

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

## 19 August 2020

REFERENCE: HW/FUL/20/00198

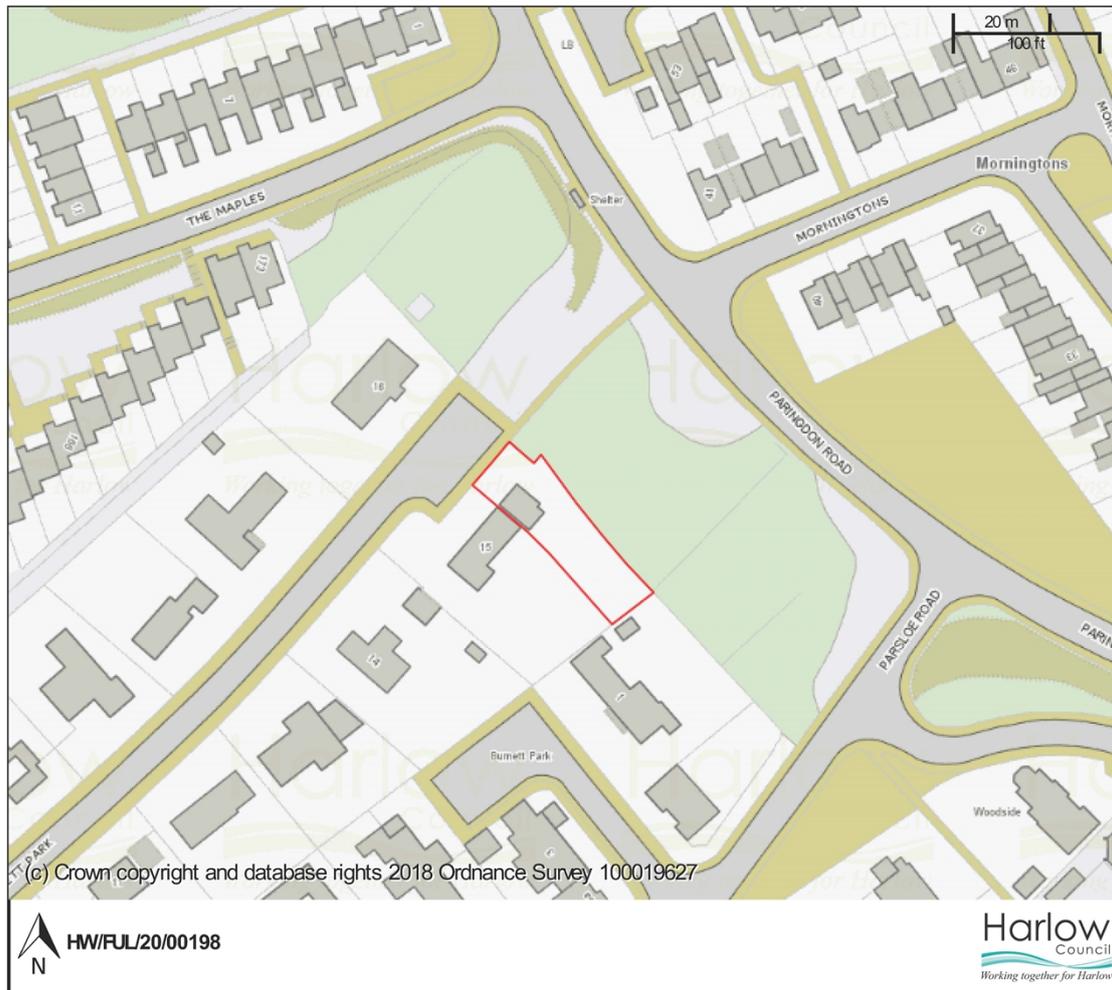
OFFICER: Nicholas Fu

APPLICANT: Sue Welfare

LOCATION: 15 Burnett Park  
Harlow  
Essex  
CM19 4SD

PROPOSAL: Erection of one dwelling with integral garage on land adjacent to 15 Burnett Park

### LOCATION PLAN



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### REASON BROUGHT TO COMMITTEE:

More than two representations have been received which are contrary to the officer recommendation

## **Application Site and Surroundings**

Burnett Park is a relatively low density development on the north side of Parsloe Road, and contains a mixture of houses and bungalows.

The application site is located at the end of the cul-de-sac which bends round to run parallel with Parsloe Road. There is a downhill slope towards the end of this cul-de-sac. To the east of the site, and separate by an existing green, is Paringdon Road. The gradient different and the trees along the eastern boundary of the site provide visual and spatial separation between the low density Barnett Park from the higher density developments on Paringdon Road and Morningsons. There is a footpath through the green area allowing pedestrian access between Paringdon Road and Parsloe Road.

The existing dwelling at 15 Burnett Park is a two-storey detached property with a detached garage to the side. It has relatively long building frontage when compared to other properties on Burnett Park. The existing house has a two-tone exterior, with brickworks on the ground floor and white cladding on the first floor. Both are common materials on Burnett Park.

## **Details of the Proposal**

The application seeks planning permission to subdivide the existing residential plot of 15 Burnett Park for the erection of an additional dwellinghouse. The existing garage would be demolished facilitate the development.

The new residential plot measures approximately 475m<sup>2</sup>. The proposed dwelling would be a four-bedroom, two-storey detached house with an integral single garage. There would be a 1.3m gap between the proposed and existing houses. The proposed front elevation would be roughly in line with the existing house at 15 Burnett Park.

The original submission includes the use of grey bricks and dark claddings for the external wall. Following discussions, the applicant amended the proposal and the proposed dwelling would be finished exterior with red bricks and birch grey timber cladding.

## **RELEVANT PLANNING HISTORY:**

There is no relevant planning history.

## **CONSULTATIONS:**

### **HDC - Consultant Arborist**

No objection subject to a condition requiring the submission of an Arboricultural Method Statement

### **Essex County Council - Highways**

No objection

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

No Comment Received.

## Neighbours and Additional Publicity

Number of Letters Sent: 5

Total Number of Representations Received: 10

Date Site Notice Expired: 5 June 2020

Date Press Notice Expired: 4 June 2020

## Summary of Representations Received

10 objections from 7 neighbours were received. They object to the application for the following reasons:

- Burnett Park is original designed for low density residential development
- The Burnett Park area is worthy of listing as a grade 2 status for historical significance
- The proposed house is too narrow, and not in keeping with the surrounding area
- Too much infill developments in Burnett Park and would result in overdevelopment
- Loss of green spaces and mature trees, and disturb local wildlife
- Two parking spaces per house would not be sufficient, and any on-street parking will be on the turning area of the cul-de-sac
- Removing the existing garage will result the loss of an off-street parking space
- A new dwelling would worsen the existing traffic and parking problem of the cul-de-sac
- The Council will benefit from the related tax/levy revenue of having a housing

Officer response:

These issues are discussed in the relevant planning assessment section. Financial gain is however not a material planning consideration.

## 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.

## **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, was consulted upon between 12 March and 31 May 2020. The Inspector is considering representations made to these modifications, before issuing his final report, but it is anticipated the Plan will be formally adopted by the Council in late 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)

### **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 proposal would subdivide the residential curtilage of 5 Burnett Park to create a new dwelling. Policy H10 of the Adopted Replacement Harlow Local Plan (ARHLP) is therefore an important consideration in the determination of this application. While the policy does not preclude infill developments, it provides protection for the established character of the area and neighbour amenity. Policy H2 of the emerging Local Plan reflects this.

The acceptability of the principle of development is dependent on the compliance with Policy H10 and other material planning considerations.

## **Character and appearance**

Policy BE1 and H10 of the ARHLP indicate that new development should be of appropriate design, scale and material that respect the character of the site and surrounding area. Principle DG28 of the Harlow Design Guide SPD states that infill residential development should positively respond to the prevailing character of the area, and be similar in scale, massing, height and design to the surrounding buildings.

Principle DG28 of the Harlow Design Guide SPD states that the typical garden sizes of the area should be taken into account when assessing whether a proposal would result in overdevelopment or over intensification.

Burnett Park is a relatively low density development characterised by large plots and a feeling of openness, and contains a mixture of houses and bungalows. The resulting 475m<sup>2</sup> plot is noticeably smaller most of its neighbours. The proposed dwelling would also have a small frontage as compared to other housings within the area.

Notwithstanding this, the development grain of Burnett Park has undergone some noticeable changes over the years. There are other infill developments within Burnett Park which have been possible due the sub-division of larger plots, such as the new builds at no.4 and no.6 which each have a sub-400m<sup>2</sup> plot. Other examples include no.1a, no.3a and no.9a, although it is noted that these dwellings were built prior to the adoption of the current Harlow Design Guide SPD.

Furthermore, the application site is located at the end of a cul-de-sac, and on a downhill slope at edge of the Burnett Park development. It is considered that this area has less impact to the overall appearance of the streetscape, when compared to other locations in Burnett Park.

Burnett Park is also characterised by its variety of building designs and dwelling types. Moreover, both immediate neighbours no.14 and no.16 have distinctive of appearance and finished externally with materials different to other houses on Burnett Park.

The proposed dwelling has a contemporary design which would be acceptable in this location. The original submission includes grey bricks and dark cladding, rendering the resultant dwelling a dark and industrial look which is noticeably different from the existing house at no.15. The amended proposal includes red bricks and birch grey cladding, which is more in keeping with the existing house as well as other properties on Burnett Park.

Looking from Paringdon Road, the proposed dwelling would be mostly unperceivable due to the trees and vegetation on the existing green. There would be no demonstrable impact on the appearance of Paringdon Road.

The narrow frontage and distinctive design of the proposed dwelling would demonstrate itself as an obvious infill development. However, weight is given to existing development pattern of the surrounding area, diversity in building type and design of Burnet Park, and the recent planning permissions for other infill developments on Burnett Park. On balance, it is not therefore considered that the proposal would result in sufficient harm to the character and appearance of the area to warrant the refusal of the application.

### **Trees and Landscape**

The application site includes some hedgerow and trees along the site boundaries. The applicant provided an Arboricultural Impact Assessment (AIA) which indicates no trees would be removed to facilitate the development, although some pruning is required.

The Arboricultural Officer considers the AIA acceptable, and the tree works suggested are minimal and will not affect the long-term amenity of the trees in question. A condition requiring the submission of an Arboricultural Method Statement (AMS) would ensure the development is managed to prevent any adverse impact to the nearby trees and vegetation.

As the application site is located within the existing residential cluster and have minimal impacts to the nearby trees and vegetation, the impact on local wildlife and habitat would also likely be minimal.

A condition is recommended to secure the details of the hard and soft landscaping to ensure any changes to ground levels and surfacing are appropriate.

It is therefore considered that the application would comply with Policy NE11 of the ARHLP.

### **Neighbour Amenity**

The proposed development, by virtue of its location, would not give rise to any neighbour amenity concerns except for the existing house at 15 Burnett Park.

Although the proposed dwelling would only be 1.3m separated from no.15, both the existing and proposed house have no flank window on this side, and therefore unlikely to have any privacy or overlooking issue. Both properties would have similar building heights, and because the proposal would be sitting on a lower ground lever, it is not considered to be overbearing to the existing house.

The proposed front elevation would be roughly in line with the existing house at 15 Burnett Park. At the rear, the proposed dwelling would project approximately 7m beyond existing rear wall of no.15 on G/F, and approximately 3m on 1/F. The first floor would not intrude the 45-degree line taken from the midpoint of the nearest window on the first floor of the existing house on no.15. The proposed dwelling would be sitting roughly northeast of the existing house. Given the above relationships, it is considered that the impact on shadowing and daylight access would be acceptable.

The resulting residential curtilages are relatively sizable and sufficient for the enjoyment of the existing and future occupiers.

It is therefore considered that the proposal would be acceptable in terms of residential amenity.

## **Parking and highway safety**

The Essex Parking Standards SPD requires property with two or more bedrooms should have two parking spaces. Policies T9 and H10 of the ARHLP states that sufficient parking provision should be provided to both the existing and proposed dwellings in accordance with requirements of the Essex Parking Standards SPD.

The proposal would demolish the existing garage and resulting in the loss of off-street parking spaces. The proposed dwellings show 3x parking spaces for the proposed house (including an integral garage which measures internally 7m x 3m) and 3x parking spaces for the existing house would be provided within their respective front curtilage. Whilst the spaces as marked out are only 2.5m x 5m each, this still complies with the minimum requirement of the Essex Parking Standards SPD. Moreover, the proposed hardstanding areas at the front, measuring 9.6m (w) x 7m (d) for the proposed house and 8.2m (w) x 5.8 (d), are more than sufficient to provide the more than 2x parking spaces each in the preferred size as required by Essex Parking Standards SPD. It is therefore considered that the proposal includes sufficient parking provision to comply with Policies T9 and H10 of the ARHLP and the Essex Parking Standards SPD.

The local objections noted that the site is on a slope which affects the ability for parking off-street. However, there is no specific requirement on the Essex Parking Standards SPD to prevent parking on a slope. In any event, the slope is not as significant to prevent parking and the parking spaces as proposed are practically usable.

There are also concerns regarding on-street parking and noted that the residents could have more than 2 cars. As the application site fronts the turning area of the cul-de-sac, any on-street parking might affect the manoeuvrability of larger vehicles such as refuse truck and emergency vehicles.

The proposal has provided sufficient parking provision to comply with the relevant policy requirement, and hence the Local Planning Authority (LPA) is not in a position to refuse the application on parking grounds despite the possibility future residents could have more than 2 cars. The ECC Highway Authority reviewed the application and considers the proposal would not pose any highway risk. There are no apparent reasons for the LPA to arrive at a different conclusion.

## **CONCLUSIONS:**

With the recent developments at Burnett Park, it is considered that the proposal would be an appropriate infill development at this location. The proposed development, by virtue of its design, scale and siting, would have an acceptable impact to the character and appearance of the area, and to the living conditions of neighbouring residents. There would be minimal impacts to the nearby trees and vegetation. The proposal also includes sufficient parking provisions to comply with the the relevant policy requirement.

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 shall take place on site, including site clearance, tree works, demolition or any other works, until details relevant to the safe retention and protection of trees are submitted within an Arboricultural Method Statement (AMS) in accordance with current BS5837 recommendations. Following written approval of the AMS the development will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.

The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

**REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and Policy NE11 of the Adopted Replacement Harlow Local Plan, July 2006.**

- 3 No development, or other operations shall commence on site in connection with the development hereby permitted (including any tree felling, 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 hard and soft landscaping have been submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Details, gradients and locations of hard surfacing;
- A method statement for implementation and maintenance;
- Details of all boundary treatments; and
- Surface water and drainage connections.

**REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity in accordance with Policy BE1 of the Adopted Replacement Harlow Local Plan, July 2006.**

- 4 Prior to the first occupation of the development, hereby permitted, the vehicle parking as indicated on the approved plans shall be provided. The parking spaces shall be retained in perpetuity for parking purposes only.

**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.**

- 5 The external facing materials to be used in the construction of the development hereby permitted shall be those materials specified on the approved drawings. Where alternative materials are to be used, no development shall commence before details of those materials have been submitted to and approved in writing by the Local Planning Authority. The materials agreed shall be those used in the development hereby permitted.

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

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

**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>
0174PL 001	A	Site Location Plan	03.08.2020
0174PL 110	--	Proposed Ground Floor Plan	03.08.2020
0174PL 111	--	Proposed First Floor Plan	03.08.2020
0174PL 113	--	Proposed Roof Plan	03.08.2020
0174PL 210	--	Proposed Front and Rear Elevations	03.08.2020
0174PL 211	--	Proposed Side Elevations	03.08.2020

## **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 The proposed parking arrangement will need to be accessed by new dropped kerb crossings. The applicant is advised to contact ECC to obtain the relevant vehicle crossover application.
- 4 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.