

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**1 July 2020**

**REFERENCE: HW/FUL/20/00107**

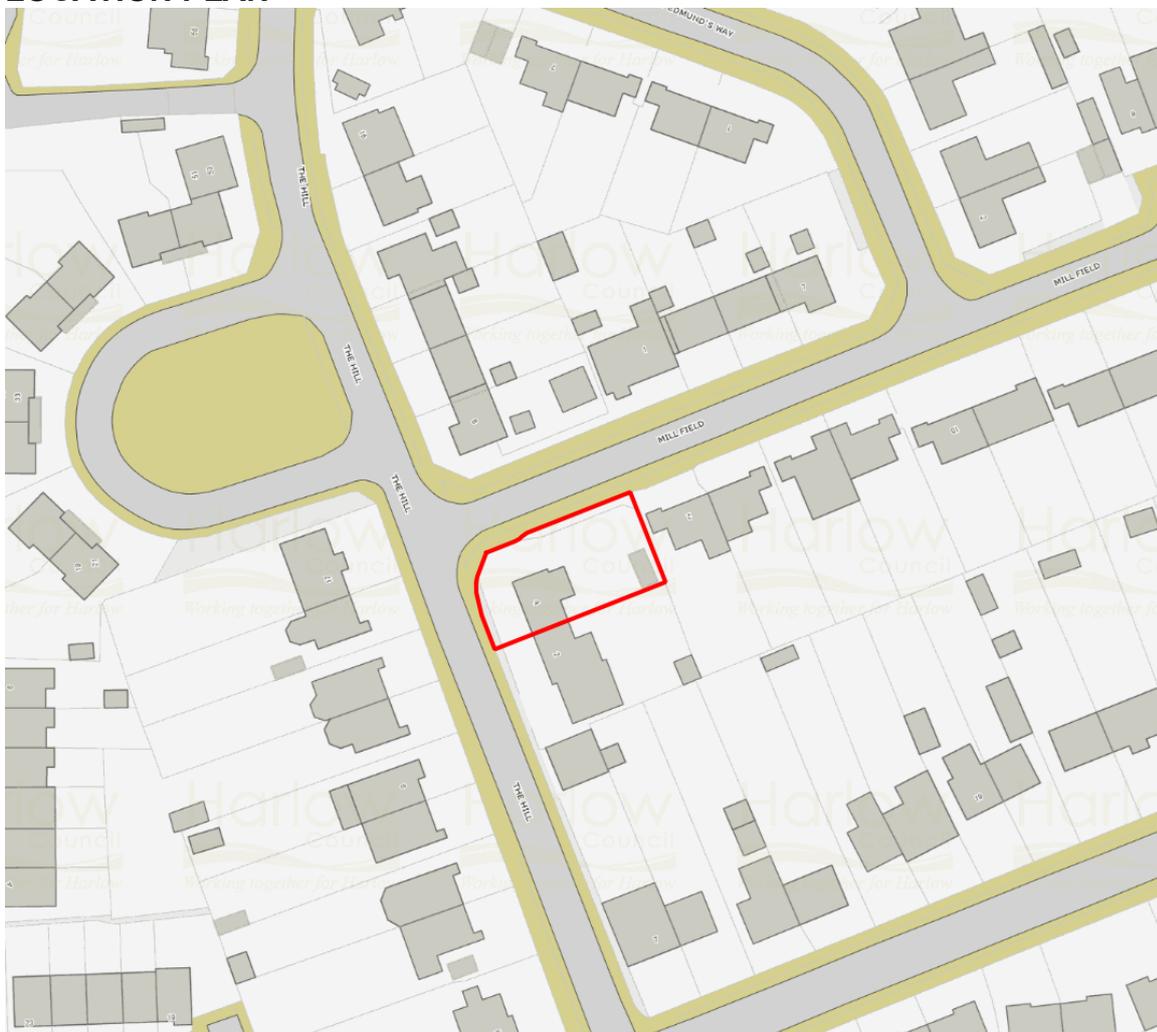
**OFFICER: Nicholas Fu**

**APPLICANT: Mr Lee Johnson**

**LOCATION: 4 The Hill  
Harlow  
Essex  
CM17 0BH**

**PROPOSAL: Demolition of 4 The Hill and development of 2 no. affordable homes comprising 1 no. 2 bedroom and 1 no. 3 bedroom semi-detached houses (amended description)**

**LOCATION PLAN**



**REASON BROUGHT TO COMMITTEE**

This application has been made by Harlow Council

## **Application Site and Surroundings**

The application site is located within a residential area in Old Harlow. The application relates to 4 The Hill, which is a corner plot at the junction of The Hill and Mill Field. The site comprises a two-storey semi-detached dwelling with the frontage on The Hill, although the site boundary along The Hill is dominated by hedging. The application site is located adjacent to the boundary of the Harlow Garden Village Estate Conservation Area, which runs along the length of The Hill but excluding the application site and Mill Field.

## **Details of the Proposal**

The application seeks planning permission to demolish the existing semi-detached property at 4 The Hill, and to erect two affordable homes. The proposed two-storey semi-detached pair measures approximately 18m wide by 5.75m deep, comprising a three-bedroom and a two-bedroom property, and would have the front elevation facing Mill Field. It would be rectangular in shape with a simple dual-pitched roof. It would be finished with a two-tone external wall comprising painted render and brickworks.

Each property would be served with two off-street parking spaces. The parking spaces for the two-bedroom property would be accessed from Mill Field, whilst the vehicular access for the three-bedroom would be taken from The Hill.

Most of the front boundary hedge would be removed, except for a small section to the corner of the road is proposed to be retained. Some soft landscaping is proposed to the rear of the parking space and along the frontage on Mill Field.

The proposal also includes remedial works to the party wall of 2 The Hill resulting from the demolition of the existing semi-detached.

## **RELEVANT PLANNING HISTORY**

No relevant planning history.

## **CONSULTATIONS**

### **Internal and external Consultees**

#### **HDC - Consultant Arboricultural Officer**

No Objection – There is no tree on the site. The hedge removal should be remediated with post development landscaping as shown in the plans submitted. Recommending condition on hard and soft landscaping

#### **HDC - Cleansing and Environment**

No comment.

#### **Essex County Council – Heritage Officer**

No objection - It is considered that the proposals would not detract from the special interest of the conservation area. Overall, the character and appearance of the conservation area would be preserved

Recommending conditions relating to materials and details be imposed, all well as details of all hard and soft landscaping and boundary treatments, to ensure a good quality of design within the setting of the conservation area. It is also recommended that the retention of the remainder of the green boundary hedge is required by condition.

## **Essex County Council - Highways**

No objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011.

## **Environment Agency (Hertfordshire & North London)**

No Comment Received.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 18

Total Number of Representations Received: 0

Date Site Notice Expired: 1 May 2020

Date Press Notice Expired: 30 April 2020

## **Summary of Representations Received**

None Received.

## **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.

BE10: "Conservation Areas" new development within or affecting a Conservation Area will be granted consent subject to: it not harming the character or appearance of the Conservation Area; the scale, height, form, massing, elevation, detailed design, materials and layout respect the character of the Conservation Area; the proposed land use is compatible with the function and activities of the Conservation Area.

H4: "House Types" new housing and conversions will be required to accommodate a range of dwelling types which reflect the housing need requirements for Harlow.

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.

H12: "Existing Housing Areas" permission will be granted for the conversion or adaptation of dwellings to provide separate units of accommodation where: each unit must be self-contained with its own entrance off a common area, with its own bathroom, w.c., kitchen and dustbin store; must comply with the Essex Design Guide and Vehicle Parking Standards and conversions for people with disabilities should be built to mobility standards.

H13: "Existing Housing Areas" permission will be granted for demolition of satisfactory residential accommodation, change of use of buildings or land in residential use, or allocated for residential development if: the proposal facilitates the development of additional housing or

redevelopment at a higher density except where the development proposals facilitates regeneration; the change of use is necessary to secure the preservation of a listed building; the existing building is unfit or sub-standard and cannot be economically improved and brought into housing use; the proposal is for essential public open space; the development provides essential new public amenities.

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.

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

The new Harlow Local Development Plan is currently 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 its 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') was submitted for examination in October 2018. The Examination started with public hearings which ran between March and April 2019.

In December 2019, the Inspector wrote to the Council with suggested modifications to the emerging Local Plan. The modifications are necessary in order to ensure the Plan is sound, that issues raised during the Examination have been considered, and that the Plan can, therefore, be formally adopted by the Council.

The detailed Main Modifications to the emerging Local Plan, will be consulted on between 12 March and 31 May 2020. The Inspector is considering the representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in summer 2020.

It is considered, therefore, that the policies within the emerging Local Plan are consistent with the policies in the 2012 NPPF, as it was submitted during the transition period between the 2012 and 2018 NPPF versions. Significant weight can, therefore, 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) (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)

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

Planning Practice Guidance (PPG)

## **PLANNING ASSESSMENT**

The main considerations of this application are the principle of development, the impacts on the character and appearance of the surrounding area including the adjacent Conservation Area, neighbour amenity, and parking and highway safety.

### **Principle of development**

Policy H13 of the Adopted Replacement Harlow Local Plan (ARHLP) is supportive of the demolition of satisfactory residential accommodation where it would facilitate development at a higher density. As the proposal seeks to replace one dwelling with two dwellings, the proposal is considered to accord with Policy H13.

Policy H10 of the ARHLP is supportive of infill development provided that a number of criteria, as detailed within the above policy section, are met. The criteria fall broadly within the following sections of assessment, notwithstanding that which requires proposals to not prejudice comprehensive development of adjacent land. Although the application site is a semi-detached property, it is understood that the other half of the semi-detached detached pair is under separate ownership, and has been extended extensively showing little sign of redevelopment. There are no known large scale projects planned in the immediate area, which is a conservation area. This criterion is considered to be met.

The application provides 2 no. affordable homes comprising a 2-bedroom and a 3-bedroom. The range and type of the dwellings is considered in accordance with Policy H4 of the ARHLP, and would be a material consideration in favour of the proposed development.

The principle of the development is therefore acceptable, subject to the following planning considerations.

### **Affordable Housing**

The definition of affordable housing is mentioned in Annex 2 of the NPPF, which means housing for those whose needs are not met by the market. Affordable housing could be provided in the form of affordable rentals, starter homes, discounted market sales housing, and other affordable routes to home ownership such as shared ownership or rent-to-buy.

Policy H5 of the ARHLP states that affordable housing provisions should be provided for development of 15+ dwellings. The current proposal is for 2 dwellings and therefore Policy H5 would not apply in this instance. Nevertheless, both properties are proposed to be affordable homes and it is considered appropriate to impose a condition to secure this.

## Character and appearance

The proposal would demolish the existing semi-detached dwelling at 4 The Hill, as a result the remaining dwellinghouse at 2 The Hill would become a detached property. Although the surrounding area comprises mostly of semi-detached properties, 2 The Hill has been significantly extended, and now occupying a footprint comparable in scale to the semi-detached pairs. It is therefore considered that this element of the proposal would not adversely impact upon the urban grain of the surrounding area and the character and appearance of the street scene.

The proposed rear gardens are only approximately 7m in depth, which is noticeably smaller than those of the nearby properties. The Harlow Design Guide SPD also encourages infill development to have a private amenity space comparable to other surrounding developments. The 7m deep rear garden is reasonable for the amenity of the further residents. Moreover, the application site is a corner plot with two frontages onto the highway. The proposed dwelling would be 7m away from the remaining property at 2 The Hill, which is sufficient to prevent a terracing effect. The proposed development is considered appropriate in terms of design and appearance, and hence it is on balance considered not justified to refuse the application merely on the basis that it has smaller rear gardens than nearby properties.

The proposed semi-detached pair would have a frontage on Mill Field. Mill Field is outside from the Harlow Garden Village Estate Conservation Area. Mill Field comprises a mixture of semi-detached and terraced houses. It is evident that some properties have similar original design, but most of them have been extended and altered to have varying appearances. The proposed development would have a building footprint comparable to other semi-detached pairs within the area. Whilst there are some differences in the building line and layout, these would not make the building appear out of place with its surrounding. Whilst the application site is located at a corner plot which is highly visible, it is considered that the proposed development would be in keeping with the character and appearance of the surrounding area by virtue of its scale and design.

The application site sits adjacent to the boundary to the Conservation Area. The proposed semi-detached houses would be an addition which is visible from the Conservation Area, although it is considered that the proposal should be read in conjunction with the existing housing on Mill Field. The Heritage Officer considered that that the proposals would not detract from the special interest of the Conservation Area, and the overall character and appearance of the Conservation Area would be preserved. The proposal is therefore acceptable in conservation terms.

The Heritage Officer recommended that the ceramic tiling around the entrance doors is omitted and the extent of brickwork reduced. It is considered that these alterations would have limited impact to the overall appearance and setting of the Conservation Area, and the proposal would be considered acceptable regardless of these changes. It is also noticed that there are other properties within the surrounding area with front entrance / porch finished in different external materials to the main house. Despite the applicant's intention to have the ceramic tiling decoration, this would not warrant the application a refusal. Nevertheless, a condition on external material samples should be imposed to ensure the materials are of high quality.

Although the front boundary hedge forms part of the existing street scene of The Hill, it is acknowledged that hard landscaping has been introduced to most properties within the area including those within the Conservation Area. Moreover, part of the hedge to the corner of the road is proposed to be retained. As such, it is considered that this element of the proposals would not have a significant impact on the special interest of the conservation area.

The Heritage Officer considers the existing vegetation along The Hill have some contribution to the appearance of the Conservation Area. It is acknowledged however that hard landscaping has been introduced to the opposite side of the road within the conservation area, and that part of the front boundary hedge to the corner of the road is proposed to be retained.

The Council's Consultant Arboricultural Officer has no objection to the application. There is no tree on the site, but the proposal would necessitate the removal of private hedge and shrubs along the site boundary. The drawing includes some landscaping and boundary treatment information but not in explicit details. A condition on hard and soft landscaping is recommended.

### **Residential Amenity**

The proposed 3-bedroom 5-person unit would have a Gross Internal Area (GIA) of 96m<sup>2</sup>, whilst the 2-bedroom 4-person unit would have a GIA of 79.5m<sup>2</sup>. Both units would comply with the space standards mentioned in the Harlow Design Guide SPD and the Nationally Described Space Standard (2015).

The proposed development would have a building footprint occupying approximately 25% of the total area of the plot. The proposed rear garden of 7m in depth, although noticeably smaller than most neighbouring properties, would still provide reasonable amenity space for further residents.

It is therefore considered that the proposal would provide acceptable living standard to the prospect residents.

The proposed semi-detached pair would be approximately 7m away from 2 The Hill. The application site is located north of this neighbour, and hence the impact on overshadowing and access to sunlight would be acceptable.

There is concern that the proposed development would overlook into the rear garden of 2 The Hill due to its orientation. Within an urban setting it is recognised that few households can claim not be overlooked to some degree, but it is recognised that there would be a change to the level of privacy that the occupants of 2 The Hill currently enjoy. The proposed 7m separation distance would provide some degree of protection. Views from ground floor windows would be screened by the proposed 1.8m high boundary fence, which would be controlled by a condition.

At first floor level, the windows overlooking the garden of 2 The Hill serve bedrooms. These first floor windows are positioned at 90 degrees to the property at 2 The Hill meaning that the views from them are likely to predominantly be across the garden of number 2, rather than creating direct line of sight views into the dwelling itself.

It should also be acknowledged that the Harlow Design Guide SPD does not set requirements for back-to-back distance between dwellings. Moreover, no objection is received from this neighbour. A condition to remove the permitted development rights for extensions would prevent further impact on this neighbour.

This relationship between the new development and the neighbouring property at 2 The Hill will need to be considered against any other positive elements of this proposal in the planning balance.

## **Parking and highway safety**

Policy T9 of the ARHLP and the Essex Parking Standards require dwellings with two or more bedrooms to have two off-street vehicle parking spaces. Each proposed dwelling would have two off-street parking spaces at 2.8m x 5.5m each. The spaces are only 0.1m narrower than the recommended bay size, which would be considered acceptable and in general compliance with the Essex Parking Standards.

The proposed access points are at least 9m away from the junction. Essex County Council's Highway Authority was consulted and raised no objection to the application, and there is no apparent reason for the case officer to arrive on a different conclusion.

It is therefore considered that the proposal is acceptable in terms of parking and highway safety, in accordance to Policy T9 of the ARHLP and the Essex Parking Standards.

## **Waste Servicing**

Both proposed dwellings would have designated bin storage area within their respective curtilage. The Streetscene Manager has no objection to the proposal. There are therefore no waste servicing concerns with the proposal.

## **CONCLUSIONS**

The application would increase the supply of affordable housing within the District. This aspect weighs in favour of the development.

The proposal demonstrates high design quality and would have an acceptable impact to the character and appearance to the surrounding area. A section of the existing boundary hedge would be retained to preserve the visual amenity of the streetscape and the way in which the adjacent Conservation Area is appreciated.

The proposed rear garden is on the small side but it is still sufficient to provide acceptable living standard to the prospect residents. It is recommended that the permitted development rights for householder extensions would be removed to prevent overdevelopment of the site.

There were some concerns on neighbour amenity including overlooking and privacy issues. The proposed 7m separation distance would provide some protections. Views from ground floor windows would be screened by the 1.8m high boundary fence, which would be controlled by a condition.

The application raises no significant parking, highway safety or waste servicing concerns.

The application is considered to accord with the relevant policies in the Development Plan and supplementary planning documents. The application 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 shall commence until details of an Affordable Housing Scheme have been submitted to and approved in writing by the Local Planning Authority. The Affordable Housing Scheme shall set out the mechanism to secure the use of the dwellings as 'affordable' in accordance with the definition within Annex 2 of the National Planning Policy Framework (February 2019) or any subsequent variation to this definition. The dwellings hereby approved shall thereafter be only be used in full accordance with the terms of the Affordable Housing Scheme as approved.

**REASON: In the interests of securing affordable housing.**

3. Prior to the commencement of development, comprehensive details of all external materials shall be submitted to and approved in writing by the Local Planning Authority. These details shall include walls, roof, windows, doors, soffits and guttering. The development shall not be carried out other than in accordance with the approved details.

**REASON: In the interest of visual amenity and to preserve the character and appearance of the Conservation Area in accordance with policies H10, BE1 and BE10 of the Adopted Replacement Harlow Local Plan.**

4. Prior to the commencement of development hereby permitted, a detailed landscape scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all hard and soft landscaping, and surface water drainage. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 3 years following completion of the scheme. The scheme shall be implemented during the next planting season following completion of the development.

**REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to limit discharge of surface water onto the highway in accordance with policy NE11 of the Adopted Replacement Harlow Local Plan and the Highway Authority's Development Management Policies.**

5. Prior to the commencement of development hereby permitted, details of the boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. The replacement boundary fence on the shared boundary with the property known as 2 The Hill as marked out on the drawing ref. 18/056/A/002 shall be 1.8m in height. The approved details shall be implemented and retained in perpetuity.

**REASON: In the interest of neighbour amenity and to accord with Policy BE1 of the Adopted Replacement Harlow Local Plan (2006).**

6. Prior to the first occupation of the development hereby permitted, the vehicle parking as indicated on the approved plans shall be provided hard surfaced and marked out. The parking shall be retained in perpetuity for their intended purpose.

**REASON: To ensure that on street parking of vehicles does not occur, in the interests of highway safety and that appropriate parking is provided, and to accord with policy T9 of the Adopted Replacement Harlow Local Plan, July 2006.**

7. Prior to the first occupation of the development hereby permitted, the party wall of the property known as 2 The Hill shall be remedied and made good. All 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 and residential amenities and to accord with policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.**

8. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification), no extensions, alterations, enlargements or outbuildings permitted by Schedule 2, Part 1, Classes A, B, C, D or E shall be undertaken to the dwelling hereby permitted.

**REASON: To enable the Local Planning Authority to retain adequate control over such extensions, alterations, or enlargements to prevent overdevelopment of the site and ensure an adequately sized garden. In the interest of residential amenity and to accord with Policy BE1 of the Adopted Replacement Harlow Local Plan (2006).**

9. 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>
18/056/A/001	--	Existing Plans and Elevations	06.03.2020
18/056/A/002	--	Proposed Plans and Elevations	06.03.2020

## **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. 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.
3. No demolition or construction work shall be undertaken outside of the hours of 8.00am to 6.30pm Monday to Friday and 8.00am to 1.00pm on a Saturday. No work shall be carried out on a Sunday or public/bank holiday.