

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

## 9 December 2020

**REFERENCE:** HW/FUL/20/00450                      **OFFICER:** Sangeeta Ratna

**APPLICANT:** Mr & Mrs Andy & Eugenie Thornton & Harvey

**LOCATION:** 61 - 63 Churchgate Street  
Harlow  
Essex  
CM17 0JT

**PROPOSAL:** Conversion of existing dwelling back into 2 dwellings alongside extension of the front single storey bay and the creation of a new courtyard garden at no.61.

### LOCATION PLAN



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### REASONS BROUGHT TO COMMITTEE

The Agent notifies on the application from that this application is submitted on behalf of a Councillor.

## **Application Site and Surroundings**

The site forms the west half of the row of four terraced Victorian cottages.

The site is located in the Churchgate Street Conservation Area. Access is via Hobbs Cross Road. The surrounding area is a mix of detached, semi-detached and terraced dwellings.

The existing dwelling at site is a merger of No 61 and 62 Churchgate Street with internal links to form a single dwelling unit with 5 bedrooms including accommodation in the roof.

There exists a single storey rear extension at the rear of No 61 which occupies all the rear curtilage space of No 61. There exists a paved courtyard and a garden shed to its west to the rear of no 63. The remaining site to the west of no 63 is laid to soft landscaping.

## **Details of the Proposal**

The application seeks planning permission to re-instate No 61 and No 63 as two x 2 bedroom dwellings.

The existing extension to the rear of No 63 would be retained. A 2m high brick wall would enclose the courtyard to the rear of No 61 and this would be allocated to No 63 in the form of external amenity space (for No 63). The existing door in the front (south elevation) would form the entrance to No 63.

The curtilage space to the west of No 61 would form the amenity space for no 61. The existing bay window in the west flank wall would be extended to include the existing contemporary window.

## **RELEVANT PLANNING HISTORY**

HW/ST/03/00177  
61 Churchgate Street Harlow Essex CM170JT  
New Door Openings, Bay Windows & Alterations  
Granted Planning Permission  
Decision Issued Date Wed 23 Jul 2003

## **CONSULTATIONS**

### **Internal and external Consultees**

#### **Place Services – Heritage**

This application is for the conversion of existing dwelling back into 2 dwellings alongside extension of the front single storey bay and insertion of new sash window, brick header and the creation of a new courtyard garden at no.61.

The property is located in the Churchgate Street Conservation Area. Churchgate Street is an area of rich architectural interest and streetscape. Numbers 61-63 form a row of Victorian cottages, retaining single glazed sash windows and present a strong nineteenth century character which makes a positive contribution to the area. Therefore, I consider the property to be a non-designated heritage asset.

This letter follows previous advice pertaining to the same scheme which stated:

*The division of the property to create two separate dwellings would raise no objection. However, the proposed insertion of the new window to the first floor is not considered sympathetic, it will result in the loss of historic fabric and is not in keeping with the*

*historic fenestration pattern. The extension of the existing lean-to, creating a long porch, would not be appropriate as it will further disrupt the historic fenestration pattern, resulting in the loss of a historic window and diminish the uniformity of the elevation. These elements of the proposal would detract from a building that makes a positive contribution to the Conservation Area, thus diluting the character and appearance of the Conservation Area.*

Since previous built heritage advice was provided, information has been provided highlighting the window at ground floor level is not historic and was inserted after the approval of an application in 2003 (ref: HW/ST/03/00177). Therefore, I would raise no objection to the extension of the existing lean-to.

However, the proposed insertion of a window at first-floor level is still considered unsympathetic as it would disrupt the historic fenestration pattern and detract from a building that makes a positive contribution to the Conservation Area, thus diluting the character and appearance of the Conservation Area. If the window at first floor was omitted from the final design I would raise no objection to this proposal.

### **Essex Highways:**

The impact of the proposal is not acceptable to the Highway Authority.

The proposal does not provide sufficient parking provision for each dwelling which could lead to inappropriate kerbside parking in the vicinity. Churchgate Street is a classified road (Class III) and the proposal could lead to vehicles parking out on the street, to the detriment of highway safety.

The Parking Standards Design and Good Practice September 2009 recommends minimum parking provision levels for residential properties - two spaces per dwelling would be recommended for this proposal. The Highway Authority does not consider Churchgate Street to be an accessible location in terms of good access to other modes of sustainable travel and consequently a reduction in the parking provision would not be supported at this location.

The proposal if permitted would set a precedent for future similar developments which could in time lead to additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking in the locality.

### **Neighbours and Additional Publicity**

Number of Letters Sent: 4

Total Number of Representations Received: 0

Date Site Notice Expired: 23 October 2020

Date Press Notice Expired: 22 October 2020

### **Summary of Representations Received**

No comments have been 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.

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 (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 on between March and May 2020.

The Inspector has issued his final report and it is anticipated the Plan will be formally adopted by the Council in December 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 Assessment**

### **Principle of development**

The planning history for the dwellings at No 61 and 63 does not reveal an explicit grant of planning permission for the amalgamation of the two units into a single dwelling. The Design and Access Statement submitted in support of this application states that such a planning permission was granted in 2003.

In 2003 application HW/ST/03/00177 at 61 Churchgate Street the plans show the removal of an internal kitchen wall to allow for the properties to be merged into one. It is established case law that where a Local Planning Authority has adopted planning policy to prevent the loss of housing, the amalgamation of dwelling units can be taken to constitute a material change of use for which planning permission is expressly required. At the time of these works there was no policy preventing the amalgamation of dwellings and therefore planning permission for the combining of numbers 61 and 63 would not have been required at the time.

The previous status of this building as two separate dwellings has been surpassed by the amalgamation works. The starting point for this application is that proposed reinstatement of this dwelling to two separate dwellings represents the creation of one additional new dwelling which must be assessed in terms of impact on the character and appearance of the Churchgate Street Conservation Area, residential amenities of neighbours and future occupiers including waste management and parking.

### **Impact on character and appearance of the Churchgate Street Conservation Area**

Policy BE10 of the Adopted Replacement Harlow Local Plan (ARHLP) states that planning permission for development that affects the setting, surrounding area, or inward and outward views in a Conservation Area will be granted provided the following criteria are met:

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.*

Policy PL11 of the emerging Local Plan states a similar approach to the conservation of heritage assets which include conservation areas.

The proposal includes external change in the extension of the mono-pitched roof over a newly formed bay window in the west elevation. The proposal has been amended in that there would be no new window proposed in the front (south) elevation at the first floor level.

The ECC Heritage Officer has commented that they do not object to the proposed conversion of the existing contemporary window to a bay window and the extension of the lean to over this newly formed bay window.

Entrance to No 63 would be from the existing door in the front elevation.

On the basis of the above discussion the proposal would preserve the character and appearance of the Churchgate Street Conservation Area. It therefore accords with Policy BE10 of the ARHLP along with Policy PL11 of the emerging Local Plan.

### **Residential amenities**

The proposal would extend the existing dwelling at No 61 in the form of a bay window. This would not affect any amenities of neighbours in terms of day light, overshadowing or visual amenity.

The bedrooms for both dwellings on the first floor would be 12.7sqm in Gross Internal Area (GIA). Those in the loft would have a GIA of 13 sqm. This would accord with Principle DG45 and DG46 of the Harlow Design Guide Supplementary Planning Document (2011).

Located along the north-west boundary an area of 16 sqm would provide a walled courtyard to No 63. Emerging Policy PL2 requires that new developments provide access to high quality and useable amenity space. Principle DG33 of the Harlow Design Guide requires that:

*“All development should have some private open space. This can be provided in the form of a private garden, patio or balcony, dependant on the type of dwellings being provided.”*

The associated explanatory text to Principle DG33 suggests that all dwellings should preferably have private outdoor space provision which should be appropriate to the type and size of the accommodation. For example larger family houses should have larger gardens. Smaller houses can have smaller gardens but these should still accommodate either seating, or playing space and space to dry clothes.

The Applicant has highlighted that the 16 sqm garden proposed would be larger than the 10.6 sqm garden that number 63 originally had access to. This point has been given only limited weight as this application is for the provision of a new dwelling which must meet the policy requirements in place today for new dwellings.

The proposed garden area is considered to be small and limited in the quality of private amenity it would provide given its enclosed nature. It would however provide for usable outdoor space to serve number 63 that would be sufficient for clothes drying and to sit out. On balance therefore, it is not considered that this element of the scheme would warrant refusal of the application.

### **Parking**

Policy T9 of the ARHLP in the Adopted Parking Standards state a requirement of two off street parking spaces for a dwelling with more than two bedrooms. Accordingly this proposal would require 4 off street parking spaces to a preferred dimension of 5.5m by 2.9m each.

The proposed Site and Block Plan indicates two off street parking spaces. The parking bay for No 61 would be 5.0m by 2.5m which is the minimum dimension acceptable in exceptional cases stated in the Adopted Parking Standard (2009). The proposal does not provide adequate parking in terms of number of spaces for each dwelling.

ECC Highways state that Churchgate Street is a classified road (Class III). The location of the site is not within access to other modes of sustainable travel. Therefore ECC Highways

have objected on the grounds that the proposal could lead to vehicles parking out on the street, to the detriment of highway safety at this location.

This concern has been put to the Applicant. They argue that this application is to restore what was 2 properties back to original, therefore the original parking is un-changed. They suggest originally there was no parking and 2 spaces have been created. This argument is given little weight as the application has to be determined on the basis of the development plan policies in place today.

The Applicant comments that for the existing property as a 5 bed dwelling, 2 spaces would also not be deemed sufficient. They suggest that potentially a 5 bed house can create more parking than 2 smaller 2 bed houses. However, the Adopted Parking Standards require the provision of 2 spaces for 2+ bed houses. There is no policy requirement for a 5 bed property to provide more car parking spaces than a 2 bed dwelling.

The applicant highlights that there are no parking restrictions and vehicles already park on the street. They suggest this eliminates the Council's concerns unless parking restrictions are imposed. The applicant hasn't however undertaken parking survey to show whether there is capacity locally for further on-street parking to be accommodated without detrimental impact on the roadway. The property is on a bend with no highway restrictions. The concern raised by the Highway Authority is that any overspill parking might take place in the roadway to the detriment of the safety and convenience of the road users. The Applicant has not sufficiently demonstrated how this concern would be mitigated and therefore the proposal is found to be contrary to Policy T9 of the ARHLP.

### **Other matters**

No details in terms of refuse storage and collection has been provided. However, there is potential to provide this facility within the curtilage of each dwelling separately. Therefore it is considered that pertaining details can be secured via a planning condition.

### **Conclusion**

The proposal would preserve the character and appearance of the Churchgate Street Conservation Area and is therefore considered to accord with Policy BE10 of the ARHLP. It would however result in a detrimental impact on highway safety due to lack of off-street parking provision which is contrary to Policy T9 of the ARHLP.

## **RECOMMENDATION**

**That Committee resolve to refuse for the following reason:**

1. The proposal fails to provide sufficient parking provision for each dwelling which could lead to inappropriate kerbside parking in the vicinity to the detriment of highway safety on Churchgate Street, which is a (Class III) classified road. Churchgate Street is not considered to be an accessible location in terms of good access to other modes of sustainable travel and consequently a reduction in the parking provision would not be supported at this location. The proposal if permitted would set a precedent for additional inappropriate parking and would undermine the principle of seeking to discourage on-street parking contrary to Policy T9 of the Adopted Replacement Harlow Local Plan (2006).

## **INFORMATIVE CLAUSES**

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and discussing those with the Applicant. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.