

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
3 July 2019

REFERENCE: HW/HSE/19/00023

OFFICER: Jade Clifton-Brown

APPLICANT: Mr J Ardel

LOCATION: 74 Chippingfield
Harlow
Essex
CM17 0DJ

PROPOSAL: Single Storey Rear Extension

LOCATION PLAN:



REASON BROUGHT TO COMMITTEE: Two representations have been received which are contrary to officer recommendation.

Application Site and Surroundings

The application site is located within the residential area of Chippingfield. The site is not located within a Conservation Area and is not a Listed Building. The application site comprises no.74, which is a two-storey terraced dwelling with a brick exterior and a tiled roof. The application site does not include any off-street parking provision. The application site is adjoined by no.72 to the east and no.76 to the west. There is a footpath running along the rear of the terrace, and a public right of way running to the west of no.76.

Details of the Proposal

Planning permission is sought for the erection of a single storey rear extension measuring 5.7m in width and 3.1m in height. Amended plans received reduced the depth of the rear extension from 7.4m to 5.4m.

The proposed extension would not be fully connected to the rear elevation. It would have a 1.1m gap between the rear elevation of the application dwelling and the main part of the extension. The proposed extension would include a lobby, bedroom and bathroom, to aid the living arrangements of a disabled resident. The lobby would lead on to one platform, a ramp, and a further platform into the garden.

The proposed extension would be set 3.2m from the shared boundary with no.72 for the first 1.1m, and then 0.2m from the shared boundary for the remaining 4.3m. The proposed platforms and ramps would be positioned up to the shared boundary with no.76 with the extension itself positioned 2.4m from this boundary at its closest point.

The applicant states that this would be a portable extension with potential removal after 10 years but for planning purposes the proposed extension would constitute a permanent addition.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

CONSULTATIONS:

Internal and External Consultees

None required.

Neighbours and Additional Publicity

Number of Letters Sent: 3

Total Number of Representations Received: 2

Date Site Notice Expired:

Date Press Notice Expired:

Summary of Representations Received

Two objections were received from local residents in relation to the initial and re-consultation. A summary of the objections received is as follows:

- The building materials and design of the portable extension are not in keeping with the area
- The extension will be visible from the footpaths adjacent to no.76 and to the rear of the terrace, and will be a visual eyesore
- The scale of the proposal is too extensive
- Overshadowing neighbouring properties, blocking access to daylight and sunlight
- Overlooking into neighbouring properties
- The proposed flat roof would create security concerns by giving intruders opportunities to gain access to the property
- The additional bedroom would exacerbate parking issues in Chippingfield
- The 100W wall mounted security light would affect the living conditions of nearby residents
- Noise issues due to cost effective materials resulting in noise from the rain and general use.
- Drainage issues from the new bathroom and possible flooding concerns
- The local wildlife population would be affected by the development and wildlife may relocate to neighbouring gardens.

One of the objections notes that if a 2m fence was erected along the boundary then the majority of their concerns would be addressed.

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.

H7: "Special Needs Housing" all new developments will be required to take account of the needs of those with disabilities and special needs.

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) (2019) - 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)

Harlow Local Development Plan Pre-Submission Publication (2019)

Harlow Council is in the process of its new local plan being examined by an Inspector appointed by 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).

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 6th July 2018, the Examination started on 28th March 2019.

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 key issues to be assessed in the determination of this application include the principle of the proposed development, and its impact on the character and appearance of the area, neighbouring amenity and parking.

Principle of Development

The proposed development includes a single storey rear extension to aid the living arrangement of a disabled resident.

The application dwelling is located within a residential area whereby extensions to dwellings would not be objectionable in principle.

Policy H7 of the Adopted Replacement Harlow Local Plan (ARHLP) 2006 states that all new housing development proposals will be required to take account of the needs of those with disabilities and special needs, and policy H5 of the emerging Local Plan reflects this. Whilst this proposal relates to a rear extension, it is considered that the policies are also relevant to existing houses.

In addition, Section 149 of the Equality Act 2010 requires public authorities to have 'due regard' to the need to eliminate discrimination on the grounds of the relevant protected characteristics, namely: age, disability, gender reassignment, pregnancy and maternity, race, religion and belief, sex and sexual orientation, and to advance equality of opportunity.

In relation to this specific application, it is noted that protected characteristics (disability and age) have been identified. It is noted that the proposed extension would aid the living arrangement of a person with protected characteristics. It is also noted that the relocation of this resident away from their existing environment may result in detrimental impacts to their health and wellbeing.

However, the decision taker must also balance the benefits of the development and assistance with protected characteristics against the compliance of the proposal with the ARHLP, and all other material planning considerations.

Character and appearance

Policy BE1 of the ARHLP and the Harlow Design Guide SPD indicate that proposals should not result in harm to the character and appearance of the area.

It is noted that the proposed extension would be relatively deep at 5.4m. Furthermore, the proposed extension would not be fully connected to the rear elevation of the application dwelling as per a typical rear extension with a 1.1m gap between the rear elevation and the main part of the extension.

The proposed layout has been altered during the course of the application including a reduction to the depth of the extension from 7.4m. The applicant's Occupational Health adviser states that the initial layout would have been the optimum layout for the needs of the resident, and that the proposed depth could not be reduced further than the proposed 5.4m. The Occupational Health adviser further confirms that the internal layout of the existing building is not suitable for the resident, and that the existing layout could not be suitably altered to accommodate their needs.

It is considered that the proposed height of the extension at 3.1m would be subservient to the application dwelling, and it is noted that the proposal includes materials and fenestration to match the application dwelling.

In relation to the impact of the proposal on the character and appearance of the area, the proposed extension would not be visible from the highway to the front of the property. Obscure views of the proposed extension could be gained from the highway to the east, but these views would be mostly screened by a garage block. It should also be noted that the proposed extension would be positioned approximately 60m from the highway to the east, and therefore it is not considered that the proposed extension would be readily apparent. The proposed extension would be also positioned approximately 17m from the public right of way to the west, and would be separated from the public right of way by the plot of no.76.

The proposed extension could be viewed from the path to the rear of the property. It would be positioned approximately 10.6m from this path and it should be noted that this is not a public right of way. It is not therefore considered that the proposed development would be overly prominent within the streetscene.

The proposed height, materials and fenestration are considered to be keeping with the application dwelling. It is considered that the benefit to the resident would outweigh the concerns in relation to the design and size of the proposal. It is not therefore considered justifiable to refuse the application on design grounds in this circumstance.

Amenity

It is noted that representations received raised concern in relation to the impact on neighbouring amenity in relation to light, view, noise and privacy.

The Harlow Design Guide SPD states that proposals should not result in detrimental impacts to neighbouring amenity.

The proposed extension would be 5.4m in depth and 3.1m in height. It should be noted that an extension of 3m in depth with an eaves height of 3m and an overall height of 4m could be

constructed up to the shared boundaries with both neighbours without planning permission. It is therefore considered pertinent to assess whether the additional 2.4m in depth beyond the permitted development allowances would result in detrimental impacts to the amenity of neighbouring properties.

It is noted that no.72 includes a single storey rear projection on the opposite side of its plot to the application dwelling. The proposed extension would be single storey, would project approximately 1.1m above the shared boundary fence and would be positioned approximately 3m from the rear projection of no.72. It is not therefore considered that a significant 'tunnelling' effect would occur to the closest rear windows of no.72. In addition, no.72 is located to the east of the application site, and taking in to consideration the direction of travel of the sun from east to west, it is not considered that the proposed extension would result in significant loss of light to this property.

Furthermore, there is a fence along the shared boundary with no.72, and there would be no fenestration facing this neighbour. The proposed window on the rear elevation of the extension would look out onto the garden of the application dwelling. It is not therefore considered that the proposal would result in overlooking or loss of privacy to this neighbour.

The main part of the proposed extension would be set 2.4m from the shared boundary with no.76, which is formed by low wire mesh fencing. A 2m high fence would be erected along this boundary to partially screen the proposed extension. This would also improve privacy for both this neighbour and the application dwelling. The loss of view is not a material planning consideration. It should be noted that a 2m high fence could be constructed without planning permission.

There would be one door and one window facing the proposed shared boundary fence. Notwithstanding the erection of the fence, the proposed fenestration would serve a bathroom and a lobby, which are not habitable rooms, and it is not therefore considered that overlooking of this neighbour would occur.

Any noise impacts would be similar to the existing dwelling.

It is not considered that one wall mounted light of 100W on a motion sensor would become overbearing to the neighbouring properties. It should be noted that this light could be erected without planning permission.

It is noted that the proposed extension would block light to the rear lounge windows of the application dwelling. However light, albeit limited, would be provided via the gap between the rear elevation of the application dwelling and the proposed extension, and the lounge is also served by windows on the front elevation.

It is not therefore considered that the proposal would result in significant detrimental impacts to neighbouring amenity.

Parking

The Essex Parking Standards state that dwellings with 2 or more bedrooms require 2 off-street parking spaces. The proposed development would result in an additional bedroom, resulting in 4 bedrooms overall. There are no off-street parking spaces provided within the curtilage of the application site.

Given the application would facilitate the needs for a disabled resident, it is not considered that the proposal would require the use of an additional car, and it is not therefore considered that additional parking provision would be required in this circumstance.

Notwithstanding this, the front garden could accommodate additional parking in the future, as is evident at no.72. It is not therefore considered that the proposal would result in detrimental impacts to parking or the highway in this circumstance.

Other

It is noted that the representations received raised concern in relation to the impact of the proposal on ecology, flooding and security.

An extension of 3m in depth could be constructed without planning permission. It is not considered that the proposed additional 2.4m would result in significant impacts to ecology, wildlife migration or security issues.

In relation to flooding and drainage issues from the new bathroom, the proposal would be required to be carried out in accordance with the Building Control regulations, which requires the provision of satisfactory drainage and waste disposal. Notwithstanding this, the application site is located within an established residential area with existing connections to the sewer system, and it is therefore considered unlikely that an additional bathroom would result in significant flooding or drainage issues. It is also noted that an extension of 3m in depth could be constructed and used as a bathroom without planning permission.

CONCLUSIONS:

It is considered that due regard has been made to protected characteristics, and it is not considered that the design concerns raised outweigh the benefit of the proposed development to the resident.

In addition, it is not considered that the proposal would result in significant detrimental impacts to neighbouring amenity. It is also not considered that additional parking provision would be required in this circumstance. It is therefore recommended that planning permission is granted 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. All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.

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

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

<u>Drawing Reference and Version No.</u>	<u>Drawing Title</u>	<u>Date Received</u>
HC74CPF / -1	Existing Elevations and Ground Floor Layout	17th May 2019
HC74CPF / -2 A	Proposed Elevations & Floor Plans	17th May 2019
HC74CPF / -3 A	Site, Block and Location Plans	17th May 2019

REASON: For the avoidance of doubt and in the interest 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.