

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

7 July 2021

REFERENCE: HW/FUL/21/00231

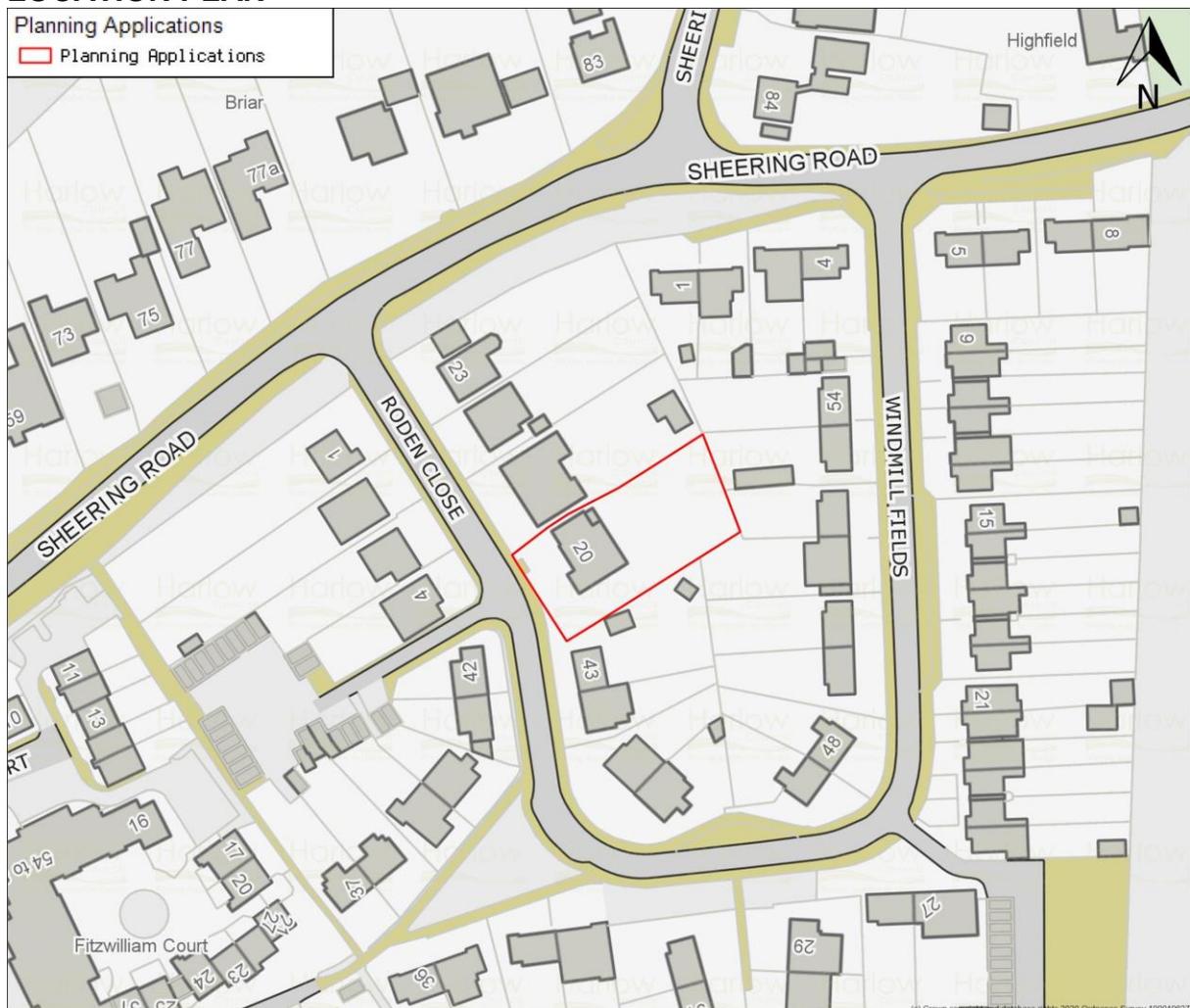
OFFICER: Nicholas Fu

APPLICANT: Mr Martin Stace

LOCATION: 20 Roden Close
Harlow
Essex
CM17 0LE

PROPOSAL: Demolition of existing detached bungalow and garage and erection of one pair of semi-detached dwellings

LOCATION PLAN



REASON BROUGHT TO COMMITTEE:

Two objections have been received which are contrary to the officer recommendation

Application Site and Surroundings

Roden Close and Windmill Fields are two roads that create one continuous horseshoe shaped residential loop road from Sheering Road. The two sections of the loop road, apart from the difference in road name, are spatially separated by two different house types, design and layout. Specifically, Windmill Fields contains mostly semi-detached and terraced dwellings on modest sized plots and of similar form and scale with the external facing materials varying, whereas Roden Close is characterised by detached dwellings sitting on a large plot with varying design and form. Roden Close has a slight gradient such that the properties on the east of highway have a slopped front curtilage and the houses are sitting on a higher ground level.

The application site, 20 Roden Close, sits at the bend of the highway where Roden Close meets Windmill Fields. The application site presents itself with unique character, which reflects its position between the two distinct housing developments. It also has one of the largest garden spaces amongst the houses on Roden Close and Windmill Fields. The dwelling at 20 Roden Close is one of the few remaining bungalows in this area where most of the properties are two-storey in height.

There are some mature trees within the rear garden, with some substantial shrubs and hedgerow on the front and side boundaries. They are not protected by TPO.

The site is not within the curtilage of a Listed Building and is not located within a Conservation Area.

Details of the Proposal

The proposal relates to the demolition of the existing bungalow and erection of a pair of two-storey semi-detached dwellings. The scale of the building has been reduced in response to the objections from local residents.

The proposed building would be rectangular shaped with a simple dual-pitched roof. It would have a width of 19.045m, depth of 11.75m and maximum height of 7.3m. The proposed building would sit at least 1.5m from both side boundaries.

The building would be finished externally mostly with light grey colour render, with the expectation of black facing brickwork around the front entrance area.

The dwellings would be served by a new shared access in the middle of the plot, with 2x parking spaces for each house at the front. In response to comments from the Highway Officer, the width of the access has been increased from 4m to 5m.

Most of the front boundary hedge would be removed, but new landscaping is proposed to be on both side of the front curtilage.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

CONSULTATIONS

Internal and External Consultees

Essex County Council - Highways

No objection in principle

Roden Close is an unclassified residential road, so there is no objection in principle for the proposed access. The lamp column would have to be moved as part of any crossover works that are undertaken within the highway.

The access width needs to be widened to 5m min, and the bound gravel is not ideal on a slope as it will spill out into the highway.

HDC - Consultant Arborist

No objection

The submitted arboricultural information has clarified the tree removals, so it is clear what is being lost within the site, and therefore can be set against the potential for replacing within a landscaping scheme. The tree losses noted on site, are not deemed to be significant to the local amenity, and it would be expected mitigation planting can restore any loss in amenity the site currently retains.

A condition should be imposed to ensure that the proposed development will be supported by a fit-for-purpose Arboricultural Method Statement.

Neighbours and Additional Publicity

Number of Letters Sent: 10

Total Number of Representations Received: 7

Date Site Notice Expired: 28 May 2021

Date Press Notice Expired: N/A

Summary of Representations Received

7 objections have been received from the local residents. They object to the application for the following reasons:

- The proposal to replace a detached bungalow by a pair of two-storey semi-detached would be out of keeping with the character of Roden Close.
- The design of the proposal does not fit in with the rest of Roden Close, and does not include energy efficiency design.
- The proposal would result on an overdevelopment of the plot.
- The two-storey building would result in overshadowing and overbearing impact to the neighbour residents.
- The new dwellings would overlook into the neighbouring properties and cause privacy concerns.
- The total 4x parking spaces are insufficient for 2x four-bed houses. This would result in on-street parking problem.
- The proposed access is directly facing a junction and would cause highway safety concerns.

- The removal of trees within the site would harm the appearance of the streetscene and impacts on the local wildlife.
- The lamppost would have to be relocated.
- There should be a covenant preventing the demolition of building and the subdivision of this plot.
- The demolition and construction would cause significant disturbance to the living condition of nearby residents.

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
 H2: Residential Development
 H4: Loss of Housing
 PL3: Sustainable Design, Construction and Energy Usage
 PL7: Trees and Hedgerows
 PL8: Green Infrastructure and Landscaping
 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 Essex Design Guide (2005)
 The Harlow Design Guide SPD (2011)
 The Harlow and Gilston Garden Town Design Guide (2018)
 The Essex Parking Standards: Design and Good Practice (2009)
 Planning Practice Guidance (PPG)

PLANNING ASSESSMENT

The main considerations for this application are the impacts on character and appearance, trees and landscaping, neighbour amenity, and parking.

Principle of development

Policy H4 of the Harlow Local Development Plan (HLDP) relates to the demolition of existing housing. The proposed development would replace the existing bungalow with a pair of semi-detached houses. This would result in a net gain of residential accommodation with higher development density, thereby satisfying criterion (a) of the policy. The principle of the demolition for redevelopment is therefore considered acceptable.

The proposal would result in the subdivision of an existing residential curtilage. Policy H2 is therefore relevant. While the policy does not preclude infill developments, it provides protection for the established character of the area and neighbour amenity, ensures sufficient parking provision, makes adequate provision for refuse storage and collection, and prevents compromises on the potential for comprehensive redevelopment of adjacent land.

The site sits within an existing residential area. It is surrounded by the rear gardens of neighbouring properties which appear to be under separate ownerships. It is therefore considered that the potential for comprehensive development with adjacent land is limited.

The principle of the proposed development is therefore acceptable, subject to the compliance with Policy H2, including no adverse impacts on the character of the area, neighbour amenity, refuse collection and parking, and other relevant material considerations.

Character and Appearance

Policy PL1 of the HLDP and the Harlow Design Guide SPD state that proposals for householder developments should respect the size, grain, height, materials, features and layout of the building to be extended.

The site sits on a distinctive location where to the North are mostly detached dwellings and to the South are mostly semi-detached houses. Although a pair of semi-detached houses in this location would result in the site departing from the cluster of detached houses on Roden Close, it is considered that the resulting houses would become part of the semi-detached houses cluster on Windmill Fields. Given the unique setting of the application site, it is considered that the proposed semi-detached would be appropriate in this location and would be in keeping with the development pattern of the surrounding area.

Due to the topography of the area, properties on this side of Roden Close are sitting on a slightly higher ground level than the highway. The proposal to replace a bungalow with a two-storey building is a noticeable increase in building bulk. Nevertheless, the two-storey profile is similar to other existing dwellings within the area. The proposed building also generally follows the front building line of the other buildings on this side of Roden Close, and therefore creating a front garden of similar size to the others with the main building suitably separated away from the highway verge. It is therefore considered that, despite the increased building bulk and topography of the site, the proposal would not result in an overly dominating building within the streetscape.

It is considered that the detailed design of the proposed building would be in keeping with the surrounding areas as it has drawn inspirations from other semi-detached properties on this part of Windmill Fields. The rectangular shape and simple pitched roof are reflective of the grain of development on Windmill Fields. The proposed light colour painted render exterior and the brickwork decoration near the front entrance are in keeping with other semi-detached houses on this part of Windmill Fields, namely nos. 33-42. It is therefore considered that the form, design and scale of the proposed would be reflective of the character and appearances of the existing semi-detached houses on Windmill Fields. The design of the proposal is therefore considered acceptable.

A condition on materials sample would ensure that the materials are of high quality and in keeping with the existing appearance of this section of Windmill Fields.

Principle DG28 of the Harlow Design Guide SPD also suggests a criterion to assessment whether an infill development is of appropriate scale would be to compare the garden size of the proposed development with other properties within the area. While the dwellings on

Roden Close are mostly sitting on a large plot, it is established that the proposal would become part of the housing cluster on Windmill Fields. Therefore, it should be compared with other properties on Windmill Fields when it comes to garden size reference.

The size of rear garden of the houses on Windmill Fields vary from 110m² to 240m², with the immediate neighbour at no.43 having an exceptionally large garden of nearby 400m² including land occupied by outbuildings. The proposal including rear gardens circa 240m² in size, which puts it comfortably within the Windmill Fields standards, if not on the large side. It is therefore considered that, with reference to Principle DG28 of the Harlow Design Guide, the proposal would not result in an overdevelopment or over-intensification of the application site.

It is therefore considered that the proposed development would be acceptable in terms of design, and would be appropriately respect and reflect the character and appearance of developments on Windmill Fields. The application therefore complies with Policy PL1 of the HLDP and the Harlow Design Guide SPD.

Trees and Landscaping

Policies PL7 and PL8 aim to protect the trees and hedgerows which form an important part of the Green Infrastructure and landscaping in the district.

A tree survey with a tree retention and removal plan have been submitted, which shows all hedging within the front garden and to the side of the main dwelling would be removed. A number of trees closer to the main dwelling are also proposed to be removed. Only the hedging and 4x trees with the rear garden would be retained.

The trees within the rear garden are mostly screened by the dwelling and not readily visible from the front on Roden Close. The application site is surrounded by other properties, and therefore the trees within its rear garden can only be seen from a distance and through the gaps of other dwellings. The visual amenity quality of these distance viewpoints are also complimented by the trees and vegetation in other properties. Moreover, a number of trees and hedgerow towards the rear of the garden would be retained. It is therefore considered that the overall visual amenity within the centre section of this residential loop road would be preserved.

The Council's Arboricultural Officer was consulted and considers that the tree losses are not deemed to be significant to the local amenity. It is recommended that a condition requesting the submission of an Arboricultural Method Statement could ensure there would be sufficient protection to the retained trees during the development phase.

The existing hedging along the front curtilage has a positive contribution the visual amenity quality of the streetscene by providing green and soft landscaping features. The proposed development would see the removal of these hedging. Nevertheless, these hedges are not protected from planning control and the residents could remove them without notifying the Local Planning Authority. In fact, some other properties on Roden Close and Windmill Fields have their front curtilage dominated by hardsurfaced parking area. The proposal is not entirely out of character from this perspective. While the loss of these hedging would affect the overall visual amenity quality of the streetscene, it is not considered to justify a refusal on this basis.

Nevertheless, it would be expected suitable planting within the front curtilage can restore and mitigate the loss in amenity. A condition on the submission of landscaping details could ensure some front landscaping to be provided and contribute to the amenity quality of the streetscene.

The existing trees are not protected by a Tree Preservation Order. There is a fall-back position where the trees and hedging could be removed without prior consent from the Local Planning

Authority. The current application has offered the opportunity to impose some degree of the planning control on the wider visual amenity quality through the Arboricultural Assessment and suitable conditions on landscaping details.

It is on balance considered that the proposed development would have an acceptable impact on trees and landscaping, subject to appropriate worded conditions on the submission of Arboricultural Method Statement and landscaping details. It is considered to be in general compliance with Policies PL7 and PL8 of the Harlow Local Development Plan.

Although some neighbour raised concerns on the possible impact on wildlife, the application site does not fall within any designation of biodiversity or wildlife importance. The application site is situated within the central location of an established residential cluster. Given the scale and nature of the proposed development, it would not consider reasonable to request an ecological impact assessment. Nevertheless, informative clauses could be attached to remind the applicant about the legal responsibility on protecting bird nesting and bats.

Neighbour amenity

Objections were raised on neighbour amenity grounds, including impacts on overshadowing, overbearing and overlooking. In response to these comments, the applicant has provided an amended drawing to reduce the size of the proposed building which is set further away from the side boundaries.

Policy PL2 of the HLDP and the Harlow Design Guide aim to ensure developments do not adversely affect adjacent residents, taking into consideration impacts on access to daylight and sunlight, overshadowing, privacy and overlooking.

The proposed building would be at least 22m away from the rear boundary, where the main houses of 51-54 Windmill Fields are at least 13m further away. Given this distance, the impacts on their residential amenities are also likely to be acceptable.

The proposal has no habitable room window on the first floor side elevation. The only first floor window on the side would be a bathroom window, and a condition on ensuring non-opening on lower level and obscure glazing would ensure there is no adverse overlooking issue.

Given the orientation of the site, the proposed dwellings would sit at an angle to and behind the existing house at 43 Windmill Fields. There would be no concern on overshadowing or overbearing impact, but some concerns on overlooking into the rear side and the garden of this neighbour, especially given that the site is located to the north of 43 Windmill Fields. It is also considered that the slightly higher ground level of the application site would not affect the residential amenity of this neighbour due to the orientation of the site and the separation distance.

The angle in which the proposed front elevation window could overlook the rear wall of no.43 is no more than 6.5 degrees, while the distance is at least 8.5m. Given the distance and angle of view, it is considered that amount of overlooking would not be detrimental.

With the amended drawings, the proposal would be 3m away from the main house of the neighbour to the north, i.e. 21 Roden Close, which is 0.5m more than the existing bungalow. The proposed building would only be less than 0.7m beyond the existing rear building line of the neighbouring house. This is not considered to be a significant amount and would a refusal on overbearing or overshadowing would not be justified.

It is therefore considered that the proposed extensions would have acceptable impacts on the living conditions of neighbouring residents, in accordance with Policy PL2 of the HLDP and the Harlow Design Guide SPD.

Parking and Highway

Policy IN3 of the HLDP and the Essex Parking Standards require dwellings with two or more bedrooms to have two off-street vehicle parking spaces.

The proposed drawing shows that each proposed dwelling would have two off-street parking spaces, which complies with the Essex Parking Standards. Each parking space measures at 2.9m x 5.5m, which is also parking guide compliance.

Although the proposal would relocate the site access, given the residential nature of the surrounding area it is considered that the proposed access is unlikely to cause adverse highway issues. The access to the site is 5m in width, in accordance with the Highway Officer's advice. The Highway Officer was consulted and has no objection to the proposed development including the proposed parking and access arrangement. There is no apparent reason for the LPA to arrive at a different conclusion.

It is therefore considered that the proposed development would be acceptable in terms of parking and access, and therefore comply with Policies IN2 and IN3 of the HLDP and the Essex Parking Standards.

Roden Close and Windmill Field are unclassified roads. Essex County Council's Highway Officer pointed out that the relocation of lamppost and installation of dropped kerb and crossover would be handled by an application with Essex Highways. This is a matter outside the scope of the determination of this application.

Refuse storage and collection

The proposed drawings show that the bins would be stored to the side of each house. Given the site is located within an existing residential area, refuse collection would be manageable via the existing services to the area. It is therefore considered that the proposal would not result in any adverse problem on refuse storage and collection.

Equalities Impact

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- “(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.”*

For the purposes of this obligation the term “protected characteristic” includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;

- religion or belief;
- sex;
- sexual orientation.

The above duties require an authority to demonstrate that any decision it makes is reached “in a fair, transparent and accountable way, considering the needs and the rights of different members of the community and the duty applies to a local planning authority when determining a planning application.

Officers consider that the application does not give rise to any concerns in respect of the above.

Neighbour representations

The concerns regarding design, character and appearance, residential amenity, trees and landscaping, and parking and highways have been discussed above.

A neighbour noted that there appears to be a covenant restricting only one dwelling would be allowed on this site. . Covenant control would be handled outside the planning application procedure and is not a material planning consideration in this case.

There are also neighbours concerned about construction disturbance. These disruptions would be short-term. There are also relevant Environmental Health regulations to ensure works would be carried out in a considerable manner, such as construction hours. It would not be reasonable to refuse permission for this reason. A condition on Construction Management Plan is recommended. .

CONCLUSIONS

The proposed development would replace a detached existing bungalow with a pair of two-storey semi-detached dwellings. The loss of an existing house is acceptable as the proposal would result in a net gain of one additional dwelling.

The application site is positioned on a distinct transitional location where to the North are mostly large detached houses and to the South are modest semi-detached dwellings. The proposal for a pair of two-storey semi-detached houses would integrate into the housing cluster of Windmill Field. The simple form and design of the proposal would be in keeping with the character and appearance of this section of Windmill Field.

The existing hedging on the front curtilage and some trees within the garden would be removed to facilitate the development. However, there is no statutory protection against the removal. It is considered that appropriate replacement planting would mitigate the loss in amenity. Conditions on the submission of Arboricultural Method Statement and landscaping details are recommended.

Amended drawings have been submitted to increase the distance between the proposed building and the site boundaries, thereby setting further away from the neighbouring properties to reduce impacts on the neighbour amenity. Given the scale, design, orientation and location of the proposal, it is considered that the impact on neighbour amenity would be acceptable.

The proposed development has provided sufficient parking spaces to meet the relevant policy requirement, and would not result in any highway safety issues.

The application site is located within an established residential area and relates to an existing residential property. It is likely that refused storage and collection could be managed via the existing services to the area.

It is therefore considered that the proposed development would comply with Policies PL1, PL2, H2, H4, PL3, PL7, PL8, IN2 and IN3. It is recommended for approval subject to conditions.

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, comprehensive details of all the external materials 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. Where appropriate, a sample panel of a minimum 1m² shall be erected on site to demonstrate the use of materials proposed. The development shall thereafter be carried out in strict accordance with the approved details.

REASON: In the interest of visual amenity and to accord with policy PL1 of the Harlow Local Development Plan, December 2020.

- 3 No development or other operations shall commence on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscaping proposals have been submitted to and approved by the Local Planning Authority. These shall include:

- Details and locations of hard surfacing
- Details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare
- Details of soft landscaping within the front curtilage facing the highway
- Details of all boundary treatments
- A method statement for implementation and maintenance

REASON: To ensure satisfactory landscape treatment of the site in the interests of visual amenity and to enhance the development in the interests of visual amenity and to accord with policies PL1, PL7 and PL8 of Harlow Local Development Plan, December 2020.

- 4 No development shall take place on site, including site clearance, tree works, demolition or any other works, until details relevant to the safe retention and protection of trees are submitted within an Arboricultural Method Statement (AMS) in accordance with current BS5837 recommendations. Following written approval of the AMS the development will be undertaken in accordance with the approved details unless otherwise agreed by the Local Planning Authority.

The AMS shall include a detailed Tree Protection Plan showing the positions and dimensions of protective fencing (and if necessary temporary ground protection) to safeguard all retained vegetation.

The AMS shall include all relevant details such as level changes, demolition and construction techniques (including methods of access and construction traffic management), location of services and drainage, design detail of structures and foundations, and the control of potentially damaging operations such as burning, storage and the handling of materials, and access and the parking of vehicles during construction. Details of supervision at key stages of development will also be included.

REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL7 and PL8 of Harlow Local Development Plan, December 2020.

- 5 No development shall take place on site, including site clearance, tree works, demolition or any other works, until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The approved plan shall be adhered to throughout the construction period. The plan shall provide the following all clear of the highway:
- Safe access into the site
 - The parking of vehicles of site operatives and visitors
 - Loading and unloading of plants and materials
 - Storage of plant and materials used in constructing the development
 - Wheel and underbody washing facilities
 - Routing of construction traffic
 - Measures to minimise dust production

Acceptable construction hours are between 8.00 and 18.30 on Mondays to Fridays and 8.00 and 13.00 on Saturdays. No construction work should take place or plant operated outside these hours.

REASON: To minimise disruption to neighbours and obstruction of the highway in light of Policies PL2 and IN2 of the Harlow Local Development Plan, December 2020.

- 6 Notwithstanding the approved details Any first floor windows to be installed to the side elevations of the dwellinghouses hereby permitted shall be glazed with obscured glass and be non-opening to a minimum height of 1.7 metres above internal floor level, and shall be permanently retained in that form.
- REASON: To protect the privacy of the adjoining property and to prevent overlooking, and to accord with policy PL2 of the Harlow Local Development Plan, December 2020**

- 7 Prior to the first occupation of the development, hereby permitted, the vehicle parking as indicated on the approved plans shall be provided, hard surfaced, sealed and marked out. The parking area shall be retained in perpetuity for their intended purpose.
- REASON: To ensure that appropriate parking and turning is provided in accordance with policy IN3 of the Harlow Local Development Plan, December 2020.**

- 8 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
PL.001A	A	Proposed Site Plan	22.06.2021
PL.002A	A	Proposed Ground Floor Plan	22.06.2021
PL.003A	A	Proposed First Floor & Roof Plan	22.06.2021
PL.004A	A	Proposed Elevations (1 of 2)	22.06.2021
PL.005A	A	Proposed Elevations (2 of 2)	22.06.2021

INFORMATIVE CLAUSES

1. The proposed development is acceptable in principle and would not result in significant harm to the character and appearance of the area or neighbouring amenity. The proposal is therefore considered to be in general compliance with the Development Plan, with no outstanding issues and is recommended for approval accordingly.
2. All British birds, their nests and eggs are protected by law under Section 1 of the Wildlife and Countryside Act 1981(as amended) and the Countryside and Rights of Way Act 2000. This makes it an offence to;
 - Kill, injure or take a wild bird
 - Take, damage or destroy the nest of any wild bird while that nest is in use or being built
 - Disturb any wild bird listed on Schedule 1 * while it is nest building, or at a nest containing eggs or young, or disturb the dependent young of such a bird

* For a list of species included within Schedule 1 please refer to the Wildlife and Countryside Act 1981 (as amended).

If at any time nesting birds are observed during tree work operations should cease.

The bird nesting season usually covers the period from mid-February to the end of August, however it is very dependent on the weather and certain species of birds may nest well outside this period.

3. In Britain all species of bat are protected through their inclusion in Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This makes it an offence under Section 9 of the Act to:
 - Intentionally kill, injure or take a bat;
 - Sell, hire, barter or exchange a bat, dead or alive;
 - Be in possession or control of a bat or anything derived from them.

As from January 2001 it has become an offence in England or Wales, intentionally or recklessly to;

- Disturb a bat;
- Damage, destroy or block access to the resting place of any bat.

If at any time bats or evidence of bats are observed during tree work operations should cease.