

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
17th March 2021

REFERENCE: HW/REMVAR/20/00593

OFFICER: John Harrison

APPLICANT: Mr Neil Harvey

LOCATION: Land To The Rear Of 8
The Drive
Harlow
Essex, CM20 3QD

PROPOSAL: Variation of condition 2 (approved plans) of planning permission HW/FUL/18/00398 (APP/N1540/W/19/3225381) to allow the increase in roof ridge heights by 1.2m and inclusion of rooflights on the front and rear elevations to accommodate new bedrooms with ensuites in each house. HW/FUL/18/00398

LOCATION PLAN



PROPOSED DEVELOPMENT: Variation of condition 2 (approved plans) of planning permission HW/FUL/18/00398 (APP/N1540/W/19/3225381) to allow the increase in roof ridge heights by 1.2m and inclusion of rooflights on the front and rear elevations to accommodate new bedrooms with ensembles in each house. HW/FUL/18/00398

Application Site and Surroundings

The site is located between The Drive and Lavender Close. These are two cul-de-sacs off the east side of School Lane and which run roughly parallel in the vicinity of the application site. The application property is formerly the site of 8 The Drive which was a bungalow, but two new dwellings have recently been erected on the site frontage, labelled 8 and 8a. The site extends between The Drive and the turning head of Lavender Close and the side boundary of 23 Lavender Close.

The houses in The Drive are a mixture of detached and semi-detached ones of various sizes. There are two groups close to the application site. Those to the west of the application site on the south side of The Drive are larger detached houses with deep plots, approximately 50 metres deep, built between the wars. Those to the east of the site are smaller, mainly semi-detached but some detached probably built in the 1960s. These front onto a footpath which runs down the eastern side of the site. The houses in Lavender Close are generally smaller and narrower and are either semi-detached or in short terraces.

The application site is the southern half of what was once the garden of 8 The Drive, a square approximately 24 metres wide and 23 metres deep. It is relatively overgrown with trees and other vegetation.

The site is not in a Conservation Area, not close to listed buildings, etc and does not benefit from any other special protection that requires attention in the assessment of this application.

Details of the Proposal

This is an application made under a procedure referred to as a “minor material amendment”. This applies when there is an existing planning permission and the applicant wishes to change the scheme, but not in a way that is considered so significant that a new planning application is required. An application is made to vary the condition listing the approved plans for the scheme, substituting as necessary new plans on the list for those previously approved.

This application relates to a minor material amendment to application number HW/FUL/18/00398. This was refused by this committee on 22 March 2019 but granted on appeal on 11 October 2019. A copy of the appeal decision is attached for members’ information in Appendix 1. This related to a pair of semi-detached houses on this site facing onto the turning head at the end of Lavender Close. The effect of the proposed amendment is to raise the roof ridge and therefore the pitch of the roofs to provide additional accommodation in the roof. The difference in height of the roof from eaves level to the ridge would be 3.3 metres instead of 2.1 metres previously proposed. There would be rooflights on the front and rear of the roof to provide light to the accommodation in the roof; four on each house at the front and two on each house at the rear.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision</u>
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			<u>Date</u>
HW/FUL/18/00398	Construction of 2 No. Two Bedroomed Two Storey Houses with Private Gardens and Parking Spaces	Refused	22.03.2019
HW/CND/20/00402	Application for approval of details reserved by condition 3 (Materials), condition 4 (Replacement Trees), condition 5 (Boundary Treatment), condition 6 (Wall) and condition 15 (Construction Method Statement) of planning permission HW/FUL/18/00398	Approved	2.10.2020

Planning Appeals

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/APP/19/0074	Construction of 2 No. Two Bedroomed Two Storey Houses with Private Gardens and Parking Spaces	Allowed	11.09.2019

The Inspector concluded that:

“In light of the above, I conclude on the main issue that the proposal would not result in harm to the character and appearance of the area. As such, it would accord with Policies H10 and BE3 of the adopted Replacement Harlow Local Plan (2006), which seek to support proposals where, amongst other things, they would not have an unacceptable effect on the character of the locality, and where this does not result in over development and over intensification of the plot. It would also accord with Principle DG28 of the Harlow Design Guide Supplementary Planning Document which seeks to ensure that infill development would not represent overdevelopment and are of a similar scale, massing and height to the surrounding precedent. The proposal would also accord with paragraph 127 of the National Planning Policy Framework (The Framework) which seeks to achieve well-designed places.”

CONSULTATIONS

Internal and external Consultees

Essex County Council - Highways
No highway issues

Council arboriculturalist
There are no new arboricultural issues with this application.

HDC - Cleansing And Environment
No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 20
Total Number of Representations Received: 5
Date Site Notice Expired: 13 January 2021

Summary of Representations Received

5 representations have been received. These largely concern the principle of development and the impact of the scheme approved at appeal. The concerns regarding the additional impact of the proposed changes are:

- Overlooking of garden from rear rooflights to neighbouring property;
- Loss of privacy to neighbouring property, having rooflights fixed shut and obscure glazed would not mitigate impact;
- Trees and fences screening the site have been removed.
- Loss of light to neighbouring property and garden;
- Loss of amenity to neighbouring property due to more noise, loss of security, creating an oppressive/overbearing environment.
- Impact on drainage and flooding.

PLANNING POLICY

The relevant policies from the Harlow Local Development Plan 2020, are:

PL1 – Design Principles for Development

PL2 – Amenity Principles for Development

PL7 – Trees and Hedgerows

PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems

H2 – Residential Development

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 Essex Design Guide (2005)

The Harlow Design Guide SPD (2011)

Summary of Main Issues

In dealing with this application members should only consider the proposed changes to the scheme, not the original proposal, i.e. it should be treated as if the houses had been built and an application was now being made to remove the original roof and substitute that now proposed. As the application relates to a residential property in a residential area, the principle

of the development is acceptable. Issues to be considered are appearance, impact on neighbours, the suitability of the accommodation, parking, flood risk and trees.

Appearance

The issue to be considered in terms of appearance is whether the additional height will make the development out of character with surrounding properties. A street view has been submitted with the application which shows the house to be slightly higher than those in The Drive (as previously approved it was a similar distance slightly lower). This difference in height will not be readily noticeable, particularly as the proposed houses would be some distance from nearby houses. Furthermore, the pitch of the roof is not uncharacteristic of the area. The proposal is considered acceptable in appearance terms and compliant with policy PL1 of the Local Plan.

Impact on neighbours

The additional height and consequent marginal increase in the size of the building will have a very limited impact on neighbours, especially as none are particularly close to the site. Potentially of more concern is possible overlooking of the gardens of 7, 8 and 8a The Drive and the rear windows of the houses themselves from the rear rooflights. This, however, can be avoided by imposing a condition requiring these to be obscure glazed and fixed shut and such a condition is recommended. The proposal would result in some slight loss of light to neighbours' gardens, but not sufficient to warrant refusing the application. Subject to the imposition of such a condition, the proposal would comply with policy PL2 of the Local Plan.

Adequacy of the accommodation

The submitted plans show the second floors as being double bedrooms with an en suite shower room. Though it would require a cross section which has not been supplied to be completely sure of this, it appears that this layout would not be workable because of low ceiling heights. Even if this were the case, the rooms could be used for other purposes such as a single bedroom, study or even for storage. Thus it would be unreasonable to refuse the application for this reason.

Parking

The proposal meets the Council's parking standard for two spaces for dwellings with two or more bedrooms, so the proposal meets policy IN3 of the Local Plan.

Flood risk

A neighbour has objected to this application on the basis of flood risk and submitted photos showing flooding of the site and their garden on 14 January (a day when there was a particularly heavy rainfall, but it is of course possible that heavier rainfall may occur at other times). The same person raised an objection based on flooding to the previous application, but provided little information about it. The Council did not refuse the application for this reason. In the appeal the Inspector considered the issue in paragraph 18 and imposed a condition requiring approval of a surface water drainage scheme (condition 14).

The photos supplied by the neighbour which have been downloaded on the Council's website show puddles to a depth of just a few centimetres. The neighbour advises a stream runs along the rear of the gardens in The Drive and a pond that used to be on the site before the houses were built was filled in. She advises houses with addresses of 9 and 10 The Drive were not built because of drainage issues. There is no record of any refusal of planning permission on this site for drainage reasons.

The only difference the alteration to the houses' roofs would make to drainage issues is water would run off the roofs at a faster rate because of the steeper pitch. This would not warrant refusing the application. It is, however, recommended that the condition imposed by the Inspector on appeal should be repeated. Policy PL11 of the Local Plan would support this.

Trees

Although neighbours have made comments relating to trees, this is not really an issue affecting this application as it is effectively just for additional roofspace. Building the two houses has involved removing some trees and carrying out some work to others. The appeal Inspector imposed conditions relating to this which were recommended by Council officers including protection of some trees during construction and planting replacement trees when the development is complete. As appropriate these conditions have been "carried forward" to the new permission.

Other issues

One neighbour has complained about damage to a wall. This is the wall across the entrance to the site and it was, of course, necessary to knock part of it down to carry out the development and when the development is complete it will provide access to the new houses. A condition on the permission does, however, require the sides of the wall to be made good in accordance with a scheme that has been approved.

CONCLUSIONS

This is a relatively minor change to an approved scheme which is considered acceptable in terms of appearance and impact on neighbours, subject to the imposition of a condition in the latter instance. Flood risk can also be addressed by a condition and the proposal is acceptable in parking terms. As this is considered in legal terms a new permission, it is generally necessary to repeat the conditions imposed at appeal, but some alterations will be necessary, e.g. because development has now commenced it will not be necessary to impose a condition requiring the development to commence within three years.

RECOMMENDATION

That Committee resolve to GRANT planning permission subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos MDP LC/011 and MDP LC/0021 received on 12 December 2020.
REASON: For the avoidance of doubt and in the interests of proper planning.
- 2 The development hereby approved shall be carried out in accordance with the materials, replacement trees, boundary treatment, wall details and construction method statement that have been approved under reference HW/CND/20/00402 unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure a satisfactory appearance for the proposed development to comply with policy PL1 of the Harlow Local Development Plan 2020.

- 3 The trees details of which have been approved under reference HW/FUL/20/00402 shall be planted within the next planting season following the first occupation of either of the dwellings. The trees shall then be maintained for a period of five years during which time if they die, or become seriously diseased or damaged they shall be replaced with the same types of tree and these shall similarly be maintained during this period.
REASON: To ensure satisfactory tree planting on the site in accordance with policy PL7 of the Harlow Local Development Plan 2020.
- 4 The boundary treatments approved under reference HW/CND/20/00402 shall be constructed prior to the first occupation of either of the proposed dwellings.
REASON: To ensure a satisfactory appearance for the proposed development in accordance with policy PL1 of the Harlow Local Development Plan 2020.
- 5 The scheme for making good the boundary wall on the southern side of the site approved under reference HW/FUL/20/00402 shall be implemented in accordance prior to the first occupation of either of the proposed dwellings.
REASON: To ensure a satisfactory appearance for the proposed development in accordance with policy PL1 of the Harlow Local Development Plan 2020.
- 6 Work shall be carried out in full accordance with the Arboricultural Implication Assessment (Reference No. 180512-181203 Rev. A, dated 05.12.18).
REASON: To ensure the protection of trees on the site in accordance with policy PL7 of the Harlow Local Development Plan 2020.
- 7 Prior to the first occupation of either of the dwellings the access road and parking spaces shown on drawing number MDP.LC/01 Rev B shall be constructed in accordance with the plan and surfaced as specified in condition 2 above. They shall thereafter be permanently retained for use in connection with the proposed development.
REASON: To ensure adequate provision for parking for the proposed dwellings in accordance with policy IN3 of the Harlow Local Development Plan 2020.
- 8 The rear first floor windows of both dwellings shall be obscure glazed and fitted with restrictor stays preventing opening by more than 12 cms and they shall be permanently retained in that condition.
To prevent undesirable overlooking of adjoining properties in accordance with policy PL2 of the Harlow Local Development Plan 2020.
- 9 The side first floor windows of both dwellings shall be obscure glazed and fixed shut and they shall be permanently retained in that condition.
REASON: To prevent undesirable overlooking of adjoining properties in accordance with policy PL1 of the Harlow Local Development Plan 2020.
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no development falling within Classes A or E of Part 1 of Schedule 2 to that Order shall be carried out to the dwelling on the eastern plot.
REASON: To prevent undesirable overlooking of adjoining properties in accordance with policy PL1 of the Harlow Local Development Plan 2020.
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking and reenacting that Order with or without modification), no first-floor windows falling within

Class A of Part 1 of Schedule 2 to that Order shall be inserted in the rear elevation of both the proposed dwellings or additional rooflights in the rear roofslope unless planning permission has been obtained for them.

REASON: To prevent undesirable overlooking of adjoining properties in accordance with policy PL1 of the Harlow Local Development Plan 2020.

- 12 The dwellings hereby permitted shall not be occupied until works for the disposal of sewage shall have been provided, in accordance with details that have first been submitted to and approved in writing by the local planning authority.

REASON: To ensure suitable provision for sewage disposal.

- 13 The dwellings hereby permitted shall not be occupied until surface water drainage works shall have been implemented in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. Before any details are submitted to the local planning authority an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system, having regard to Defra's non statutory technical standards for sustainable drainage systems (or any subsequent version), and the results of the assessment shall have been provided to the local planning authority. Where a sustainable drainage scheme is to be provided, the submitted details shall: i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters; ii) include a timetable for its implementation; and, iii) provide, a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

REASON: To ensure adequate provision for surface water disposal in accordance with policy PL11 of the Harlow Local Development Plan 2020.

Plan Reference	Version No.	Plan Type	Date Received
MDP.LC/011	Ground	Proposed Site and Floor Plans	10.12.2020
MDP.LC/021	Rev A	Proposed Elevations & Location Plans	22.12.2020

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.