

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 January 2021

REFERENCE: HW/HSE/20/00418

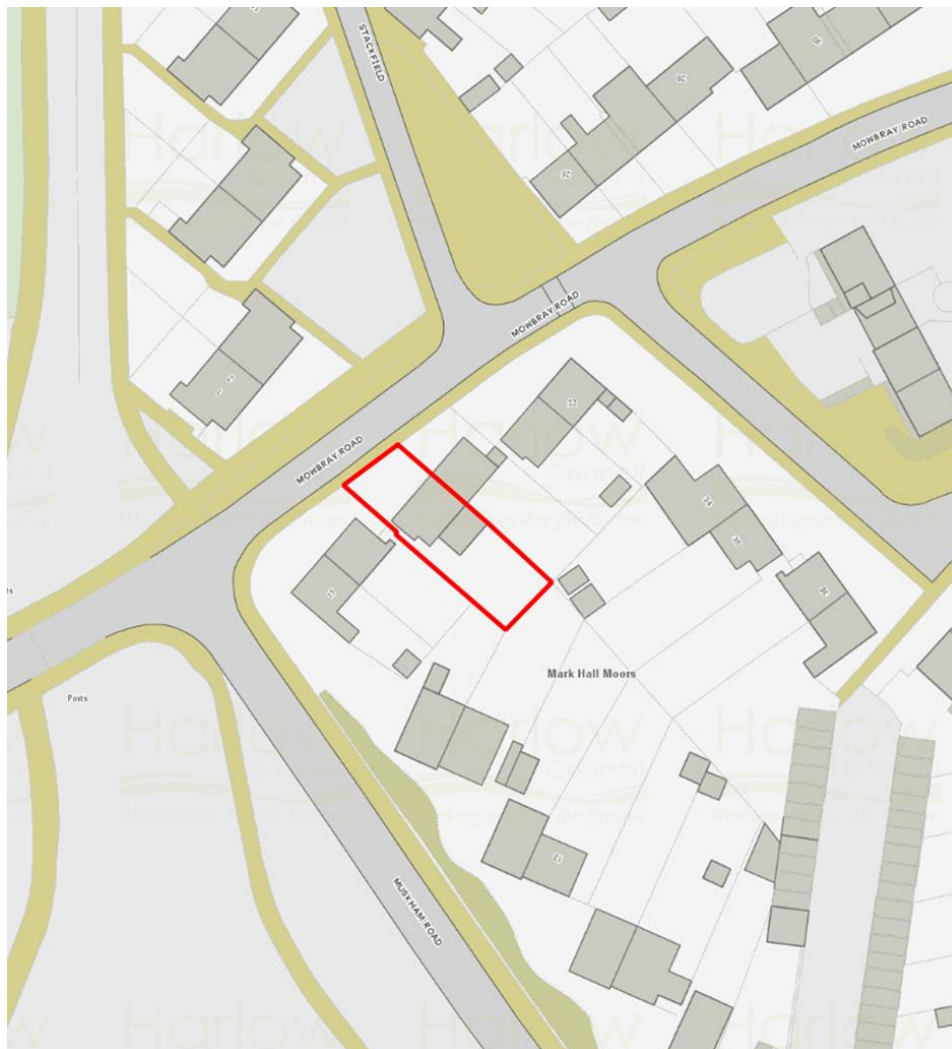
OFFICER: Nicholas Fu

APPLICANT: Mr & Mrs Kovalchuk

LOCATION: 19 Mark Hall Moors
Harlow
Essex
CM20 2NE

PROPOSAL: Proposed single storey rear extension (amended description)

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

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

Deferral from 11 November 2020 Committee

Members deferred the application from their committee meeting in November 2020 to allow Officers to raise the shape and design of the extension's roof with the applicant, with a view to securing alterations to the proposal.

Amended Roof Design

The proposed rear extension presented to Members in November 2020 included a pitched roof with the eaves and ridge heights measuring approximately 2.3m and 3.8m respectively.

Following Members comments, the applicant submitted an amended drawing showing a flat roof design. The proposed flat roof would be approximately 2.8m in height, with a glass roof lantern and side parapet walls. The tallest part of the proposal would be the apex of the roof lantern, which measures approximately 3.5m above ground. The location, depth, width and materials of the proposed extension remain unchanged from the previous proposal.

CONSULTATIONS

Heritage Officer Place Services (On amended plans)

From a heritage perspective, there is a preference for conservation style roof lights or something similar. However, the roof lantern would not detract from the character and appearance of the Conservation Area. Therefore, I would not raise an objection to the proposal.

Harlow Local Development Plan

The Harlow Local Development Plan (2020) was adopted at Full Council on 10 December 2020 and replacing the Adopted Replacement Harlow Local Plan (2006). The Harlow Local Development Plan (2020) now carries full weight in the consideration and determination of planning applications.

The following policies are relevant to this application:

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- PL12 - Heritage Assets and their Settings

Character and Appearance (including impacts on the Conservation Area)

Policy PL1 of the Harlow Local Development Plan states that residential extension should responds to the scale, height, massing, architectural detailing and materials of the host building and the surrounding area. Policy PL12 states that development should not detract from the character of the Conservation Area.

With the amended design, it is considered that the proposed extension would be appropriately subordinate to the host property. Essex Council Council's Heritage Officer was consulted and has no objection to the amended proposal. Although a conservation style rooflight would be preferred, it is considered that the proposed roof lantern would not detract from the character and appearance of the Conservation Area. The current proposal is on balance considered acceptable.

The proposed development, therefore, complies with Policies PL1 and PL12 of the Harlow Local Development Plan (2020) and the Harlow Design Guide SPD (2011).

Neighbour amenity

Policy PL2 of the Harlow Local Development Plan protects the level of amenity of existing and future occupants and neighbours.

Objections were received on the original plans raising concerns regarding : the visibility of the extension from the highway; harm to the character and appearance of the surrounding area and the conservation area; the loss of the existing hedge on the shared boundary with the neighbour; and overshadowing, loss of light and loss of view due to the height of the proposed extension. The amendments made to the scheme sought to address the concerns raised at the committee rather than to expressly address the previous comments of neighbouring residents. On this basis no further re-consultation has been undertaken and it is considered that the previous objections submitted still stand.

Originally the pitched roof design of the extension tapered down as it projected out from the back of the original house. As a result the overall height of the extension was limited to 2.3m at its (eastern) end. However, this did mean that the roof stood at 3.8m at the point it met the rear elevation of the house. The amended drawings show a flat roof design. Whilst this does increase the height of the structure at its end as it projects past the neighbouring property from 2.3m up to 2.8m, it does bring down the height of the roof at the point it meets the original house from 3.8m to 2.8m. Balancing off the small increase to the height of the structure at its eastern end against the reduction in the height of the roof at its western end, it is considered any impact on neighbour amenity in terms of overbearing and overshadowing impacts would be acceptable.

The tallest part of the proposal would be the apex of the roof lantern, which measures approximately 3.5m above ground, is set in from the side of the extension by 1.7m. The location of the roof lantern within the centre of the roof and away from the neighbour would ensure it would not result in overlooking or privacy issues.

It is therefore considered that the proposed development would be acceptable in terms of neighbour amenity, and comply with Policy PL2 of the Harlow Local Development Plan (2020) and the Harlow Design Guide SPD (2011).

CONCLUSION

With the exception of the amended roof design and update on the new local plan, this report otherwise remains unchanged from that on the Development Management Committee Agenda on 11 November 2020 (Appendix 1).

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 Prior to the commencement of development, samples of all external materials to be used in the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, walls, roof, windows, doors, soffits, guttering and mortar mix. The materials shall match those of the existing building.

REASON: In the interest of visual amenity and to protect the character and appearance of the Conservation Area. To accord with policies PL1 and PL12 of the Harlow Local Development Plan, December 2020.

- 3 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.

Plan Reference	Version No.	Plan Type	Date Received
201993-SU-001	-	Existing Plans	02.09.2020
201993-PL-010	D	Proposed Plans and Sections	19.11.2020

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. 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.
3. It is advised that the applicant shall contact their neighbours regarding any works on the existing hedge on the shared boundary, in accordance with the provisions of the Party Wall etc. Act 1996

Appendix 1: Original Committee Report

(As published in Agenda Pack for 11 November 2020)

Application Site and Surroundings

The application site is located at Mark Hall Moors, which is one of the first neighbourhoods of the Harlow New Town with a strong architectural identity. The residential development comprises of various housing types and designs, and set within a mature landscape. The application site is located within the Mark Hall North Conservation Area, which has a character derived from the planned mid-20th century housing, including its layout and landscaping, rather than individual buildings themselves. This part of the Conservation Area includes the open spaces between terraces which make important contributions to its character and appearance.

There is a green open field to the west of the estate which is a Green Wedge as shown on the Adopted Replacement Harlow Local Plan (ARHLP) 2006 Proposals Map.

The application property is a two-storey, semi-detached house. It forms one of the three pairs of similarly designed semi-detached dwellings with frontages on Mowbray Road. The semi-detached pair is finished with brickwork and paint render. The modestly sized rear garden is surrounded by nearby properties, but the rear elevation of the house could be visible from the highway on the side and the green field beyond it.

Details of the Proposal

Planning permission is sought a single storey rear extension. The proposed extension would be 3.6m in depth, and cover the full-width of the property. The proposed lean-to roof would have a maximum height of approximately 3.8m, sitting just below the existing first floor window and roughly 1m below the eaves of the host property. The proposed extension would also have 3 rooflights. The application form states the use of matching materials.

The original submission includes a single storey side element, but this is removed following comments from the Essex County Council's Heritage Officer.

RELEVANT PLANNING HISTORY

Planning Applications

App Number	Proposal	Status	Decision Date
HW/HSE/19/00392	Two-storey rear extension including single storey side element.	RF	18.11.2019
HW/HSE/20/00148	Proposed one-/two-storey rear extension	RF	20.05.2020

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

No in-principle objection subject to the proposed side element being removed. It is also preferred that the proposed rear extension to have a flat roof and set back from the existing side wall of the main house. The new windows should be white in colour to match the existing ones. Condition should be imposed to ensure the use of matching materials.

Neighbours and Additional Publicity

Number of Letters Sent: 4

Total Number of Representations Received: 3

Date Site Notice Expired: 9 October 2020

Date Press Notice Expired: 8 October 2020

Summary of Representations Received

3 letters of objection have been received. They object to the proposed development for the following reasons:

- The proposed extension is visible from the highway
- It would result in harm to the character and appearance of the surrounding area and the conservation area.
- The proposal would result in the loss of the existing hedge on the shared boundary with its neighbour
- Overshadowing, loss of light and loss of view due to the height of the proposed extension

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.

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. On the 8 September 2020: Harlow Council published a new report relating to housing need. A consultation on this report ran for 2 weeks until 25 September 2020. Subject to receipt of the Inspectors report, is anticipated the Plan will be formally adopted by the Council in Autumn 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.

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 ASSESSMENT

The main issues for consideration in the determination of this application are the principle of development, the design and its impacts on the character and appearance of the area including the impacts on the Conservation Area, and impacts on neighbour amenity.

Principle of development

The principle of household extensions is generally supported and considered an acceptable form of development. The application site sits within a Conservation Area. Policy BE10 of the Adopted Replacement Harlow Local Plan (ARHLP) states that planning permission would only be granted provided that the development respects the characteristics of the Conservation Area, and does not harm the character and appearance of the Conservation Area. The principle of development is therefore considered acceptable subject to the proposal not resulting in any unacceptable impacts to the Conservation Area and all other material considerations.

Two previous planning applications for side and rear extension were refused for the reasons of adverse harm to the Conservation Area and neighbour amenity. Both previous applications included a two storey element at the rear and a side extension, and have a deeper rear extension. The current proposal is for only a 3.6m deep single storey rear extension, and the side element has been removed following comments from the Heritage Officer.

The proposal, as amended, is for a single storey rear extension of 3.6m in depth. It should be pointed out that, despite sitting within a Conservation Area, permitted development rights allow for the erection of a rear extension of up to 3m in depth. There is no Article 4 Direction to the application site preventing this. A single storey rear extension under permitted development right could have the eaves and maximum height of the roof up to 3m and 4m respectively – the current proposal complies with these. Therefore, it is only the depth of the proposed rear extension which results in the need for a planning permission. This is considered to be an importance consideration for the assessment of this application.

Character and appearance and impacts on the Conservation Area

Policy BE1 of the ARHLP and the Harlow Design Guide SPD states that residential extension should respect the size, grain, height, materials, features and layout of the host building as well as the character of the surrounding area. The application site sits within a Conservation Area. Policy BE10 states that development should not detract from the character of the Conservation Area.

The application property forms one of three similarly designed semi-detached dwellings in this section of Mark Hall Moors. To the east is a Green Wedge which separates other uses, including the Tany's Dell Primary School and the Redeemed Christian Church of God, from the residential development on Mark Hall Moors. The properties in this location, including the application site, form a visual focal point and gateway to demonstrate the heritage and character of the Mark Hall North Conservation Area when entering from Mowbray Road. The rear elevation of the application property is also visible from the highway and the Green Wedge beyond.

The proposed single storey extension includes a lean-to roof, which has a maximum height of 3.8m and sits only 1m below the eaves of the host property. As a result the proposed single storey extension appears bulky in relation to the main house. However, the applicant could erect a rear extension of similar height under permitted development. It is therefore considered not reasonable to refuse the current proposal on its height. Moreover, the proposed roof form and matching materials would help the extension to be in-keeping with the host property in terms of appearance.

The proposed extension, as amended, would not be visible from the front elevation. It is therefore considered that the proposed development would not detract from the existing tidy appearance and the rhythm of development of the Mowbray Road. Although it would still be visible on Muskham Road and Green Wedge to the west, it is considered that the impact would be acceptable due to the single storey nature of the proposed development.

Moreover, permitted development allows for the erection of a single storey rear extension of up to 3m in depth. The current proposal is 0.6m more than permitted development allowance. Muskham Road is some 30m away from the application site. Although visible, it is considered that, from this distance, the 0.6m difference in depth would make limited difference to its impact on the appearance and visual amenity along Muskham Road, and the character and appearance of the Conservation Area as a whole.

The Essex County Council Heritage Officer was consulted and has no objection to the proposed single storey rear extension. Although she prefers a flat roof design and the extension to set back from the side wall of the main house, this is not considered warrant the application a refusal due to the allowance of permitted development as previously mentioned.

A condition on matching materials is recommended to ensure the character and appearance of the surrounding area and the Conversation Area is protected.

It is on balance considered that the proposed development, as amended, would be have acceptable impacts on the character and appearance of the host property, the surrounding area and the Conservation Area. The application therefore complies with Policies BE1 and BE10 of the ARHLP and the Harlow Design Guide SPD.

Neighbour Amenity

The proposal is for a single storey rear extension which has no window on the side elevation. It is therefore not considered that the proposal would result in any overlooking or loss of privacy.

A local objection states that the proposed extension would be 6m in height. This is the result of incorrect scaling of the plan, and the applicant has included measurements on the amended drawings to clarify this. The eaves and ridge heights of the proposed extension are roughly 2.3m and 3.8m respectively.

The application site is in the middle of three pairs of semi-detached properties. These houses have a staggered arrangement with the rear elevations facing roughly southeast. There are concerns that the proposed two storey extension (now amended) would have overshadowed the neighbours and result in significant loss of daylight and sunlight.

The main house of no. 18, which is the neighbour to the south, is roughly 4m forward of the application property. Given the single storey nature and northerly position of the proposed extension, it is considered to have an acceptable impact on the residential amenity of no. 18 in terms of access to sunlight and daylight.

The proposed single storey rear extension would be built up to the shared boundary with the attached neighbour no.20. The proposed extension, at 3.6m depth, would intrude the 45 degree line taken from the mid-point of no.20's closet habitable room on the ground floor. Due to the orientation of the properties, the extension would also include to some degree of impact on the levels of direct sunlight available to this window in the neighbouring property in the late afternoon and early evening.

In mitigation, it is recognised that the proposal is single storey. The proposed roof design means that the roof tapers down in height as the extension projects out minimising the overall height of the extension at the point it projects furthest past the neighbour. The height of the proposed extension is within the allowance of permitted development, it is its proposed depth that exceeds the fall-back position represented by what the applicant could achieve via permitted development by 0.6 metres which is the key element for the assessment of this application. On balance, the limited extent of 0.6 metre addition over and above what otherwise might be achievable, in combination with the roof design that helps to limit the height of the extension at its end, it is considered, that the level of impact represented by the extension would not be sufficient to warrant refusal of the application

It is therefore on balance considered that the proposed extension would be acceptable in terms of neighbour amenity, and does not contrary to Policy BE1 of the ARHLP and the Harlow Design Guide SPD.

Parking

The application would not create additional bedroom to the dwellinghouse, therefore there is no requirement for additional parking space. It is considered the proposed development would neither improve nor worsen the existing parking situation on Mark Hall Moors.

Other matters

Boundary hedge

Local representation is concerned about the existing hedge which sits on the shared boundary. The applicant confirmed that part of this hedging would be removed to facilitate the proposed development.

This hedging is, to some extent, visible from the highway, but not considered to have a significant contribution to the appearance of the streetscape as the view is mostly blocked by the existing brick wall along the front. The Council's Tree Officer advised that the species appear to be typical hedging/shrub species (likely to be Ligustrum or Privet), and not generally considered a tree species. Although the application site within a conservation area, the removal of hedges within residential garden like this case usually don't require permission from the Local Planning Authority. It is therefore considered the removal of this boundary hedge would be acceptable in this instance.

CONCLUSIONS

It is on balance considered that the proposed development would be acceptable in terms of design and appearance, and would not result in any unacceptable harm to the character and appearance of the Conservation Area or to neighbour amenity. The proposal does not create any additional bedroom and therefore no concerns on parking.

The application therefore complies with Policies BE1, BE10 and T9 of the ARHLP, the Harlow Design Guide, and the Essex Parking Standards.