

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

**REFERENCE:** HW/HSE/20/00172

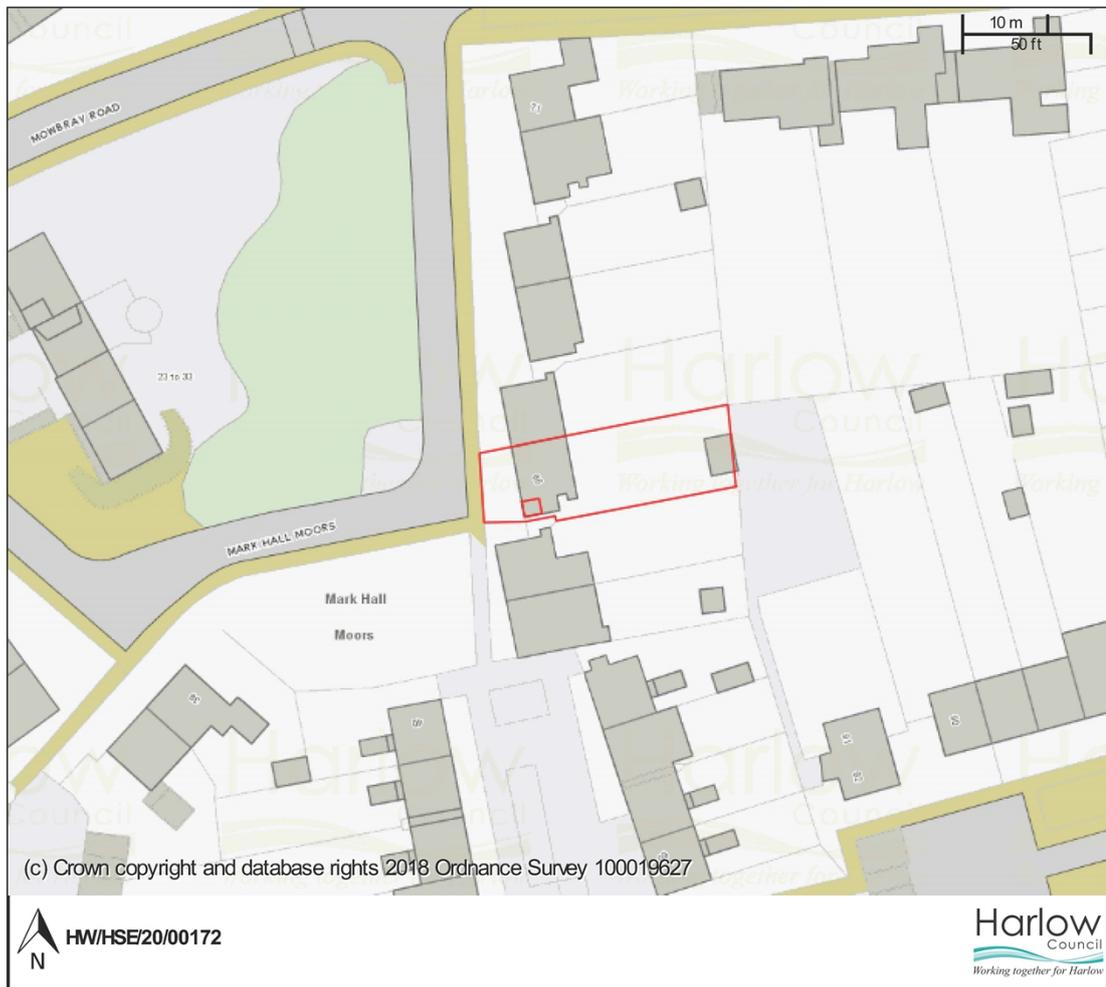
**OFFICER:** Sangeeta Ratna

**APPLICANT:** Ms Lisa Hunt

**LOCATION:** 66 Mark Hall Moors  
Harlow  
Essex  
CM20 2NF

**PROPOSAL:** Two storey rear extension with adjacent single storey extension to rear and side

**LOCATION PLAN**



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**REASON BROUGHT TO COMMITTEE:**

Application is referred to committee because 2 objections have been received. However, Officers have recommended approval for the proposal.

## **PROPOSED DEVELOPMENT**

Two storey rear extension with adjacent single storey extension to rear and side

### **Application Site and Surroundings**

The site is located in the Mark Hall North Conservation Area. This area is one of the first neighbourhoods of the Harlow New Town. The area is characterised by mid-20<sup>th</sup> century housing with an emphasis on lay-out and landscaping. The spaces between buildings in this location make an important contribution to its character and appearance.

The property at site is a two storey semi-detached house with a pitched roof over and a brick built front boundary wall. The street scene retains its character except for a front porches at No 65 and 70 Mark Hall Moors.

### **Details of the Proposal**

The application seeks planning permission for a single storey side extension and a part single part two storey rear extension. The single storey side extension would be 1.93m wide by 6.4m deep. It would match the rear wall of the proposed rear extension. It would have a flat roof over.

The rear extension would be 3.3m deep. Its part single storey element would be 2m wide with a mono-pitched roof over and it would be located on the north boundary of the site. The two storey element of the rear extension would be 4.9m wide with a pitched roof over. Its ridge level would be 0.5m lower than the main roof ridge.

A new window would be introduced at the first floor level in the south elevation of the existing dwelling.

### **RELEVANT PLANNING HISTORY:**

Application Reference Number: HW/PD/16/30032

Proposal: Rear Extension

Application Status: Permission Not Required

Date Application Received: 3 March 2016

Date Application Decided: 3 March 2016

Application Reference Number: HW/HSE/18/00484

Proposal: Two Storey Side & Rear Extension with Adjacent Single Storey Extension to Rear

Application Status: Refuse Planning Permission

Date Application Received: 25 October 2018

Date Application Decided: 11 January 2019

Application Reference Number: HW/HSE/19/00024

Proposal: Single Storey Side and Rear Extensions and First Floor Rear Extension

Application Status: Refuse Planning Permission

Date Application Received: 24 January 2019

Date Application Decided: 21 March 2019

Application Reference Number: ac

Proposal: Part two-storey and part single storey rear extension and single storey side extension

Application Status: Refuse Planning Permission

Date Application Received: 7 January 2020

Date Application Decided: 3 March 2020

## **CONSULTATIONS**

### **Internal and external Consultees**

#### **Place Services - Built Heritage**

The building is not listed, however it is within the Mark Hall North Conservation Area. An area of distinct architectural identity as it was one of the first neighbourhoods of Harlow New Town by Sir Frederick Gibberd. Any proposed works must preserve the character of the Conservation Area.

An objection was raised with the previous scheme, HW/HSE/20/00005, as it was considered the proposed enclosed front porch was harmful to the character and appearance of the Conservation Area by detracting from the regularity of the building forms and the overall uniformity of the streetscene. The enclosed porch has now been omitted and the scheme is now widely identical to the previous HW/HSE/19/00024. The proposed rear extension will not impact the streetscene or the uniformity of the terrace, thus not detracting from or causing harm to the character of the Conservation Area. Therefore, I have no objection to the application.

#### **Neighbours and Additional Publicity**

Number of Letters Sent: 2

Total Number of Representations Received: 2

Date Site Notice Expired: 19 June 2020

Date Press Notice Expired:

#### **Summary of Representations Received**

Two objections have been received on grounds of parking congestion, overshadowing of property and garden leading to damp area in the garden, overbearing, loss of privacy, impact on visual amenity and on character of neighbouring properties.

## **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.

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)  
Planning Practice Guidance (PPG)

### **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, were consulted upon 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.

## **Summary of Main Issues**

The main issues in consideration are; the principle of development, impact on the character and appearance of the Mark Hall North Conservation Area, residential amenities of neighbours and parking.

### **Principle of development**

The site is located in a residential area. The application seeks householder planning permission for the extension of the dwelling. Provided that the proposal accords with Policy BE10 and Policy BE1 of the Adopted Replacement Harlow Local Plan (ARHLP) and the guidance in the Harlow Design Guide Supplementary Planning Document (SPD) the proposal would be acceptable in principle.

The previous application, reference HW/HSE/20/00005, proposed the same part two-storey and part single storey rear extension and single storey side extension, plus a proposed front porch. This application was only refused on the basis of the front porch, which was considered to detract from the regularity of the building forms within the Mark Hall Moors Conservation Area and the overall uniformity of the streetscene. As the side and rear extensions were not detailed on the refusal notice, it can be concluded that these elements of the previous scheme were considered to be acceptable.

### **Impact on character and appearance of the surrounding area**

Policy BE10 states that development in a conservation area would be acceptable provided the following criteria are complied with –

- 1. It does not harm the character or appearance of the Conservation Area;*
- 2. The scale, height, form, massing, elevation, detailed design, materials, and layout respect the character of the Conservation Area;*
- 3. The proposed land use is compatible with the function and activities of the Conservation Area.*

The proposed single storey side element would be set away from the front façade of the existing dwelling by 3.5m. Its parapet would rise over the existing front wall by 0.215m. Owing to the set away distance from the front and the minimal height increase over the existing structure, this side extension would not result in any harm to the character and appearance of the Conservation Area which has been confirmed by the ECC Heritage Officer. The proposed rear extension would not be visible from the street scene and would not harm the character of the surrounding area. It has overcome this reason for refusal under ref: HW/HSE/20/00005 in that no front porch is proposed. Therefore the proposal complies with Policy BE10 of the ARHLP.

### **Residential Amenities of Neighbours**

Policy BE1 of the ARHLP and the SPD aim to protect the residential amenities of neighbours from extensions in terms of day light, overshadowing, privacy and visual amenity. The proposed single storey side element would stand to the rear of the existing side element which is a feature of the original dwelling. There exists a number of openings within this existing side element. Therefore the proposed side extension together with the proposed door opening to the utility room is not considered detrimental to residential amenity of the adjoining neighbour to the south.

The proposed single storey element of the rear extension would be located on the north boundary of the site. There exist openings within the rear elevation of the neighbouring property to the north at No 67. The proposed extension would be on the south of this neighbour. It would be 3.3m deep and would have a mono-pitched roof with an eaves at 2.47m and a maximum height of 3.5m. A single storey rear extension to a depth of 3m would be permitted development under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 1 Class A. The proposal would exceed this limit by 0.3m in terms of the proposed depth. It is not considered that this excess of 0.3m would merit a reason for refusal of this proposal on grounds of impact on day light amenity of the said neighbour.

The guidance in the SPD states that the 45 degree rule will ensure that overshadowing of neighbouring properties due to two storey rear extensions to terraced and semi-detached properties. The proposed two storey element of the rear extension would be set away from the adjoining neighbour on the north by 2.1m. It would be within an angle of 45 degree of a line drawn from the centre of the window at the first floor level within the rear elevation of this neighbour on the north. Therefore the proposal is compliant with the guidance in the SPD.

The proposed new window in the south elevation at the first floor level would be obscure glazed. There exists an obscure glazed window at the same level within the same elevation. A planning condition has been set for the proposed window to be obscure glazed and non-opening below 1.7m from the pertaining floor level in order to ensure the privacy of the neighbour on the south is protected.

The proposal is therefore compliant with Policy BE1 and the guidance in the SPD.

### **Parking**

There are no parking restrictions or any allocated parking to dwellings within Mark Hall Moors. The Parking Standard states a requirement of 2 car parking spaces and 1 bicycle parking space for a dwelling with more than 2 bedrooms.

The existing dwelling has three bed rooms. The proposal would convert the existing bedroom 3 into a study thereby retaining the number of bedrooms as existing. Given that the proposal does not change the existing number of bedrooms no concerns are raised in relation to parking.

### **Other**

The application has addressed the reason for refusal of the previously refused proposal under ref: HW/HSE/20/00005 in that the front porch has been omitted. The objections received have been taken into consideration in the assessment. However the assessment reveals that the proposal would not result in harm to any residential amenities of neighbours as discussed above.

## **CONCLUSIONS**

The proposal has addressed the reasons for refusal in the previous application by way of omitting the front porch. The proposed side extension would preserve the character and appearance of the Conservation Area. The proposed rear extension would not be visible from the street scene. The proposal would not harm residential amenities of neighbours. Therefore it is considered compliant with Policy BE10, Policy BE1 of the ARHLP and the SPD.

## 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 The development hereby permitted shall be constructed in finishing materials which are specified on the application form. Where alternative materials are to be used, no development shall commence before details of those alternative materials to be used have been submitted to and approved in writing by the Local Planning Authority.  
**REASON: In the interest of safeguarding the appearance of a site located at a visually prominent position and to accord with policy BE10 and BE1 of the Adopted Replacement Harlow Local Plan, July 2006.**
  
- 3 Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Class A of the Town and Country Planning (General Permitted Development ) Order 2015 (including any Order revoking or re-enacting that Order, with or without modification) the window proposed within the south elevation at the first floor level of the development hereby approved shall ne obscure glazed and non-opening below 1.7m from the finished level of the pertaining floor. Thereafter the said window shall be retained and maintained in this form at all times.  
Reason: To enable the Local Planning Authority to retain adequate control over such details in the interest of the amenity of adjoining residential properties.
  
- 4 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.**

## Informative

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. The acceptable construction hours are between 8:00hours to 18:30 hours Mondays to Fridays and between 8:00hours to 13:00hours on Saturdays. No construction works shall be carried out or plant operated outside of these hours.