

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**27 February 2019**

**REFERENCE:** HW/FUL/18/00398

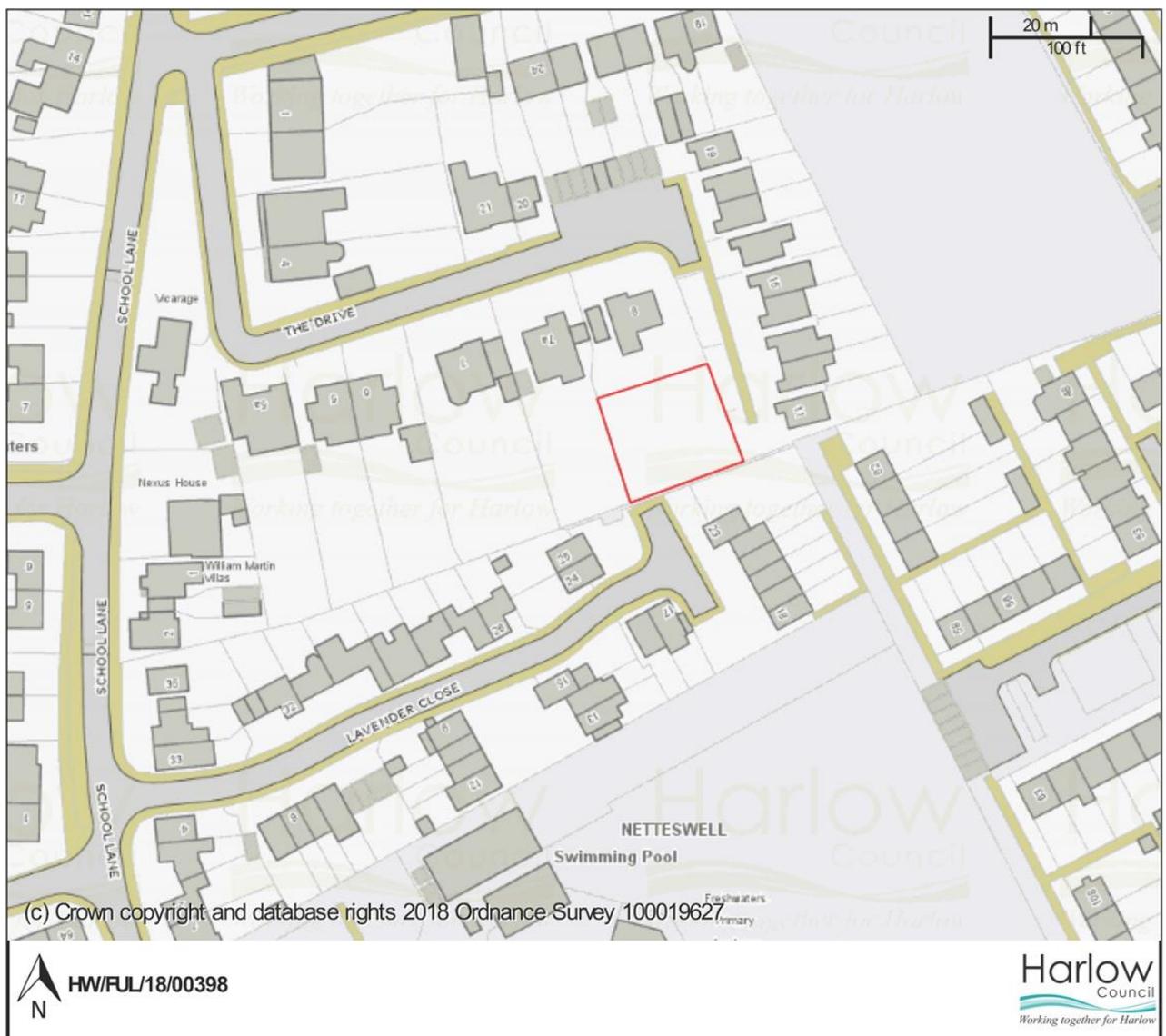
**OFFICER:** John Harrison

**APPLICANT:** P Quartermain

**LOCATION:** Land To The Rear Of 8 The Drive, Harlow, Essex

**PROPOSAL:** Construction of 2 No. Two Bedroomed Two Storey Houses with Private Gardens and Parking Spaces

**LOCATION PLAN:**



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

## Application Site and Surroundings

The site is located between The Drive and Lavender Close. These are two cul-de-sacs off the east side of School Lane and which run roughly parallel in the vicinity of the application site. The application property is formerly the site of 8 The Drive which was a bungalow, but two new dwellings have recently been erected on the site frontage, designated numbers 8 and 8a. The site extends between The Drive and the turning head of Lavender Close.

The houses in The Drive are a mixture of detached and semi-detached ones of various sizes. There are two groups close to the application site. Those to the west of the application site, on the south side of The Drive, are larger detached houses with deep plots, approximately 50 metres deep. Those to the east of the site are smaller, mainly semi-detached, but some detached. The properties to the east front onto a footpath which runs down the eastern side of the site. The houses in Lavender Close are newer, generally smaller and narrower, and either semi-detached or in short terraces.

The application site is the southern half of what was once the garden of 8 The Drive, a square approximately 24 metres wide and 23 metres deep. It appears relatively overgrown with trees and other vegetation.

## Details of the Proposal

This application has been significantly amended by negotiation. As originally submitted two houses facing west were proposed and the development incorporated a large turning head. The proposal now involves two houses facing south and a smaller turning area. There has also been a further minor amendment adding soldier courses and brick cills to the dwellings as their elevations were somewhat bland. Neighbours have been reconsulted on the major amendment, but not on the subsequent minor one.

The proposal is now for a pair of semi-detached, two-storey, two-bedroomed houses facing south, 7 metres wide, 6.2 metres deep (with a ground-floor projecting element extending out a further 0.9 metres) and 7.1 metres high. These would be of broadly similar size to the houses in Lavender Close, slightly larger than the closest ones. Access to them would be taken off the northern end of the Lavender Close turning head. The western house would have two parking spaces alongside it and the eastern one two parking spaces more or less in front of it. The houses would be built of brick (ground floors) and render (first floors) with tiled roofs.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/OUTAM/16/00108	Demolition of existing bungalow and construction of six houses with private gardens, car parking and new vehicular accesses	Refused	28 April 2016
HW/FUL/16/00291	Demolition of existing two-bedroomed bungalow and construction of two four-bedroomed semi-detached houses with integral garages and four car spaces	Refused	15 September 2016
HW/FUL/16/00518	Demolition of two-bedroomed	Granted	15 February

bungalow and construction of two four-bedroomed semi-detached houses with integral garages and four car spaces and full-length rear gardens	condition-ally	2017
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**Planning Appeals**

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/FUL/16/00291	See above	Allowed	19 April 2017

**CONSULTATIONS:**

**Internal and External Consultees**

**HDC - Consultant Arborist**

No objection:

Recommends conditions to require the works to be undertaken in accordance with the submitted arboricultural information and to submit a landscape scheme for approval.

The proposal will involve the loss of many internal trees which are generally low-quality with little amenity value. Larger more prominent trees are retained.

**HDC - Cleansing and Environment**

No comment received.

**Essex County Council - Highways**

No objection:

Recommends informatives to ensure applicant gains relevant permissions to undertake works outside the application site and within or affecting the highway.

**Neighbours and Additional Publicity**

Number of Letters Sent: 11  
 Total Number of Representations Received: 7  
 Date Site Notice Expired: 5 October 2018  
 Date Press Notice Expired: N/A

**Summary of Representations Received**

Local resident - loss of privacy, fumes and noise from parking spaces, loss of light, loss of wall to south of site would prejudice security, risk houses might not be built to plan as houses on The Drive were not built as approved, parking problems in Lavender Close, concerned work might result in damage to trees, damage to wildlife, houses to rent are needed, risk of garden flooding

Local resident - traffic in Lavender Close, parking (comment on original proposal)

Local resident - parking (comment on original proposal)

Local resident - loss of trees, gardens and hedges, cramped, overbearing overdevelopment, parking, difficulty of access for refuse and delivery lorries and emergency services, increased traffic, increased noise, danger from exiting drives near to site, not in character with surrounding houses in Lavender Close, overlooking neighbours, loss of light to neighbours, no footway to site access with consequent risk of fence damage, application involves loss of wall required by Planning Inspector, increased security risks, access should be from The Drive

Local resident - parking, would not enhance the environment of Lavender Close, Lavender Close is a safe place for children to play and pets to roam

Local resident - when 8 The Drive was redeveloped was not aware this proposal would be mooted and would have objected had they known this was the case, residents do not want extra houses, developer has manipulated to obtain extra houses

Local resident - overlooking, impact on area's character and appearance, overdevelopment, garden grabbing, amenity impact, increased noise, increased traffic

## **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.

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.

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.

BE5:"Crime Prevention and Personal Safety" proposals should demonstrate how the potential for preventing crime has been satisfactorily addressed through the design, layout and landscaping. These should be integral to the design.

CP12:"Public Utilities" development that will be at risk of flooding, or will contribute to flood risk or has an adverse impact on the river corridor will be resisted.

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

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

On 19<sup>th</sup> October 2018 the Harlow Local Development Plan Pre-Submission Publication (the “emerging Local Plan”) was submitted to the Secretary of State.

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).

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

## **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 Essex Design Guide (2005)  
The Harlow Design Guide SPD (2011)  
The Essex Parking Standards: Design and Good Practice (2009)  
Essex County Council’s Adopted Development Management Policies (2011)

## **Summary of Main Issues**

Key issues to be considered in relation to this application are the principle of the development, its appearance, impact on neighbours, access and parking, and trees and landscaping.

### **Principle of development**

Whether this proposal is acceptable in principle depends on its compliance with policy H10 of the Local Plan which requires infill development to meet criteria, which can be summarised as: acceptable effect on the area’s locality and streetscene, acceptable impact on neighbours’ amenity, adequate parking and access and not prejudicing comprehensive development of adjacent land. Policy H2 of the emerging Local Plan adds a criterion of adequate provision for refuse storage and collection. These criteria are examined in more detail below. The principle of development is considered to be acceptable, subject to compliance with the criteria.

## **The appearance of the proposal**

The first issue to be considered in this context is whether the proposal results in overdevelopment of the original plot of 8 The Drive. If this proposal is granted one bungalow would be replaced by four dwellings. When an application was made for two houses on this plot facing The Drive, the Council specified the remainder of the plot should be used to provide gardens for them. A subsequent application to restrict the gardens to the northern half of the site was initially refused by the Council but granted on appeal. This clearly has to be accepted so an argument that this land should be used to extend the gardens of the two houses on the site of 8 The Drive cannot be supported. Given that this site is available for development, as explained below, allowing two dwellings would result in a proposal in keeping with the density of Lavender Close. The alternative of allowing a single dwelling would result in a dwelling less in keeping with the close and also make less effective use of the site.

The site is between The Drive and Lavender Close, two cul-de-sacs of rather different character. The proposed house takes access off Lavender Close and its size and design is clearly intended to relate to the houses in that road. The house is not intended to relate to the rather larger houses in The Drive. Within this context the design is considered appropriate.

Some neighbours have expressed concern that this proposal would be excessive development for the site, but the houses would be set within a plot with adequate space on all sides. The plots are larger than many of the plots in Lavender Close.

The houses in Lavender Close have a variety of external finishes, so the external finishes proposed for these dwellings are considered acceptable. One objector has commented the windows in the side make it out of character, but other houses in Lavender Close have side windows and side windows could be inserted in the side of other dwellings as permitted development.

A comment has also been made that the dwelling has more glazed window areas than the existing houses in Lavender Close, but in fact the front elevation which is the one readily visible has a similar amount of window area to other dwellings in the vicinity. When the application was amended to change the orientation of the houses, the resulting elevations were considered to be somewhat bland, but these have now been "tweaked" by adding brick details to make them more interesting.

The issue of trees is considered in more detail below, but it is recognised that at present this site has quite good tree coverage and much of this would be lost and replaced by dwellings. Clearly the tree coverage provides a pleasant aspect to this area. This site is privately owned and it would be unreasonable to say it should remain undeveloped because of loss of tree cover and what is proposed is considered an appropriate form of development. It should be noted that trees which surround the site are considered possibly worthy of a preservation order, but not trees on the site itself. No order is proposed, however, as they are not considered to be under threat.

From their comments, residents of Lavender Close appear to consider the wall along the southern site boundary an important feature. When planning permission was granted on appeal for the overall Lavender Close development the Inspector imposed a condition requiring this wall to be erected to protect the security of houses in The Drive. This wall is a modern wall, however, and not a listed building, so its loss could not reasonably be resisted to achieve two new dwellings. A condition to ensure that the wall is made good in an appropriate way is recommended.

Subject to conditions the application is considered to be acceptable in terms of character and appearance.

## **Impact on neighbours**

The proposed dwelling is sufficiently far from neighbours not to cause significant problems in terms of loss of light or outlook. The dwelling most affected in this way would be 11 The Drive which faces onto the side of the proposed houses. There is a separation distance of over 15 metres so this impact is acceptable.

There is potential for overlooking from the first-floor side and rear windows. The window in the side of the western house would be just over 6m from the side boundary of 7A The Drive and the one on the eastern side, as explained above, approximately 15 metres from the front windows of 11 The Drive. These windows are secondary bedroom windows, so a condition requiring them to be obscure glazed and fixed shut would be appropriate. The separation distance between the rear windows of the proposed houses and the new houses built on the site of 8 The Drive would be approximately 19 metres. These windows serve bathrooms and landings so a condition requiring obscure glazing and restricted openings would be reasonable and on balance considered appropriate. The front windows of the eastern house would be 7.5 metres from the side boundary of 23 Lavender Close, so there would be some overlooking of their side garden, but on balance this is not considered sufficient to justify refusal of the application.

Some neighbours have expressed concern about noise from the development. Construction noise will obviously cause difficulties but this is, of course, only short-term and this is inevitable when development takes place in urban areas. Once the development is complete there will be some noise from residents, cars coming and going, etc, but this happens in all residential areas.

The impact on amenity is therefore considered to be acceptable.

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

Access to the site will be through Lavender Close, which seems to frequently have cars parked on the pavement or in other positions; however, this is an issue with the existing development and should not affect the decision on this proposal. Having said that there may be some difficulties with construction traffic, especially if larger vehicles are used, but as this would be short-term this would not warrant refusal.

The Essex Parking Standards require the provision of two spaces for each proposed dwelling and four spaces are provided in the site in total. Thus the proposal is acceptable in parking terms. At the moment some Lavender Close residents appear to use the arm of their turning head adjacent to the southern boundary of the site for parking. Obviously this will no longer be possible but as these are not formally designated parking spaces this would not justify refusing the application.

The proposal is for just two dwellings, so traffic generation will be relatively limited. One neighbour has suggested that there might be increased danger when vehicles exit the parking area serving 24 and 25. This is an existing arrangement and the additional limited traffic from two extra houses will not significantly increase danger. When planning permission was granted on appeal for Lavender Close in 1994, the Inspector indicated that he did not consider two more houses would have harmed road safety significantly. In addition, the Highway Authority has not raised any concerns regarding the access or highway safety and there is no evidence to suggest that a different conclusion should be reached.

The application is therefore considered to be acceptable with regards to access, parking and highway safety matters.

## **Trees and landscaping**

The application has been accompanied by arboricultural reports explaining how the site will be developed. Most of the trees on the site are fruit trees, not types normally considered to warrant preservation, and relatively small. There are larger trees surrounding the site which are to be retained. Two trees on the site are to be retained, an apple in the north-east corner which will require some pruning and a western red cedar on the eastern side of the site. A common ash in the rear garden of 7a The Drive and a cherry in front of 11 The Drive will require some pruning where they overhang the site. The plans show two positions where replacement trees could be appropriately planted and a condition requiring these is recommended. The proposal is considered acceptable in terms of policy NE11 of the Local Plan. Because of the extent of tree cover on the eastern plot, a condition requiring planning permission to be obtained for any side and rear extensions or outbuildings is recommended.

## **Other issues**

The removal of the wall along the southern boundary could potentially leave the rear garden of 7a and therefore the house itself open to access. Thus a condition requiring boundary treatment along the western site boundary would be appropriate.

One resident has expressed concern the development would increase flooding in the vicinity of the site. No other residents have commented on this and it would appear the flooding just affects a garden area. This is a relatively small development and any additional flood risk arising will be minimal.

Storage positions for two bins for each of the two proposed houses is shown on the application plans and there is a turning head suitable for a bin lorry in front of the houses, so the proposal is satisfactory in this respect.

## **CONCLUSIONS:**

As explained above, subject to the imposition of appropriate conditions, this proposal is considered to be an appropriate infill scheme which would be compatible with the character and appearance of the area, be appropriately landscaped, respect the amenity of neighbouring properties and meet its own parking requirements, complying with policy H10 of the Local Plan and H2 of the emerging Plan and other relevant policies. It is therefore recommended that the application should be approved.

## **RECOMMENDATION:**

Granted Planning 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. Prior to the commencement of any above ground construction work, samples of the external finishes to be used in the construction of the dwellings and the surface materials to be used for the access road and parking spaces shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**REASON: To ensure a satisfactory appearance for the proposed development in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan (2006).**

3. Prior to the commencement of any above ground construction work, details of the species and size of replacement trees to be planted in the positions shown on the Tree Protection Plan (Drawing No. 001 Rev. A) included in the Arboricultural Implication Assessment (Reference No. 180512-181203 Rev. A, dated 05.12.18) shall be submitted to and approved in writing by the Local Planning Authority. These trees shall be planted within the next planting season following the first occupation of either of the dwellings. The trees shall then be maintained for a period of five years during which time if they die, or become seriously diseased or damaged they shall be replaced with the same types of tree and these shall similarly be maintained during this period.

**REASON: To ensure replacement of trees lost as a result of the development in accordance with policy NE11 of the Adopted Replacement Harlow Local Plan (2006).**

4. Prior to the commencement of any above ground construction work, a scheme for providing boundary treatment, including along the western site boundary, shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatments shall be constructed in accordance with the approved details prior to the first occupation of either of the proposed dwellings.

**REASON: To protect the security of the occupiers and 7a The Drive in accordance with policy BE5 of the Adopted Replacement Harlow Local Plan (2006).**

5. Prior to the commencement of demolition of the wall along the southern site boundary, details of a scheme for making good the exposed surfaces shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the proposed dwellings.

**REASON: To ensure a satisfactory appearance for the proposed development in accordance with policy BE1 of the Adopted Replacement Harlow Local Plan (2006).**

6. All construction work shall be carried out in full accordance with the Arboricultural Implication Assessment (Reference No. 180512-181203 Rev. A, dated 05.12.18)

**REASON: To ensure the protection of trees on and surrounding the site in accordance with policy NE11 of the Adopted Replacement Harlow Local Plan (2006).**

7. Prior to the first occupation of either of the dwellings the access road and parking spaces shown on the approved plans shall be constructed in accordance with the approved plans and surfaced as specified in condition 2 above. They shall thereafter be permanently retained for use in connection with the proposed development.

**REASON: To ensure adequate provision for access and parking in accordance with policy T9 of the Adopted Replacement Harlow Local Plan (2006).**

8. Unless they are more than 1.7 metres above the adjoining floor level, the proposed rear first floor windows shall be obscure glazed and fitted with restrictor stays

preventing opening by more than 12 cms and they shall be permanently retained in that condition.

**REASON: To prevent undesirable overlooking of neighbouring properties in accordance with policy H10 of the Adopted Replacement Harlow Local Plan (2006).**

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no first-floor windows shall be inserted in the rear elevation of the proposed dwellings unless planning permission has been obtained for them.

**REASON: To prevent undesirable overlooking of neighbouring properties in accordance with policy H10 of the Adopted Replacement Harlow Local Plan (2006).**

10. The proposed side-facing first-floor windows shall be glazed with obscure glazing and fixed shut and permanently retained in that condition.

**REASON: To prevent undesirable overlooking of neighbouring properties in accordance with policy H10 of the Adopted Replacement Harlow Local Plan (2006).**

11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions shall be added to the side or rear of the proposed eastern dwelling or outbuildings erected within its curtilage unless planning permission has been obtained for them.

**REASON: To control such developments in view of the high degree of tree cover on the site in accordance with policy NE11 of the Adopted Replacement Harlow Local Plan (2006).**

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no first-floor windows shall be inserted in the rear elevation of the proposed dwellings unless planning permission has been obtained for them.

**REASON: To prevent undesirable overlooking of neighbouring properties in accordance with policy H10 of the Adopted Replacement Harlow Local Plan (2006).**

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

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

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
MDP.LC/01	Rev. B	Proposed Site and Floor Plans	19.11.2018
MDP.LC/02	Rev. C	Proposed Elevations	29.11.2018

**INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. Please note that there may be land between the back of the footway and the wall that may not be highway land. Consequently the relevant permission to construct on this piece of land should be secured and provided prior to any works taking place within it.
3. All work within or affecting the highway is to be laid out and constructed by prior arrangement with, and to the requirements and satisfaction of, the Highway Authority, details to be agreed before the commencement of works. The applicants should be advised to contact the Development Management Team by email at [development.management@essexhighways.org](mailto:development.management@essexhighways.org) or by post to:  
SMO3 - Essex Highways, Unit 36, Childerditch Industrial Park, Childerditch Hall Drive, Brentwood, Essex, CM13 3HD.

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# Plans

