

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
13 October 2021

REFERENCE: HW/HSE/21/0388

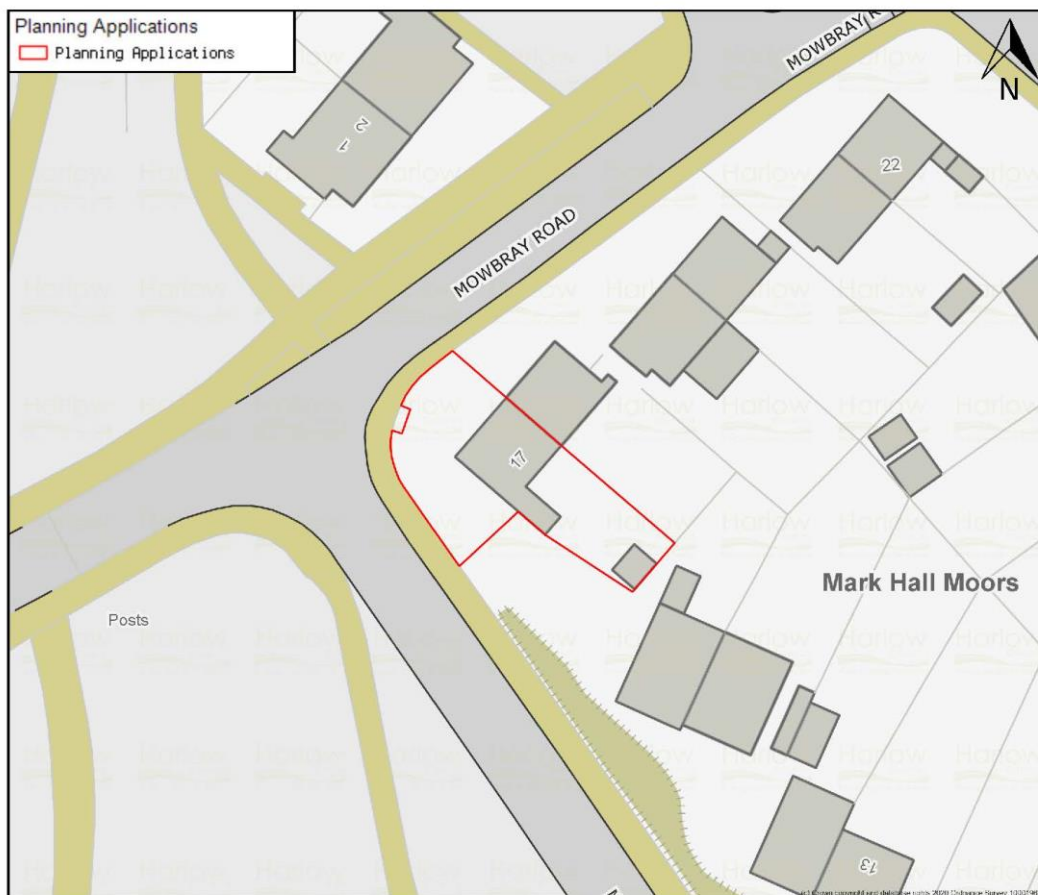
OFFICER: John Harrison

APPLICANT: Mr Ivan Burca

LOCATION: 17 Mark Hall Moors
Harlow
Essex
CM19 4HB

PROPOSAL: Single storey rear extension and summerhouse to rear garden

LOCATION PLAN



REASON BROUGHT TO COMMITTEE – multiple objections have been received which are contrary to the officer recommendation.

Application Site and Surroundings

The application property is one of a pair of semis located on the corner at the junction of Mowbray Road and Muskham Road. Its front elevation faces north-northwest. The plot is L-shaped as a “bite” of land between it and the house to the rear, 16 Mark Hall Moors, is public open space. The house is brick-built with rendered panels and a tiled roof. There is a narrow rear projecting element on the western side of the house, probably built as a coal store, and there is an outbuilding at the end of the rear garden (both of these would be demolished if the development goes ahead). The rear garden slopes up away from the house.

On the opposite side of Muskham Road is Mark Hall Park and on the opposite side of Mowbray Road is a footpath with wide verges and to the west of that is Tanys Dell Community Primary School. There are residential properties on the southern, eastern and northern sides with the properties on the opposite side of the road being the flats in Stackfield.

The site is located in the Mark Hall North Conservation Area.

Details of the Proposal

There are two elements to the proposal:

A REAR EXTENSION – A single-storey full-width flat-roofed extension 4m deep and 3.05m high (measured at the point where the extension meets the house). The side walls of this would be constructed of brick matching the house with dark grey zinc cladding on the rear elevation and a panel of timber cladding on the elevation to Muskham Road where the extension meets the house incorporated so that the extension reads as an addition to the house.

A SUMMERHOUSE – This is at the end of the rear garden and across most of its width, 5.332m x 2.95m and 2.5m high. This would be timber clad. It should be noted that, although part of this application, it is actually permitted development.

The plans also show a new ground floor window on the Muskham Road elevation. Assuming this is constructed using materials matching those of the existing windows, this would be permitted development.

The application as originally submitted also included a porch and enlarging the ground floor front window, but as the Heritage Adviser objected to these and there were also neighbour objections, these have been removed from the application. Another amendment to the application is the design of the rear extension has also been amended to address concerns. Also, its depth has been reduced to 4 metres from 4.25 metres.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/21/00540	Replacing white uPVC windows with grey uPVC windows	Received	Not yet determined

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

(Comment on original application with references to the porch and the front window alteration removed)

The property is located in the Mark Hall Conservation Area. The Conservation Area is of distinct architectural identity as it was one of the first neighbourhoods of Harlow New Town. The planned form and regular appearance of the housing, developed in 1954, contributes positively to the character of the area.

There would be no in principle objection to a single-storey rear extension. However, the proposed extension would result in bulky and awkward additions to the rear elevation, clearly visible from the streetscene given the property's corner location. I recommend the parapet is omitted from the application as this lessens the perceived bulk. While there would be no in principle objection to the summerhouse it would be a visually prominent addition to the rear of the garden. There would be a preference to reduce its visual prominence.

Neighbours and Additional Publicity

Number of Letters Sent: 5

Total Number of Representations Received: 8

Date Site Notice Expired: 6 August 2021

Date Press Notice Expired: 5 August 2021

Summary of Representations Received

Only comments on the amended application have been reported.

Amenity issues - considerable noise from recent work.

Appearance issues - there is a degree of overbuilding in the rear garden with the extension and the elevated summer house, the rear extension is visible from the street but only marginally larger than the existing structure, the summer house is large in relation to the garden but is visually close to the next property which reduces its impact.

Enforcement issues - removal of chimney.

Other issues - object to all the work, not happy with the way the owner has done just what he likes, extension encroaches onto their property.

PLANNING POLICY

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

PL1 Design Principles for Development

PL2 Amenity Principles for Development

PL12 Heritage Assets and their Settings

PLANNING STANDARDS

National Planning Policy Framework (NPPF) (2021) - 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)

Summary of Main Issues

As this is an application to extend a residential property in a residential area, the principle of the development is acceptable. As with most domestic extensions, the issues to be considered are the appearance of the proposal and impact on neighbours.

Appearance

As this property is in a Conservation Area, in determining this application special consideration has to be given to preserving or enhancement its character or appearance.

Dealing initially with the rear extension, this is of traditional design for a rear extension. It has been modified to meet the requirements of the Heritage Adviser to make it less bulky. Its design is now considered acceptable, especially as there is the timber cladding panel on the Muskham Road elevation which separates the extension from the house. The use of zinc on the rear elevation represents the introduction of a modern material, but this is considered acceptable. In any event this would not be readily visible from outside the site. The proposal is considered to preserve and enhance the character of the Mark Hall Conservation Area.

With regards to the summerhouse, the Heritage Adviser did suggest the size of this could be reduced. Given this is permitted development, however, it is considered reasonable to approve it at present size. The proposal does not significantly harm the Conservation Area and is considered to preserve its character and appearance.

It should be noted that 17 Mark Hall Road's rear garden is 18 metres deep, so the cumulative impact of the rear extension and the summerhouse would not result in it appearing overdeveloped.

The proposals are considered to comply with policies PL1 and 12 of the HLDP.

Impact on neighbours

The only neighbour which would be significantly affected by the rear extension is the attached one at 16 Mark Hall Moors. The depth of the proposed extension and the orientation of the properties is such that the impact is considered acceptable, given the rear of the property faces south-east and the depth of the extension has been reduced to 4 metres. Though the amendment to the Harlow Design Guide has only reached the stage of being out for consultation and therefore should be given little weight, this gives 4 metres as an acceptable depth.

The only property that might be significantly affected by the proposed summerhouse is the house behind. This is set higher than the summerhouse would be so its occupiers would largely look over the summerhouse rather than be affected by it.

The proposals are therefore considered to comply with policy PL2 of the HLDP.

Although two neighbours have complained about construction noise from the removal of the chimney at the property, a degree of noise is inevitable when building is carried out and it would be unreasonable to refuse permission for this reason. However, a condition has been recommended to control the hours of construction.

Other issues

The chimney on this property has recently been removed. Whilst this is regrettable as it harms the Conservation Area, this work is not considered to materially alter the external appearance of the building and therefore does not require planning permission. In conversation with the case officer the agent has indicated the applicant is considering replacing. This issue is not relevant to the determination of this application.

A neighbour has said the extension encroaches onto their property. The plans do appear to indicate a small encroachment, but this is not material to determining the planning application.

Equalities

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.

CONCLUSIONS

The proposals are not considered to result in harm to the character or appearance of the Conservation Area, nor unduly affect neighbours. The proposal is therefore considered to comply with the relevant Local Plan policies and it is recommended the application should be granted.

RECOMMENDATION

Granted Planning Permission subject to the following conditions:

- 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.
- The proposed new ground-floor window in the elevation to Muskham Road shall be constructed using materials matching the existing windows on that elevation and the same cladding shall be used on the side of the proposed rear extension and the proposed summerhouse.
REASON: To ensure an acceptable appearance for the development to comply with Harlow Local Development Plan (2020) policy PL12.
- 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: In the interest of neighbouring amenity and to accord with policy PL2 of the Harlow Local Development Plan 2020.
- 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
MHM DR 01	P1	Site Location Plan	03.07.2021
MHM DR 20	P1	Existing Ground Floor Plan	03.07.2021
MHM DR 30	P1 South-West	Existing Elevations	03.07.2021
MHM DR 31	P1 North-West	Existing Elevations	03.07.2021
MHM DR 32	P1 North-East	Existing Elevations	03.07.2021
MHM DR 33	P1 South-East	Existing Elevations	03.07.2021
MHM DR 100	P3	Site Plan	04.10..2021
MHM DR 200	P4	Proposed Ground Floor Plan	04.10.2021

MHM DR 300	P4 South- West	Proposed Elevations	04.10.2021
MHM DR 302	P3 North- East	Proposed Elevations	04.10.2021
MHM DR 303	P2 South- East	Proposed Elevations	11.09.2021

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

2. 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.