

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
8th December 2021

REFERENCE: HW/HSE/21/00540

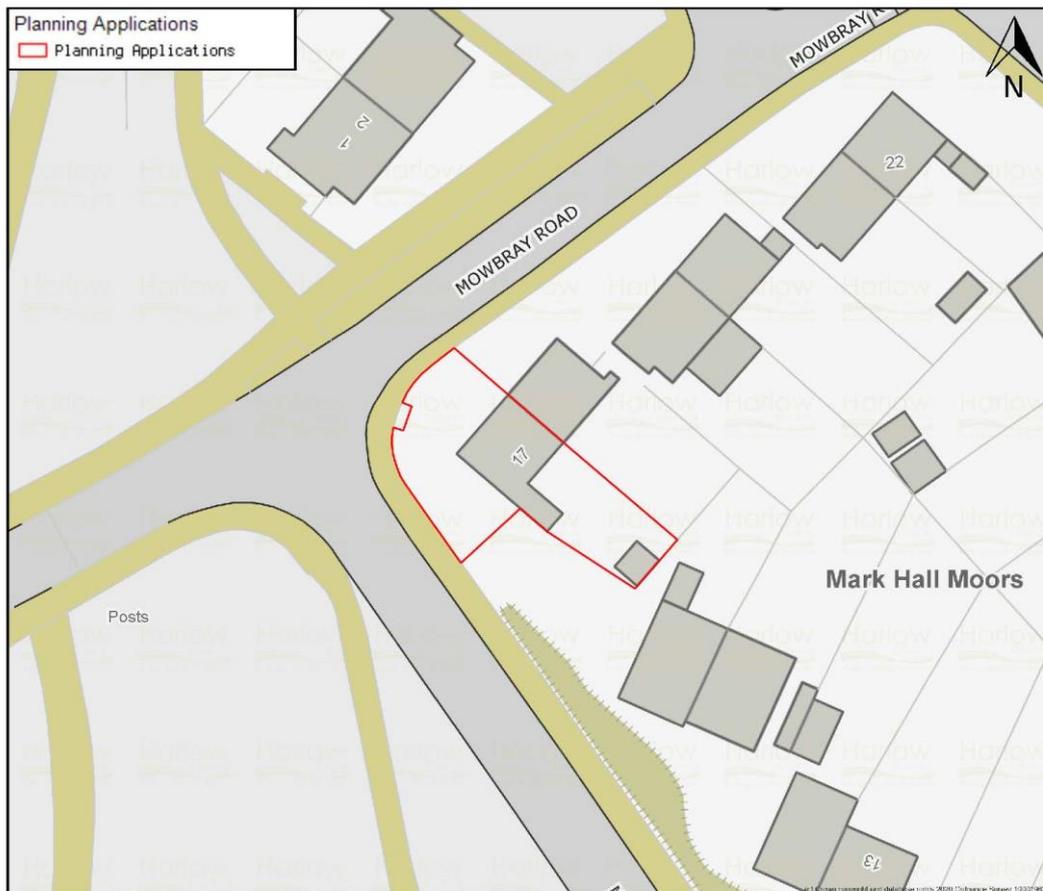
OFFICER: Leah McGuinness

APPLICANT: Mr Ivan Burca

LOCATION: 17 Mark Hall Moors
Harlow
Essex
CM19 4HB

PROPOSAL: Replacing white uPVC windows with grey uPVC windows

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 majority of the properties in the area support white uPVC windows, however a number of properties including No.9, No. 10, No. 19, No. 69 and No. 74 Mark Hall Moors all have dark framed windows similar to the application site.

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

Details of the Proposal

The application seeks retrospective planning permission for the replacement of white uPVC windows (and door) in the house with grey uPVC. Whilst the size of the openings have not changed, the profile of the windows have been altered slightly for e.g. the ground floor front elevation window has changed to include 3 panels and the first floor right hand window has replaced the fanlight opening with a casement window.

RELEVANT PLANNING HISTORY:

Planning Applications

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/21/00388	Single storey rear extension and summerhouse to rear garden (Amended description)	Granted	14.10.2021

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

The proposal to replace the existing white uPVC windows with grey uPVC windows would not be supported. The significance of the Conservation Area partly derives from the regular and uniform appearance of the properties. The grey uPVC windows would be inconsistent with the appearance of windows in the prevailing streetscene, compromising the uniformity of the street and wider Conservation Area. The proposal would undermine a key feature of Conservation Area’s significance, failing to preserve the special interest of the listed building, contrary to Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990. With regards to the National Planning Policy Framework the level of harm is

considered to be 'less than substantial' as per paragraph 202. 'Great weight' should be given to the heritage asset's conservation as per paragraph 199.

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

7 objections have been received from 5 local residents. They object to the application for the following reasons:

- 50 per cent of the grey windows were put in about 4 weeks ago. Planning permission should have been sought before carrying out any work. This is totally disregarding the planning office.
- This is a Conservation area and the grey windows look very tacky.
- The windows should be white in line with the rest of the properties in the area. The new owners are making lots of changes which do not keep with the look of other properties that makes it a desired area to live in.
- In terms of the Conservation Area status this application must be refused. All of the houses along this road, bar four, have white frames based on the original Crittal design, which can still be seen on one property in Stackfield, just a few yards from the applicant. There is one property (19 MHM) which has dark grey frames and one property at the end of the road (74 MHM) which has dark brown frames. There are a couple which have undecorated aluminium frames which blend in as almost white. Dark grey is not in keeping with the overall aspect of the neighbourhood and there is no reason to deviate from the general appearance of properties in this area. If it was not that important why is a planning application necessary? It is good to see the chimney stack reinstated in the drawings submitted although no work has begun on its reconstruction.
- These were put in 4 weeks ago without planning permission. The rest of the house has had extensive alterations carried out including the removal of the chimney, which is not in keeping with the row of houses in the conservation area, and also without the drawings of the changes being approved. How does the council know if these alterations ie removal of walls and chimneys are within safety rules and that the house is not in danger of collapse if they have not attended the house and seen the unapproved alterations.
- In response to a neighbours comments "Although the neighbourhood is a conservation area, many houses are already different is personality and we feel you should be allowed to gently reflect our modern times". These houses are in a conservation area because they are the first of their kind in the town and are of historic value the architect and his family are buried in the local church. Adding double stories to the rear and side of these houses, removing chimneys and changing the window frames to almost black does not gently reflect modern times. If the owner wanted to completely redesign his house then his property surveyor should have informed him that the house was in a conservation area, that's why people have a surveyor to inform them of any problems that could arise from buying a property.
- The black/grey windows do not conform to the Conservation Act.

1 letter of support has been received from a neighbour stating;

- Many of the houses are already different in personality and you should be able to gently make changes to reflect modern times. The proposed change brings a drab house up to modern standards. If the Council insists in keeping the area in the 1950s we would all have wooden window frames and burgundy coloured doors.

Taking into account the objections received, retrospective applications are within the realm of planning and there is nothing in law to preclude applications from being determined retrospectively.

Matters of appearance and impact on the character of the area have been addressed within the body of the report.

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)
The Harlow Design Guide Addendum SPD (2021)

Summary of Main Issues

The main determining issues are the impact of the changes to the character and appearance for the surrounding Conservation Area.

Principle of Development

The application seeks retrospective planning permission for replacing the existing openings with grey uPvc aluminium frames. Carrying out alterations and upgrades to a development is a common occurrence and the proposed development is considered acceptable in principle.

Character and Appearance and Impact on the Conservation Area.

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

Policy PL12 of the HLDP aims to protect the significance of heritage assets including any buildings or structures within the curtilage or wider setting of a heritage asset and which contribute towards its significance.

Paragraph 199 of the NPPF 2021 outlines *'When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance'*.

Paragraph 201 of the NPPF (2021) states *'Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss'*. Paragraph 202 further states *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'*.

The Mark Hall North Conservation Area was designated in 1987 as it was the 1st housing area in Harlow. The Conservation Area is a long rectangle on an east to west axis of 65 hectares. It is bounded to the north by the cycle track which runs between Old Harlow and the town centre. The core of this area is the parkland of the old Mark Hall estate which extends as a valley from First Avenue down to the cycle track. Landscape features were key to the layout of the housing with three areas: Glebelands, Tanys Dell and Mark Hall Moors. The significance of the Conservation Area arises from the form of the housing and that it was the 1st housing estate which then informed the development of the further housing areas that came forward.

The property lies within the Mark Hall North part of the Mark Hall North Conservation Area to the east of the central parkland. The character of this area comes from the mix of houses and how they relate to the areas of open space. Many of the surrounding properties support white uPVC windows which forms part of the original design of the houses when built. Whilst the grey uPVC windows are largely not in keeping with the appearance of the neighbouring windows, it is not considered the colour change would be so detrimental to the character of the Conservation Area that a refusal is justified.

Furthermore there are a number of properties in the vicinity that support darker framed windows including No.9, No. 10, No. 19, No. 69 and No. 74. Therefore the change is not completely at odds within the surrounding area and the uniformity of the area has already been altered somewhat throughout the years. It is noted that these windows are lawful due to the passage of time.

The Heritage Officer advises: *'The grey uPVC windows would be inconsistent with the appearance of windows in the prevailing streetscene, compromising the uniformity of the street and wider Conservation Area'*.

As stated above, a number of properties within the area have made changes to their windows to dark coloured frames which goes against the dominating white colour and style. The applicant has stated that the changes were carried out to modernise the house and replicate other houses in the area, refusal on impact to the Conservation area is not warranted in this case. The openings have remained the same size and width and the

appearance of the dwelling itself is unchanged apart from the window profile and colour. The proposed development would not lead to substantial harm to the Conservation Area and the public benefit would outweigh this harm.

Therefore the proposal is acceptable on design grounds and the proposals are considered to comply with policies PL1 and PL12 of the HLDP and comply with paragraph 199- 202 of the NPPF 2021.

Impact on neighbours

Due to the nature of the proposal, there would be no harmful impact to residential amenity in terms of loss of light or loss privacy.

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 addition of grey uPVC to the openings of No. 17 is not considered to result in such a detrimental impact to the character and appearance of the surrounding Conservation that a refusal would be warranted in this instance.

The proposal is therefore considered to comply with the relevant Local Plan policies PL1 and PL12 and it is recommended the application should be granted.

RECOMMENDATION

Granted 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 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_320	REV P1	PROPOSED ELEVATION_SW	13.09.21
MHM_DR_321	REV P1	PROPOSED ELEVATION_NW	13.09.21
MHM_DR_323	REV P1	PROPOSED ELEVATION_SE	13.09.21

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.