

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

17 March 2021

REFERENCE: HW/HSE/21/00022

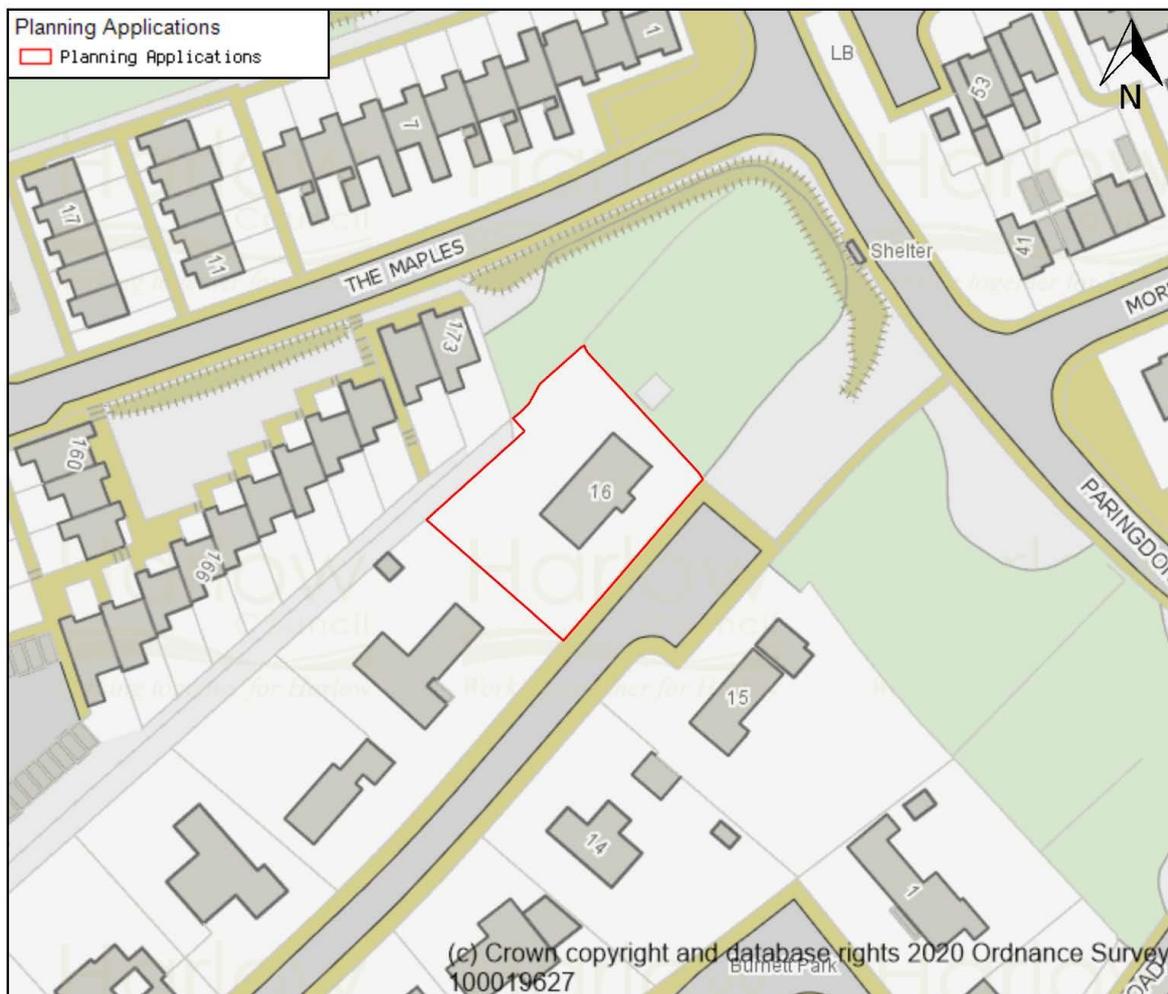
OFFICER: Nicholas Fu

APPLICANT: Mr D Butler

LOCATION: 16 Burnett Park
Harlow
Essex
CM19 4SD

PROPOSAL: Retrospective application for installation of Juliette balconies

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

More than two representations have been received which are contrary to 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 relates a two-storey detached dwellinghouse located at the end of the cul-de-sac. To the east of the site is an existing green which separates Burnett Park from Paringdon Road. The dwellinghouses on the Maples are at least 23m southwest of the application property.

The application property has planning permission granted for the erection of a two-storey front and rear extension (ref HW/HSE/20/00047), which is now under construction and near completion.

The application site is not within a conservation area. The application property is not a Listed Building and is not located in close proximity to other Listed Buildings or heritage assets.

Details of the Proposal

The two-storey extension permitted under HW/HSE/20/00047 includes three first-floor windows on the rear elevation, which are for two bedrooms and the bathroom. The current application seeks retrospective permission to replace those windows by full height patio door-like openings including Juliette balconies.

This application has an associated enforcement case for the breach of planning control, as works for the windows and Juliette balconies have been carried out without a valid planning consent. This application will regularise these works.

RELEVANT PLANNING HISTORY

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/20/00047	Two storey front and rear extensions	GTD	05.06.2020

CONSULTATIONS

Internal and External Consultees

No comments received.

Neighbours and Additional Publicity

Number of Letters Sent: 6

Total Number of Representations Received: 4

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

Summary of Representations Received

3 letters of objection from local residents have been received. The reasons for objection can be summarised as follows:

- The patio door and Juliette balconies result in a large opening which would allow the occupants to overlook into neighbours' properties
- This is a breach of planning control and should not be allowed

Councillor Churchill has commented on the application. His comments are summarised as follows:

- The large opening of the patio doors on the first floor would create an unacceptable invasion of the neighbours' privacy
- The applicant might convert the bathroom into a bedroom
- The applicant is trying a *fait accompli* and has disregarded the previous permission. The associated enforcement case should also be discussed in the Development Management Committee.

Officer's Comment: The impact on neighbour amenity is discussed in the relevant section of this report.

PLANNING POLICY

The following policies of the Harlow Local Development Plan 2020 are relevant to this application:

- PL1: Design Principles for Development
- PL2: Amenity Principles for Development
- PL7: Trees and Hedgerows
- PL8: Green Infrastructure and Landscaping

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 Harlow and Gilston Garden Town Design Guide (2018)
- Planning Practice Guidance (PPG)

SUMMARY OF MAIN ISSUES

The application relates to replacement windows and installation of Juliette balconies. The main issues for consideration in the determination of this application are impact on the character and appearance of the area and the impact on neighbour amenity.

Impact on the character and appearance of the area

Policy PL1 of the Harlow Local Development Plan (HLDP) and the Harlow Design Guide SPD seek to ensure development to have a positive relationship with the character and appearance of the surrounding area.

The application relates to all three openings on the first floor rear elevation. Although the rear elevation of 16 Burnett Park is visible from neighbouring properties, it is not readily visible from public realm. A more expressive design on the fenestration on this elevation could be achieved, subject to it being in keeping with the overall design and appearance of the host property.

When compared to the previously approved windows, the patio doors retain the width but are taller. Still, the new patio doors and juliette balconies are reasonable in size and would be appropriately proportioned on this elevation. The patio doors have a grey colour frame, which is similar to other existing windows on the host property. The design and appearance of all these three patio doors remained consistent, and would not be incongruous within the context of the host property.

It is therefore considered that the installation of larger windows and juliette balconies would not result in any demonstratable harm to the character and appearance of the surrounding area, and therefore accord to Policy PL1 of the HLDP and the Harlow Design Guide SPD.

Neighbour amenity

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure that developments do not adversely affect adjacent residents.

The locations of these windows have been accepted by the permission for the two-storey extension. The locations and width of these windows have not changed. The main consideration for this application is, therefore, on whether the new design and additional height of the windows and the juliette balconies would result in any adverse impacts on neighbour amenity.

The new patio doors are full height, but the width and location remain unchanged from the previous approval. Although they are full-height patio doors, the juliette balcony will not allow the residents to step out from the doors. This would not result in the residents being able to look further away or with wider angles. The viewpoint and outlook from the residents are not significantly different to the previously approved windows.

The rear wall of the application property (including the extension) remains at 23m away from the houses at The Maple, which is considered sufficient in protecting privacy.

It is therefore considered that the relationship between the host property and the neighbouring properties remain unchanged, and that the patio door and juliette balconies would not result in additional overlooking or privacy issues when compared to the previously approved scheme. The application therefore accords to Policy PL2 of the HLDP.

Other Matters

The previous application for the two-storey extensions was approved with no mention of the rear bathroom window being obscure-glazed. Whether the applicant is intended to covert the bathroom into a bedroom is only a speculation, and in any event this would be permitted development.

CONCLUSIONS

It is considered that the proposed development would be acceptable in terms of design and appearance. The impact on neighbour amenity is not considered to be detrimental and would

not justify a refusal in this instance. The application therefore complies with Policies PL1 and PL2 of the HLDP, and the Harlow Design Guide.

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 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
B.2.AA	--	Proposed Plans and Elevations	19.01.2021

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.