

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
27 February 2019

REFERENCE: HW/FUL/18/00486

OFFICER: Nicholas Fu

APPLICANT: Mr R Dewsbury

LOCATION: 121 East Park
Harlow
Essex
CM17 0SA

PROPOSAL: Erection of 1 New Dwelling

LOCATION PLAN:



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REASON BOUGHT TO COMMITTEE: More than two representations have been received which are contrary to officer recommendation

Application Site and Surroundings

The site is located within the East Park residential estate, which lies to the south of Old Harlow Conservation Area. East Park comprises mostly terraced houses. The estate is bounded by green wedges to the north and west, London Road to the east and Gilden Way to the south, and accessed via London Road.

The application site comprises a two-storey, end of terrace dwellinghouse on the eastern side of East Park. The subject property has a relatively large side/rear garden that backs onto a garage courtyard. The land in front of the side garden is currently in the ownership of Harlow Council, and there is also a protected Lime tree on this land. A public footpath leading to the garage court runs along the southern boundary of the site. There are no off-street parking spaces within the residential curtilage of 121 East Park.

Details of the Proposal

Planning permission is sought for the sub-division of existing residential plot and erection of a dwellinghouse to be attached to the southern (side) elevation of no.121. The proposed dwellinghouse would be two-storey, four-bedroom and would include a rear dormer window. The proposed dwelling would include a garden space of 132sqm and would be served by two off-street car parking spaces that would be accessed from the rear garage court. The existing dwelling, no.121, would retain a rear garden of 72sqm.

The application also proposes to remove the protected Lime tree on the Council land.

It is important to note that planning permission was granted by the Development Management Committee in January 2016 for an identical proposal, under planning ref. HW/FUL/15/00306. The approved detail included the removal of the protected Lime tree, and so did a separate tree work application which was granted in August 2015. These permissions have, however, expired and hence this application has been made.

RELEVANT PLANNING HISTORY:

Application Reference Number: HW/PL/10/00135

Proposal: Two new dwelling houses on land adjacent to 121 East Park

Application Status: Refused

Decision Date: 20 July 2010

Application Reference Number: HW/TP/15/10038

Proposal: To Fell 1 No. Lime Tree

Application Status: Granted Planning Permission

Decision Date: 26 August 2015

Application Reference Number: HW/FUL/15/00306

Proposal: Erection of 1 No. Dwelling

Application Status: Granted Planning Permission

Decision Date: 20 January 2016

CONSULTATIONS:

Internal and external Consultees

Essex County Council - Highways

No objection from a highway and transportation perspective. Recommends informative to highlight that any works within or affecting the highway should be agreed with the Highway Authority. The applicant is also advised to provide proof for the right of access prior to the commencement of development.

HDC – Cleansing And Environment

Raised Objection. No information is provided in relation to the storage and collection of waste, and a suitable location for waste containers is required.

HDC – Arboricultural Consultant

No objection. The proposal is mostly, if not identical, to the previously granted planning permission. Conditions for tree protection and replacement tree planting shall be attached.

Neighbours and Additional Publicity

Number of Letters Sent: 33

Total Number of Representations Received: 5

Date Site Notice Expired: 10 December 2018

Date Press Notice Expired: 13 December 2018

Summary of Representations Received

Four objections and one observation letter have been received. They are concerned about the proposed development as it would:

- be detrimental to the open, green character and appearance of East Park;
- result in insufficient parking for a dwelling of this size;
- exacerbate existing parking problems;
- disrupt access to the garages at the rear and the footpath adjacent the application site;
- cause harm to the trees surrounding the site. The decline of the protected Lime tree on the public verge from natural causes is questionable;
- affect the views of nearby properties; and
- create traffic and highways issues during construction.

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)

Harlow Local Development Plan – Pre-submission Publication

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

On 19th 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 ASSESSMENT:

The main issues for consideration of this application are the principle of development; impacts on the character and appearance of the area; impacts on residential amenity; highway, access and parking issues; and impacts on arboriculture.

Principle of development

The acceptability of the development is dependent on the proposal's compliance with policy H10 of the Adopted Replacement Harlow Local Plan (ARHLP), which states that planning permission for residential infill development, including the sub-division of garden plots 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 street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings; off-street parking and access arrangements can be provided for both existing and proposed dwellings; and that the proposal does not prejudice the potential for comprehensive development of adjacent land. Policy H2 of the emerging Local Plan echoes these requirements.

It is an important material consideration that the same development was approved on the site previously. Since the determination of the previous application, the NPPF has been updated and the emerging Local Plan has reached a more advanced stage. However, the impacts arising from these changes on the specific considerations relevant to this application do not change the acceptability of the proposal in principle.

Character and Appearance

Policy H10 of the ARHLP stipulates that impacts on the character and appearance of the area must be taken into account when considering this type of applications. Policy BE1 and the Harlow Design Guide SPD seek to ensure developments are of appropriate design, scale and material that respect the character of the site and surrounding area.

The proposal would erect one dwelling to be attached to the end of the terrace. The proposed dwelling would follow the existing building lines and roof form of the existing terrace, and the application indicates the use of matching materials. The proposed dwelling measures 6m in width, which is the same as the other dwellings within the terrace. It is therefore considered that the design would be sympathetic to the appearance of the existing terrace and surrounding residential properties. Also, the plot size of the dwelling is commensurate with those of the surrounding properties and it is not therefore considered that the proposed dwelling would result in harm to the existing terrace or to the neighbouring properties.

The application drawing indicated the use of matching materials to the existing terrace, which ensures the new dwelling to integrate into the existing terrace. This is considered acceptable and would not result in adverse harm to the appearance of the streetscape.

It is noted that the proposed dwelling includes a rear dormer, however other properties in the terrace retain their permitted development rights, meaning a dormer can be constructed without express planning consent on these dwellings. Moreover, the proposed dormer is acceptable in terms of its scale and design, and would appear appropriately subordinate to the host property.

The proposed dwelling would be positioned approximately 13m from the nearest terrace which would maintain spacing between these terraced rows, and it is not therefore considered that the open character of the area would be adversely affected.

The application site is bounded by public areas on three sides but the application included no details on boundary treatment. There are also no details on landscaping except a Silver Birch is proposed to be planted adjacent to the public footpath. A planning condition should be attached, if permission is granted, for these details to be approved.

Residential amenity

Policies BE1 and H10 of the ARHLP stipulates that developments should not have an adverse impact on the amenities afforded to occupiers of adjacent dwellings.

The proposed dwelling would continue and follow the existing building lines of the existing terrace. Given the orientation of the proposed dwelling in relation to the neighbouring residential properties and the distance from the nearest other property, it is considered that the proposal would not have an unacceptable adverse impact on the amenities of neighbouring dwellings in terms of overshadowing, overlooking and loss of privacy or outlook.

It is noted from neighbour representations that concern is raised regarding the loss of view as a result of the development. However, loss of view is not a material planning consideration.

There are also comments regarding the disturbance during the construction phase. The impacts and disturbance due to the construction are temporary, and given the scale of the development, it is considered that a refusal would not be justified.

Highway and parking

Policies H10 and T9 of the ARHLP indicate development should not have an unacceptable adverse effect on off-street parking, and requiring off-street parking to be provided.

The proposed four-bedroom dwelling would be served by two off-street parking spaces within its residential curtilage, which is in compliance with the Essex Parking Standards. It is noted that the existing dwellings have no parking spaces on site but are served by the garage court, which would not be altered by the current proposal. Given that the proposal would provide satisfactory parking for the proposed property, and would not harm the parking arrangements and provision levels for the existing dwellings, it is considered to comply with Policies H10 and T9 in terms of parking.

The proposed parking at the rear of the dwelling would be accessed from the road leading to the garage court. Express consent would be required from the Council to obtain an easement to access the parking spaces. This is separate to the planning process and has its own qualifying criteria. This would need to be done prior to the development being undertaken. An informative will bring this to attention of the applicant.

The Highway Authority has no objections to the proposal on the grounds of highway safety or congestion. There are no apparent reasons to reach a different conclusion to the Highway Authority, whom are experts in and responsible for the impacts on the highway. The proposal is therefore considered acceptable in highway terms.

Tree

There is a Council owned, protected Lime tree located on the grass verge near 121 East Park, immediately outside of the proposed development site, which appears to have been systematically poisoned, drilled and ring-barked before, which resulted in significant dieback of the crown and large sections of deadwood.

The removal of this tree had been permitted under tree works application ref HW/TP/15/10038 and the approved planning application ref HW/FUL/15/00306 on health and safety grounds. The Council's Arboricultural Consultant also noted that the tree is a category U tree, indicating that it is no longer considered a constraint to development. He has no objection to the application as the proposed development is identical to the previously approved scheme, subject to a suitable replacement tree being provided.

It is noted that objections have been raised in relation to the decline of Lime tree discussed above and another tree in the rear garden which was felled. Under section 210 of the Town and Country Planning Act 1990, anyone found guilty of wilfully damaging a tree protected by a TPO in a way that is likely to destroy it is guilty of an offence and if convicted is liable to a fine of up to £20,000. Should evidence be obtained of the perpetrator(s) who undertook damage to the trees, the Local Planning Authority could consider the expediency of enforcement action.

There are other mature trees nearby, but they are at a significant distance from the site and will not be affected by the proposed development.

Refuse and Access

It is noted that the Waste, Recycling and Street Scene Team of the Council raised objection to the application due to insufficient information regarding storage and collection of waste. The applicant has not included any details on the access to the property's front door, or how waste can be stored and presented, without walking over Council land. This can only be resolved through a s106 agreement to buy the land and to enable the front of the property to connect to the highway. A planning condition shall be included to the permission to require a s106 agreement to be entered into purchasing the land to the front of the property.

CONCLUSIONS:

The proposed development, by virtue of its design, scale, siting and location, would not result in harm to the character and appearance of the area, and would not be detrimental to the living conditions of neighbouring residents. The parking arrangement is considered acceptable as it would entirely meet its own needs, in accordance with the Essex Parking Standards.

The previous application (HW/FUL/15/00603) was identical and granted approval on similar grounds, and there are no major changes to the condition of the site and its surroundings or changes in the policies which suggest the current application should not be permitted.

The proposal is therefore considered to accord with the relevant policies contained within the ARHLP and other planning documents. It is therefore recommended for approval subject to conditions.

RECOMMENDATION:

That Committee resolve to GRANT 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 No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscaping proposals have been submitted to and approved by the Local Planning Authority. These shall include:

- Details and locations of hard surfacing
- A method statement for implementation and maintenance
- Location of proposed above and below ground functional services
- Details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare.
- Details of all boundary treatments
- Surface water and drainage connections

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the development in the interests of visual amenity. To accord with policies BE1 and NE11 of the Adopted Replacement Harlow Local Plan, July 2006

3 The proposed development shall not be occupied until such time as the vehicle parking area indicates on the approved plans, including any parking spaces for the mobility impaired has been hard surfaced, sealed and marked out in parking bays. Each parking space shall have minimum dimensions of 2.9 metres by 5.5 metres. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than parking of vehicles that are related to the use of the development.

REASON: In the interests of highway safety and that appropriate parking is provided. To accord with policy T9 of the Adopted Replacement Harlow Local Plan, July 2006.

4 No development shall take place until the applicant has entered into an appropriately worded Section 106 Legal Agreement to purchase of land to the front of the application site to enable access to be gained to the front of the property and to provide space for bin storage, presentation and collection.

REASON: To ensure that access to the front of the new dwelling can be gained and that waste can be stored, presented and collected appropriately within the curtilage of private property, and not on public land.

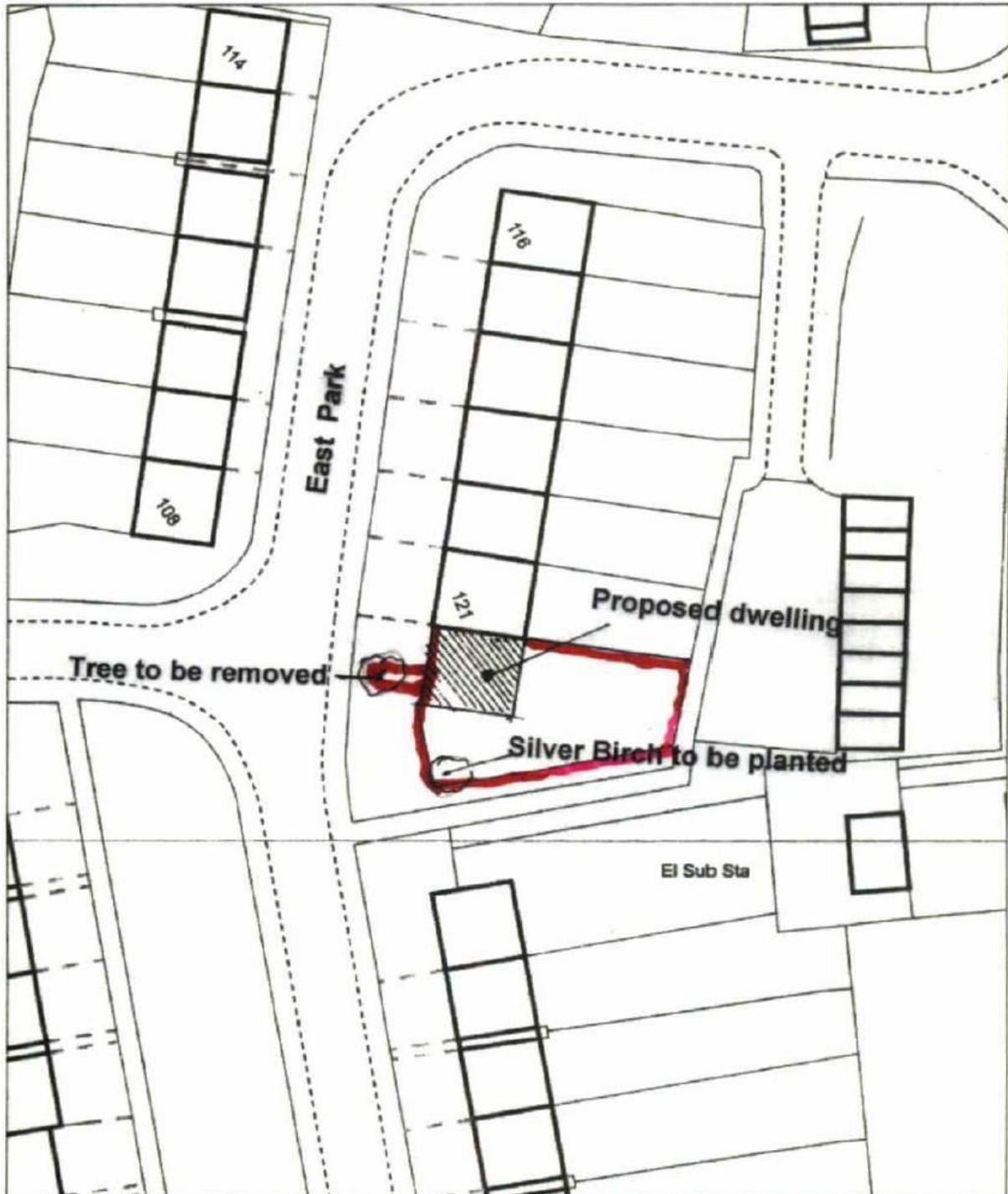
5 The development hereby permitted shall be carried out in accordance with the following approved plans:

Plan Reference	Version No.	Plan Type	Date Received
EP:01	--	Proposed Floor Plan and Elevation	27.10.2018

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

INFORMATIVE CLAUSES

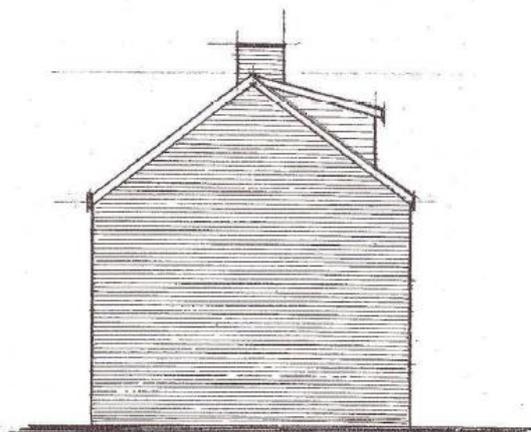
1. The parking to the rear of the property would be accessed over Council land. An easement, which is separate from the planning system, is required to be obtained from the Council to do this before development can be undertaken. This planning permission does not imply that an easement will be granted. It is recommended that you contact the Estates and Facilities Manager on 01279446852 before any works commenced.



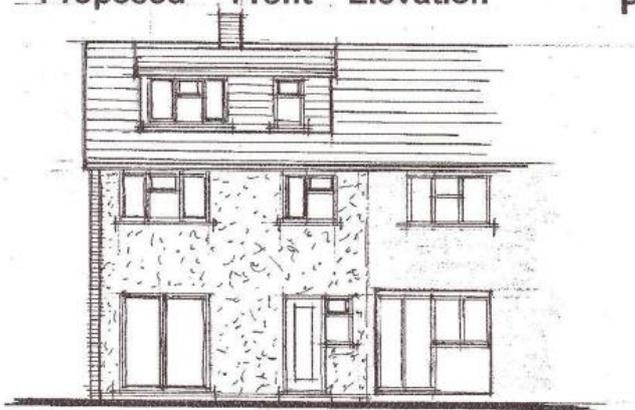
Proposed Elevations



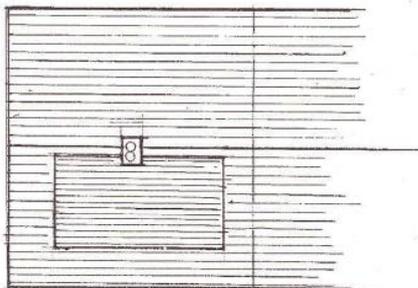
Proposed Front Elevation



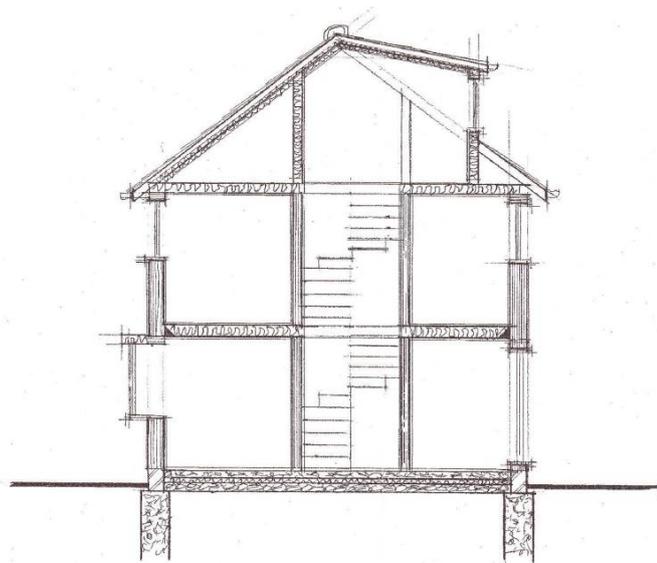
Proposed Side Elevation



Proposed Rear Elevation

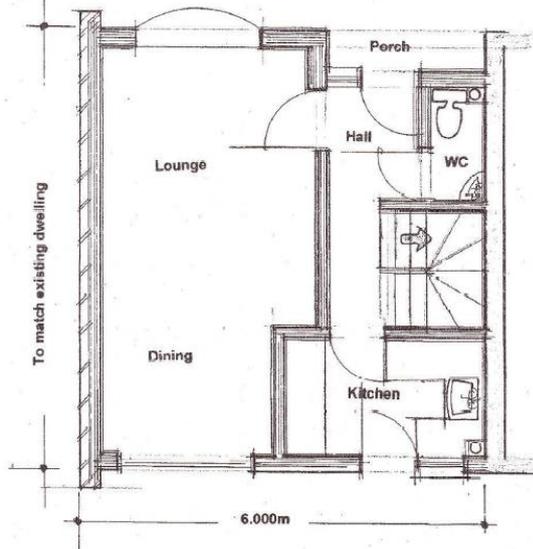


Roof Plan

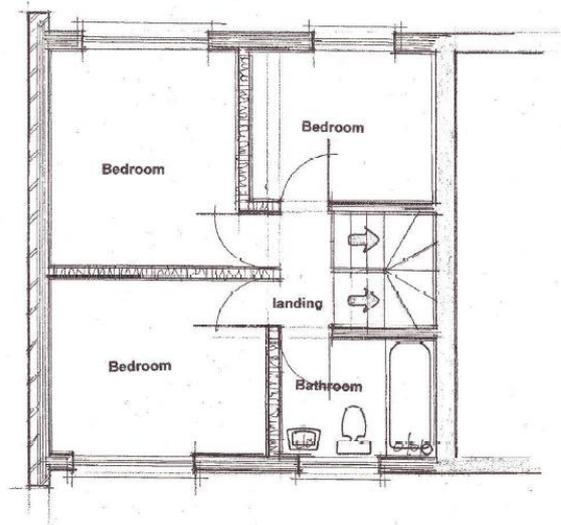


Section

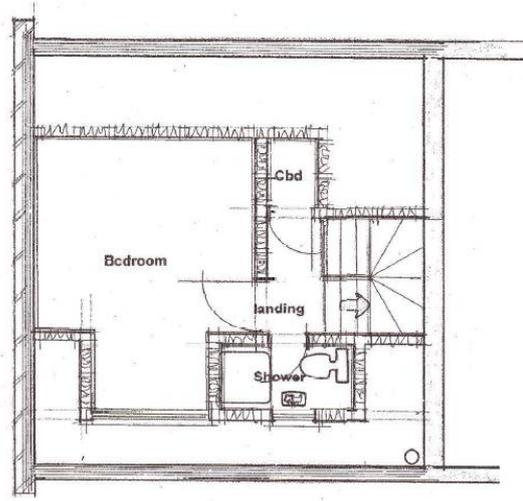
Proposed Floor Plan



Proposed Ground Floor Plan



Proposed First Floor Plan



Proposed Second Floor Plan