 is more appropriate than introducing a property with a width similar to the other properties in the housing group. The continuation of the terrace incorporating the same front building line as the existing dwelling, as well as replicating the roof form and pitch and use of matching materials, would ensure that this new dwelling responds well to the appearance of the remaining terrace, as well as the wider surroundings.

The previously refused scheme had raised concerns over the visibility of the proposed dwelling to Elizabeth Way. The current scheme is nearly 2.00m further away from the boundary along Elizabeth Way while the continuation of the terraced form would ensure that the current proposal would appear more visually acceptable than the previous iteration which was a detached dwelling which failed to respond well to the established building lines, appearing incongruous when viewed from Elizabeth Way.

The increased gap between the flank elevation of the proposed dwelling and Elizabeth Way, along with the continuation of the established building lines to the front and rear at first floor level, would ensure that the low density feel of Elizabeth Way would not be compromised.

The Officer report for the previously refused scheme expressed concerns over the scale of the proposed dwelling. Although the current proposal would be two storeys in height, as per the refused scheme, the form of the development as a continuation of the terrace along with the greater set in from the boundary, would ensure that the current proposal would not appear cramped.

Subject to a condition to require all external materials to match the existing dwelling, it is considered that the development would be of high quality, and integrate well with the character of its surroundings. The proposal is therefore considered to be in accordance with ARHLP policy BE1 and the Harlow Design Guide SPD. Policies H2 and PL1 of the emerging Local Plan echoes the above policies.

### **Landscaping**

There are a number of trees within the site, as well as others to the northern side of the application site. No trees are proposed to be removed as part of this application.

The Consultant Arborist has no objection to the scheme, although it is considered that a

condition should be imposed to any permission which would secure an arboricultural method statement in order to ensure that the proposed development works do not adversely harm the tree to be retained on site.

The previously refused application raised concerns over the amount of works that would be needed to the trees which would result in significant stress to the trees and that the dwelling would appear cramped as a result.

Pruning works have been undertaken to the trees, and these were carried out by the Council in August 2017.

The applicant has submitted an arboricultural report which demonstrates that the development proposed can be carried out without significant harm to the existing trees, and the Council's Arborist has raised no concerns regarding the findings of this document.

The Arborist was asked for specific comment on the tree works that have taken place to the protected trees, as well as the juxtaposition of the proposed dwelling with the existing trees. The Arborist has stated that the works undertaken to the trees, which involved cutting them back to the boundary, are considered acceptable, and would reasonably be likely to be granted consent in the future. Regarding the juxtaposition, the Arborist has stated that the horse chestnut trees are succumbing to pathogens and are unlikely to be alive for many years to come. The condition of the trees further cement the view that further pruning in the future would be likely to be acceptable.

Subject to conditions, there are no concerns regarding landscaping. The application is considered to accord with ARHLP policies NE11 and NE12.

### **Neighbour amenity and living conditions**

The proposed end of terrace dwelling would be of a similar scale to those that exist in the existing terrace and follows the existing building line of 103 Herons Wood, indicating an acceptable impact on sunlight and daylight receipt.

The locations of windows and doors ensure that no overlooking of existing properties would be caused. Neither would there be a loss of privacy or an undue sense of enclosure.

One objector has stated that future occupiers of the property would suffer great levels of noise disturbance as a result of the development of the old rugby club site. It is considered that there is a significant gap between the proposed dwelling and the rugby club site, with Elizabeth Way separating the two. This distance would ensure that any noise is minimal, whilst it is also considered that any future occupiers would be aware of the situation prior to occupation.

The proposal is considered to be acceptable with regard to neighbour amenity and living conditions and in accordance with ARHLP policy BE1 and The Harlow Design Guide.

### **Access, parking, highway safety and servicing**

The proposed end of terrace dwelling would be accessed directly from Herons Wood.

The Essex County Council Parking Standards state that properties with 2 or more bedrooms should provide a maximum of 2 off street car parking spaces. One visitor space should be provided for every 4 dwellings.

The proposal provides four resident spaces – two for the new dwelling and two for the existing one. The proposal provides four spaces and is considered to comply with the standard.

The Highways Authority has been consulted on the application and they have raised no objections to the proposal subject to the imposition of a condition ensuring that the parking, access, and turning areas are provided prior to first occupation.

It is noted that objections have been raised with regard to the likely use of the turning head for additional parking, with one objection providing photographic evidence of this already taking place. The turning heads are not designated for parking, and are not provided for such a use by existing residents. The proposal meets the parking requirement, and it would not be appropriate to expect greater parking provision. In addition, the proposed parking layout for the existing dwelling at 103 Herons Wood appears more readily accessible and is therefore likely to result in less likelihood of parking within the street and turning head. With the above in mind, and given that the parking standards have been complied with for the new and existing dwellings, there are no parking grounds to refuse this application.

The proposal would not result in the loss of any parking spaces within Herons Wood, and the scheme is considered to be acceptable in terms of access, parking, and highway safety and in accordance with ARHLP policy T9. Policies IN2 and IN3 of the emerging Local Plan reflects the above.

**Other matters:**

Concerns have been raised over the possible siting of sewers beneath the proposed dwelling. Thames Water was consulted on the previous proposal and no objections were raised to the proposal. This did not, therefore, form a reason for refusal previously and there is no reason to consider that it should do on this occasion.

**CONCLUSIONS:**

The application would be of an acceptable design and layout. Neighbouring amenity, access, parking, and highway safety matters are considered acceptable.

The scheme is supported by the National Planning Policy Framework and is in accordance with the Adopted Replacement Harlow Local Plan.

The application is therefore recommended for approval, subject to the following conditions.

**RECOMMENDATION:**

**That Committee resolve to: GRANT PERMISSION subject to the following conditions:**

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

**REASON: In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.**

- 2 The materials to be used externally on the development hereby authorised shall match in appearance those used in the main dwelling at 103 Herons Wood.

**REASON: In the interests of visual amenity and to accord within accordance with policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.**

- 3 No development shall take place on site, including site clearance, tree works, demolition or any other works, until an Arboricultural Method Statement (AMS) has been submitted to and approved in writing by the Local Planning Authority.

The AMS shall be in accordance with current BS5837 recommendations. The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (including temporary ground protection and arboricultural supervision) to safe guard all retained vegetation. The AMS shall include details such as level changes, demolition and construction techniques, location of services and drainage, design detail of structures, foundations and the control of potentially damaging operations such as burning, storage and handling of materials and access and parking of vehicles during construction.

The AMS shall be undertaken in accordance with the approved details.

**REASON: To ensure that damage to vegetation identified for retention is avoided, in compliance with policy NE11 of the Adopted Replacement Harlow Local Plan 2006.**

- 4 Prior to the first occupation of the development the access, vehicle parking and turning areas as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking and turning areas shall be retained in perpetuity for their intended purpose.

**REASON: To ensure that appropriate parking and turning is provided in accordance with policy T9 of the Adopted Replacement Harlow Local Plan 2006.**

- 5 The development hereby permitted shall be carried out in accordance with the approved plans as shown listed in the table below.

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
14/026/6A/01	A	Existing Plans and Elevations	03.05.2018
14/026/6A/04	A	Proposed Plans and Elevations	03.05.2018

**REASON: For the avoidance of doubt and in the interests of proper planning.**

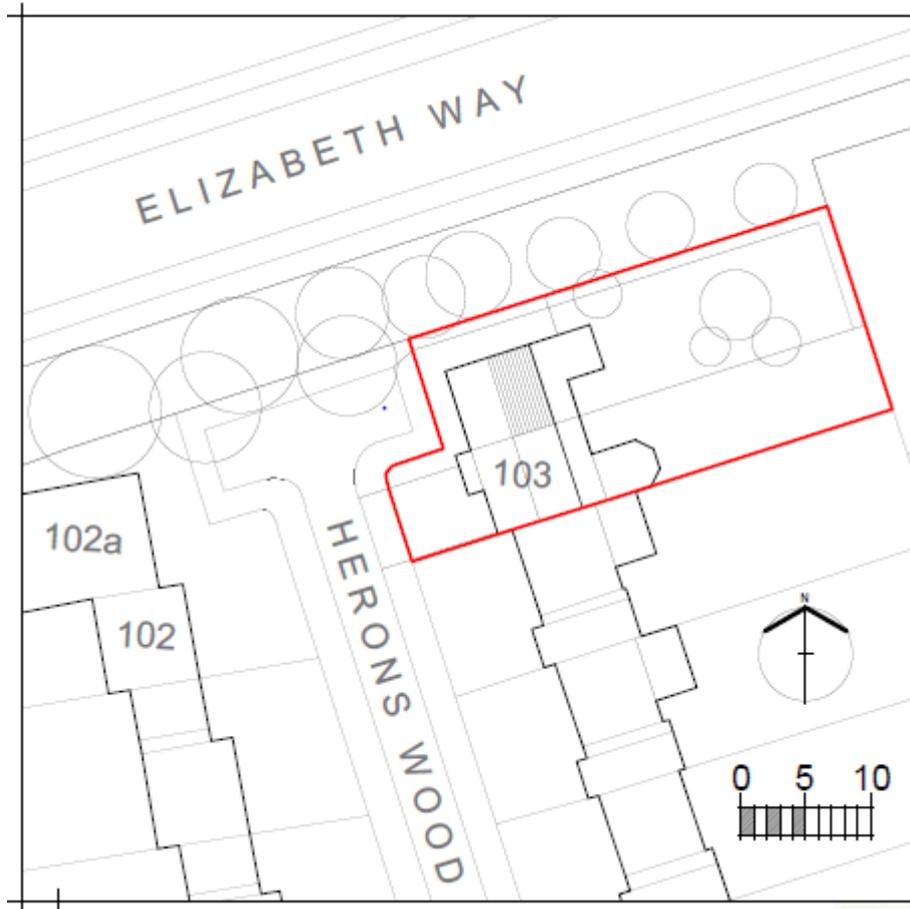
## **INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has

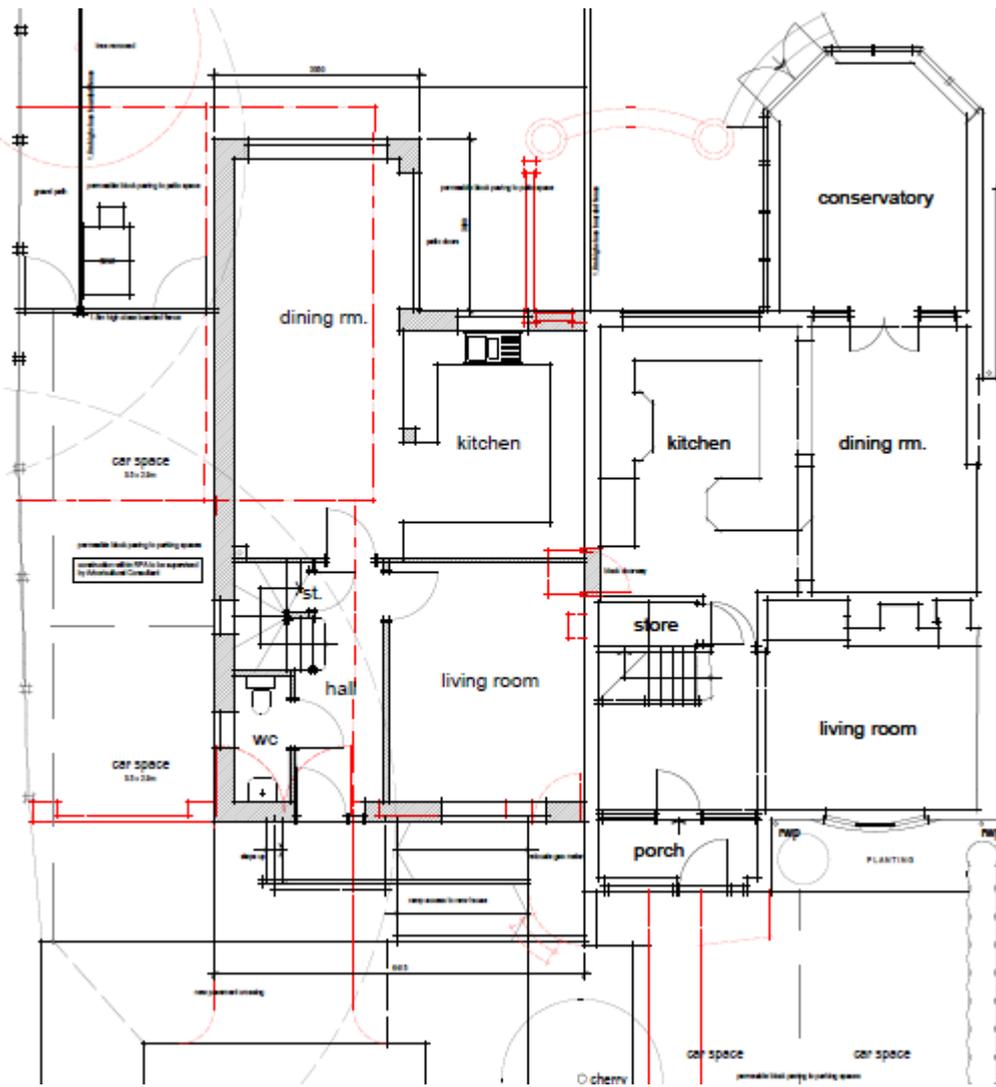
been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

# PLANS:

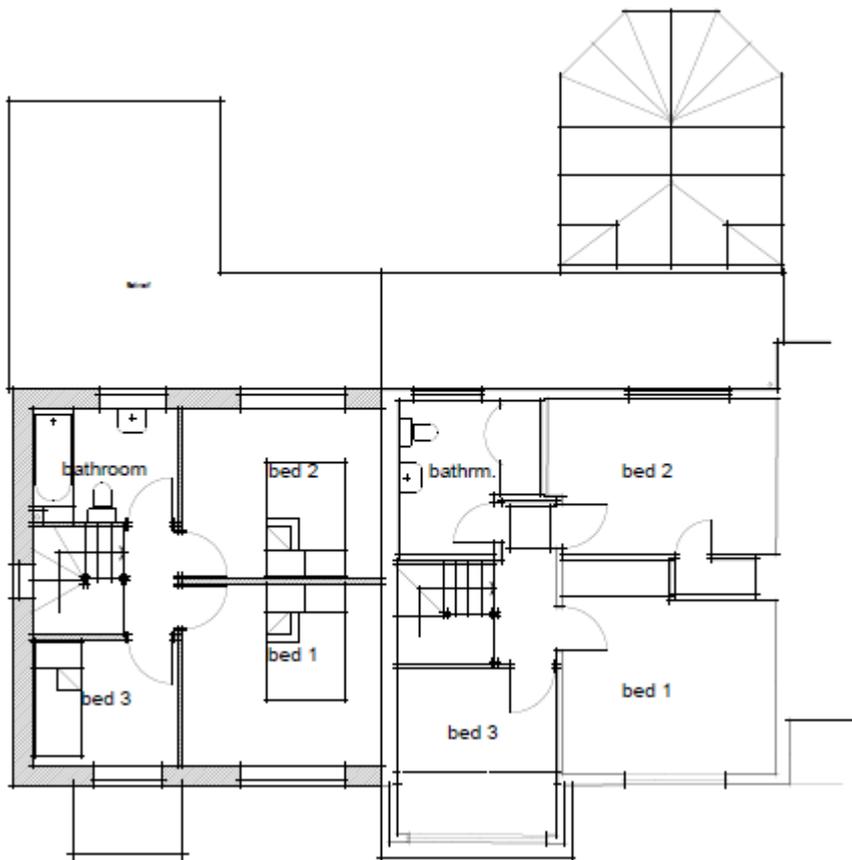
## Proposed block plan



# Proposed Ground Floor Plan



# Proposed First Floor Plan



## Proposed Front Elevation



## Proposed Rear Elevation

