

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**14<sup>th</sup> April 2021**

**REFERENCE:** HW/FUL/20/00611

**OFFICER:** Jade Clifton-Brown

**APPLICANT:** Mr and Mrs Harten

**LOCATION:** 47 Hart Road  
Harlow  
Essex  
CM17 0HL

**PROPOSAL:** Proposed demolition of existing bungalow and the erection of a replacement dwelling house.

**LOCATION PLAN**



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**REASON BROUGHT TO COMMITTEE:** More than 2 representations have been received which are contrary to the officer's recommendation.

## **Application Site and Surroundings**

The application site is located on Hart Road which is residential in nature comprising a range of housing types of varied design. The application site comprises a dilapidated chalet bungalow with landscaping and one parking space to its front with a garden to its rear. The application site is not located within a Conservation Area and is not a Listed Building.

To the west of the application dwelling is no.45 which is a bungalow with side box dormer windows at first floor level, and to the east is no.49 which is a two-storey dwelling. Hart Road slopes from west to east meaning that the application dwelling is located on a lower land level than no.45 and a higher land level than no.49.

## **Details of the Proposal**

The application seeks planning permission to replace the existing bungalow with a two storey dwelling (4 bedrooms). The proposed dwelling would be 9.1m in width and would include a depth of 14.3m at ground floor level and 13m at first floor level. Amended plans reduced the depth of the proposed dwelling at both levels to its current depth. The proposed dwelling would include a hipped roof with fenestration on all elevations with a porch with a pitched roof over.

The proposal would also widen the existing access to create 3 parking spaces within the front curtilage.

## **RELEVANT PLANNING HISTORY:**

There is no relevant planning history.

## **CONSULTATIONS**

### **Consultees**

#### **HDC- Consultant Tree Officer**

No objection subject to condition:

Following a site visit to assess any potential arboricultural constraints on 11th January 2020, it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan. Specifically, the site does not appear to contain trees close to the development site, and therefore the demolition and erection of a dwelling is unlikely to have a direct impact.

However, there are trees around the boundaries either on the application site or neighbouring gardens which may be affected during development if methods on site do not follow guidelines to protect trees.

Therefore, the proposed development can be considered for consent, having satisfied arboricultural matters sufficiently at this stage of the planning process but it will be necessary for the issued decision notice to ensure that the proposed development will be supported by a fit-for-purpose Arboricultural Method Statement (AMS) that follows the recommendations of BS 5837:2012 - Trees in relation to design, demolition and construction. The AMS will need to be provided as a pre-commencement planning condition.

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

No comment received.

## **Essex County Council – Highways**

No objection:

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, and policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020.

Informative:

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.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 27

Total Number of Representations Received: 17

Date Site Notice Expired: 5 February 2021

Date Press Notice Expired: 4 February 2021

## **Summary of Representations Received**

17 representations have been received of which 10 are objections. A summary of the representation received is below:

### Objection

- The sun comes round the west side of no.49 and a great deal of light enters the kitchen and upstairs hallway and garden. The new build would sit to the west of no.49 and would change the level of light in the property
- The proposed dwelling would significantly extend beyond the rear of no.49 which would affect light to its north elevation and would overwhelm and cause a burden to this property.
- The existing as-built situation has been in place for 20+ years so there has been a right to long term enjoyment of neighbouring properties.
- It would affect the privacy of the back gardens of neighbouring properties.
- The 45 degree rule should be considered to assess overshadowing.
- Amended plans should be provided to avoid a negative impact on the light and enjoyment of neighbouring properties.
- The proposed development is far too big for the land it sits on.
- The proposal includes a very large house which would dwarf both its neighbours.
- The proposal would result in another bungalow disappearing from Hart Road.
- The proposed dwelling would not be in keeping with neighbouring properties or properties in the street by way of size.
- The proposal would result in disruption to the street with various work vehicles for month and months without any parking.
- No.43 should not set a precedent for development as the neighbour to the east of no.43 did not object to that proposal.

### Support

- The bungalow has deteriorated and is now an eyesore.
- There have been several new houses and improvements to older existing ones which benefited the area.
- A new property will enhance the road as others have done, in particular number 43 which was a great improvement.

- There are a number of on-going projects and developments in Old Harlow at the moment which benefit residents.
- The proposal would improve the road and area and would raise the standard of the properties which would make them more sellable.

## **PLANNING POLICY**

The relevant policies of the Harlow Local Development Plan 2020 (HLDP) are:

SD1 - Presumption in Favour of Sustainable Development  
 PL1 - Design Principles for Development  
 PL2 - Amenity Principles for Development  
 PL3 – Sustainable Design, Construction and Energy Usage  
 PL7 - Trees and Hedgerows  
 PL8- Green Infrastructure & Landscaping  
 PL9- Biodiversity and Geodiversity Assets  
 PL10- Pollution and Contamination  
 PL11 – Water Quality, Water Management, Flooding and Sustainable Drainage Systems  
 H2 - Residential Development  
 H5- Accessible and Adaptable Housing  
 IN2 - Impact of Development on the Highways Network including Access and Servicing  
 IN3 - Parking Standards

## **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 Practice Guidance (PPG)

## **Summary of Main Issues**

The main issues in consideration are the principle of the proposed development and its impact on the impact on the character and appearance of the surrounding area, amenity and parking.

### Principle of development

Policy H2 of the Harlow Local Development Plan 2020 (HLDP) states that residential development, including infill development, must not have an unacceptable adverse effect on the character of the locality, the appearance of the street scene, or the amenities enjoyed by the occupiers of neighbouring dwellings. In addition, policy H2 states that development should make provision for waste storage and collection, should provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The proposal would not prejudice the development of adjacent land i.e. it would not impact a housing site allocated by the HLDP, and the impact on the character of the locality, the appearance of the street scene, neighbouring amenity and refuse storage and collection shall be assessed below.

### Impact on the character and appearance of the surrounding area

Policy PL1 of the HLDP states that a high standard of urban and architectural design is expected for all development. Policy H2 of the HLDP states that development should not have an unacceptable adverse effect on the character of the locality or the appearance of the street scene.

The Harlow Design Guide SPD states that development should positively respond to the prevailing character of the area and should not represent overdevelopment. The SPD further notes that new buildings should be of a similar design, scale, massing and height to the surrounding buildings with similar plot widths.

The proposal would result in the loss of a bungalow within the streetscene. Whilst its loss is noted, the application site is not located within a Conservation Area and the application dwelling is not a Listed Building, and therefore the refusal of the application on this basis would not be considered justified.

The proposal would replace the bungalow with a two-storey dwelling which would be in keeping with the residential nature of the area. It is noted that the proposed dwelling at two-storeys would be 1.7m higher than the existing bungalow however, there are other two-storey dwellings located within the immediate vicinity including opposite the site and adjacent to the site (no.49) which are of similar heights. It is therefore considered that the proposed height and two-storey nature of the proposal would be in keeping with the character and appearance of the streetscene.

The proposed dwelling would be 0.5m higher than no.49 which would follow the natural slope of the road. However, the proposed dwelling would be 2.4m higher than no.45 which would not follow the natural flow of the slope of the road i.e. the application dwelling should be on a lower land level to this neighbour. However, there are other examples of this happening along the same slope including no.49 which is taller than the existing application dwelling and no.43 which is taller than no.41. These examples also demonstrate that there are bungalows positioned adjacent to two-storey dwellings along the road as per the proposed dwelling with the adjacent bungalow at no.45.

It is noted that the proposed dwelling would be 0.6m wider than the existing dwelling which would be of a greater width than no.45 and no.49 which range from 7m to 8.5m. However, dwellings with similar or larger widths are located opposite and along Hart Road and its proposed width would not therefore be out of keeping with the streetscene. In addition, the proposal includes spacing either side of the proposed dwelling which would create a more open feel to the plot which currently includes a structure, the dwelling and the side access gate spanning the width of the plot when viewed from the streetscene. The proposed spacing to the boundaries would also be similar to those evident within the streetscene.

Amended plans received reduced the depth of the proposed dwelling, and whilst it would be deeper than the existing dwelling, and deeper than no.49, it would be similar in depth to no.45 and to other properties along the road. Its proposed depth is therefore considered to be acceptable.

Its proposed design is considered appropriate given the eclectic nature of properties along the road. The submitted application form confirms that the proposed materials include painted render and a tiled roof which would be similar to those existing. Also, the proposed windows doors (UPVC and alluminum) would modernise the site and would be similar in appearance to those evident within the streetscene. However, the overall information in relation to materials is limited and therefore it would be considered appropriate for a condition to be added to any consent granted requiring materials to be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development.

The proposal would expand the existing parking provision within the front curtilage which would result in the loss of the existing grassed area and shrubs. However, the proposed parking area could be undertaken without planning permission subject to the materials used being permeable. Taking this into consideration and given the existing parking provision and evidence of other parking front forecourts within the immediate vicinity, the proposed forecourt is considered acceptable in this circumstance.

The proposal is therefore considered to be in keeping with the character and appearance of the area, in compliance with policies PL1 and H2 of the HLDP and the Harlow Design Guide SPD.

### Residential Amenity

Policy PL2 of the HLDP states that development which preserves or enhances the level of amenity of existing and future occupants and neighbours will be supported.

#### *Future Occupants*

The proposed dwelling would meet the nationally described space standards and would include windows on all elevations, and it is considered that the proposed garden size would be suitable to serve it. It is therefore considered that the proposed dwelling would include appropriate indoor and outdoor amenity levels for future occupants.

#### *No.45*

The proposed dwelling would not project past the front of no.45 but would project marginally past its rear elevation at 0.2m. The projecting section would be single storey and would be partially screened by boundary fencing and set off the shared boundary with this neighbour by 0.2m which would prevent it from becoming overbearing to the neighbouring occupiers of no.45.

The proposed dwelling would be visible from the first floor side window of no.45. Whilst the proposed dwelling would be taller than no.45 and taller than the existing dwelling, it would be set 0.5m further away at a distance of 3.4m which would prevent it from becoming overbearing. Also, the proposed outlook from this window would be of the side and roof of the proposed dwelling which is comparable to the existing which includes the side roof of the application dwelling. It is not therefore considered that the proposal would become overbearing or significantly alter the outlook from this window.

There would be two windows on the side elevation facing this neighbour which would be small scale and would serve non-habitable rooms (bathrooms). The window at ground floor would be obscured by the boundary fencing but it is considered appropriate for a condition to be added to any consent granted requiring the first floor window to be obscure glazed and non-opening above 1.7m to prevent overlooking in the interest of neighbouring amenity.

The impact on light/overshadowing of both neighbouring properties shall be assessed in a separate section in the assessment below.

#### *No.49*

It is noted that the proposed dwelling would be positioned on a higher land level to no.49 and that it would be positioned 0.7m closer than the existing.

Amended plans received reduced the proposed dwelling by 1m in depth at ground and first floor level to prevent the proposal from becoming overbearing to no.49. The proposed dwelling would extend 3.7m beyond the rear elevation of no.49 (including 2.4m at two-storey level) at a distance of 2.8m from this neighbour. It is considered that the reduction in depth and distance from the dwelling would help to prevent it from becoming overbearing. It is however considered that a condition should be added to any consent granted to remove

permitted development rights in relation to alterations and extensions to the property to prevent any further impact to this neighbouring dwelling.

The proposal would double the number of side windows facing no.49 compared to the existing dwelling and would include a door facing this neighbour. However, the proposed windows on the side elevations (and door) would serve non-habitable rooms and the ground floor windows would be screened by boundary fencing which would prevent overlooking. As above, it is however considered appropriate for the first floor side windows to be obscure glazed and non-opening above 1.7m to prevent overlooking in the interest of neighbouring amenity.

The proposed windows on the front and rear elevation would serve bedrooms which would overlook the front driveway and the rear garden of the application site. It is not therefore considered that these windows would result in overlooking of the neighbouring properties.

### Daylight & Sunlight

The standard way of assessing the impact on sunlight and daylight is through the methodology set out in the Building Research Establishment (BRE) guide 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 2nd Edition' 2011. The application is supported by a Daylight and Sunlight Study based on the BRE tests.

It should be noted that the Daylight and Sunlight Study was undertaken before the amended plans were submitted which reduced the depth of the proposed dwelling.

### Diffuse Daylight

Diffuse daylight is the light received from the sun which has been diffused through the sky. Even on a cloudy day, when the sun is not visible, a room will continue to be lit with light from the sky. Diffuse daylight calculations should be undertaken to all rooms within domestic properties, where daylight is required, including living rooms, kitchens and bedrooms.

The BRE guide contains two tests which measure diffuse daylight:

#### 1. The Vertical Sky Component

Diffuse daylight is measured by The Vertical Sky Component which is a measure of available skylight at a given point on a vertical plane. Diffuse daylight may be adversely affected if after a development the Vertical Sky Component (VSC) is both less than 27% and less than 0.8 times its former value.

The Daylight and Sunlight Study sets out that the small section of the ground floor bay window and first floor side window at no.45 would receive 0.9% and 3.5% less diffuse daylight respectively than the existing circumstance. However, the level of diffuse daylight would still be acceptable as it would meet the VSC test i.e. the VSC would not be both less than 27% and less than 0.8 times its former value.

The Daylight and Sunlight Study sets out that the front windows and ground floor rear windows at no.49 would meet the VSC test. The first floor rear windows (bedrooms) would receive 1- 2.7% less light but would still meet the VSC test. The side windows (serving the hallway and kitchen) would be most impacted with a VSC between 8.8%-15.8% at less than 0.8 times their former value. This means that the two side kitchen windows (windows 6 & 7) would receive 16%-17.2% less light compared to the existing circumstance. However, it should be noted that this situation would have improved following the submission of amended plans.

All habitable windows would pass the Vertical Sky Component test which means that any reduction to diffuse daylight would not be noticeable and would be within the guidance set out in the BRE standards.

## 2. Daylight Distribution

The Daylight Distribution test measures the distribution of daylight within a room which can be calculated by plotting the 'no sky line'. The no sky line is a line which separates areas of the working plane that do and do not have a direct view of the sky. Daylight may be adversely affected if, after the development, the area of the working plane in a room which can receive direct skylight is reduced to less than 0.8 times its former value.

The Daylight Distribution test could not be undertaken as the room layouts of the neighbouring properties are unknown and because the test is very sensitive to the size and layout of the room, the results could be misleading.

### Sunlight

The BRE sunlight tests should be applied to all main living rooms and conservatories which have a window which faces within 90 degrees of due south. The BRE guide states that kitchens and bedrooms are less important, although care should be taken not to block too much sunlight.

The BRE guide states that sunlight availability may be adversely affected if the centre of the window:

- receives less than 25% of annual probable sunlight hours, or less than 5% of annual probable sunlight hours between 21 September and 21 March and;
- receives less than 0.8 times its former sunlight hours during either period and
- has a reduction in sunlight received over the whole year greater than 4% of annual probable sunlight hours.

The Daylight & Sunlight Study concludes that all windows with a requirement for sunlight on the neighbouring properties pass the above test except for the side kitchen window (window 6) at 49 Hart Road.

However, the BRE guide acknowledges that where existing buildings sit close to the common boundary (as with 49 Hart Road) a higher degree of obstruction may be unavoidable. The guide explains that where existing neighbouring buildings sit close to the boundary, alternative sunlight targets may be applied. The alternative sunlight targets are derived by calculating the level of light that the windows would achieve if obstructed by a hypothetical 'mirror-image' of the existing neighbouring building, an equal distance away from the boundary. The side kitchen window (window 6) surpasses the alternative sunlight targets.

### Overshadowing- Garden

The BRE guide recommends that at least 50% of the gardens of no.45 and no.49 should receive at least two hours of sunlight on 21 March. If as a result of new development an existing garden or amenity area does not meet the above, and the area which can receive two hours of sunlight on 21 March is less than 0.8 times its former value, then the loss of light is likely to be noticeable.

The Daylight & Sunlight Study demonstrates that there would be a 0% loss of light to the garden of no.45. The proposed dwelling would result in 21% of the garden of no.49 being overshadowed but this would not be less than 0.8 times its former value. It should however be noted that the level of light would have increased following the submission of amended plans which reduced the depth of the proposed dwelling.

### *Conclusion*

All neighbouring windows serving habitable rooms pass the relevant BRE diffuse daylight and direct sunlight tests. The development also passes the BRE overshadowing to gardens and open spaces test.

The Sunlight & Daylight Study concludes that the proposed development will have a low impact on the light receivable by its neighbouring properties, and notes that the proposed development sufficiently safeguards the daylight and sunlight amenity of the neighbouring properties. The amended plans received which reduced the depth of the proposed dwelling would have improved the results.

The proposal would not therefore become overbearing or result in a significant loss of sunlight and daylight, privacy, or outlook to the amenity of adjoining neighbours which would be in accordance with policy PL2 of the HLDP.

### Waste

Policy H2 of the HLDP states that proposals should make adequate provision for waste storage and collection. The proposal does not provide details in terms of refuse storage however the forecourt or side access has potential to provide adequate provision for this purpose which can be secured via a planning condition.

### Parking & Highways

Policy IN2 of the HLDP indicates that proposals should not result in adverse impacts to the highway or highway users. Policy IN3 of the HLDP states that parking must be provided in accordance to the adopted Essex Vehicle Parking Standards. According to this standard a dwelling with more than two bedrooms would require two off street parking spaces to be provided.

The proposal would provide three parking spaces in the forecourt. The arrangement has been assessed as acceptable by Essex County Council's Highways team who recommend an informative to ensure works are implemented according to their standards.

It is noted that the representation received raised concern in relation to construction traffic. It is reasonable to expect construction traffic to enable development but it is considered appropriate that a Construction Method Statement be submitted to and approved in writing by the Local Planning Authority prior to the commencement of work in the interest of highway safety.

Therefore the proposal is considered to accord with policies IN2 and IN3 of the HLDP.

### Trees

There are trees around the boundaries either on the application site or within neighbouring gardens which may be affected during development. The Council's consultant Tree Officer raises no objection to the proposal subject to a condition requiring an Arboricultural Impact Assessment (AIA) with mitigation measures to be submitted to and approved by the Local Planning Authority prior to the commencement of work. A pre-commencement condition shall be added to any consent granted requiring the submission of an AIA.

### Sustainable Construction and Water Efficiency

Policy PL3 seeks to reduce the impact of new development on the environment by ways of high standards of sustainable design and construction and efficient energy usage.

It is considered that pre-commencement conditions requiring an energy statement and water efficiency measures to be submitted to and approved by the Local Planning Authority would be considered appropriate.

## CONCLUSION:

The proposed development is not considered to result in adverse impacts to the character and appearance of the area and would not result in detrimental impacts to neighbouring amenity, parking and the highway, refuse collection or trees subject to conditions. The proposed development is therefore considered to be in compliance with the relevant policies within the HLDP and supplementary documents and is acceptable in principle. The application is therefore recommended for approval accordingly.

## RECOMMENDATION

**That Committee resolve to GRANT PLANNING PERMISISON 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 commencement of the development hereby an energy statement which demonstrates a reduction of energy consumption and carbon dioxide emissions together with details of energy performance which exceed the minimum standards required by Building Regulations by a minimum of 19% shall be submitted to and approved in writing by this Local Planning Authority.  
**REASON: In order to ensure development is implemented in accordance to the principles of presumption in favour of sustainable development and to accord with Policy PL3 and SD1 of the Harlow Local Development Plan (Adopted December 2020).**
- 3 Prior to commencement of the development hereby approved details of storage and collection of refuse shall be submitted to the Local Planning Authority and approved in writing. The approved details shall be implemented on site prior to first occupation of the development hereby approved.  
**REASON: In order to accord with Policy PL1 of the Harlow Local Development Plan 2020.**
- 4 Prior to the commencement of development, details 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.  
**REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.**
- 5 Prior to the first occupation of the development hereby approved details of the Optional Technical Housing Standard for water efficiency of no more than 110 litres per person per day as described by Building Regulations have been submitted to, approved in writing and implemented at site.  
**REASON: To minimise impact on the water environment according to Policy PL11 of the Harlow Local Development Plan 2020.**
- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revising, revoking and re-enacting that Order with or without modification) Schedule 2 Part 1 Class A, B, C, D and E, there shall be no enlargement or extension of the dwelling(s) hereby permitted, including any additions or alterations to the roof, without the prior written approval of the Local Planning Authority.

**REASON: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers. To comply with Policies PL1, PL2 and H2 of the Harlow Local Development Plan 2020.**

- 7 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.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
20-251-03 Sheet 3 of 3	--	Existing & Proposed Street Scenes	04.03.2021
20-251-01 Sheet 1 of 3	Rev A (LOC/BLOCK )	Existing Plans and Elevations	04.03.2021
20-251-02 Sheet 2 of 3	Rev A	Proposed Plans and Elevations	04.03.2021

#### **INFORMATIVE CLAUSES**

1. 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.