

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
16th March 2022.

REFERENCE: HW/HSE/21/00648

OFFICER: Leah McGuinness

APPLICANT: Kateryna Shura

LOCATION: 150 Milwards
Harlow
Essex
CM19 4SH

PROPOSAL: Addition of an extra storey to create a three storey house

LOCATION PLAN



REASON BROUGHT TO COMMITTEE – The application has been called to Committee by Cllr Churchill.

Application Site and Surroundings

The site relates to an end of terrace, two storey dwelling with a sizeable side and rear garden area enclosed with timber fencing.

The surrounding area is predominantly residential with the properties being of a similar architectural style and largely comprising two storey dwellings with a number of three storey dwellings also present within the estate. The three storey dwellings are an integral part of the design of the estate.

The houses are terraced with small front gardens. There are a number of designated parking spaces throughout the estate as well as on street parking.

To the south of the site lies designated Green Wedge land and to the east of the site lies an open car park area.

The site does not lie within a Conservation area or in close proximity to any listed buildings.

Details of the Proposal

The application seeks permission to extend the existing dwelling to create an extra storey, creating a 3 storey dwelling. The extension would be built on the existing footprint of the dwelling and the width and depth of the building would not increase. The extension would result in the building reaching 10.5m in height, an increase of 2.8m in height.

The extension would provide two bedrooms and a bathroom. Matching materials to the existing will be used and the pitched roof design would be retained.

RELEVANT PLANNING HISTORY:

Planning Applications

App Number	Proposal	Status	Decision Date
HW/FUL/20/00339	Erection of new dwelling	Withdrawn	10.08.2020
HW/LDCP/21/00667	Construction of single storey side extension	Approved	16.02.2022
HW/PL/88/00396	Erection of Garage	Granted	11.01.1989
HW/PL/88/00266	Erection of Double Garage	Refused	31.08.1988

CONSULTATIONS

Internal and External Consultees

None received.

Neighbours and Additional Publicity

Number of Letters Sent: 9

Total Number of Representations Received: 1

Date Site Notice Expired: 7 January 2022

Date Press Notice Expired:

Summary of Representations Received

One representation has been received from Cllr Churchill outlining the following concerns;

- Having looked carefully at the application and the proposed plans I am concerned that the addition of an extra story would not be appropriate on what is a terrace of 2 story properties, the result of this addition would not be in keeping with the existing street scene.
- The additional storey would possibly result in gardens to the rear (138 to 144 Milwards) being overlooked and losing the privacy they have enjoyed since the 1960's. At the very least this application should be referred to the development management committee.

PLANNING POLICY

Harlow Local Development Plan 2020

Planning law requires that proposals should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

The Development Plan for the site consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP), Essex County Council (ECC) Essex and Southend-on-Sea Waste Local Plan 2017 and ECC Essex Minerals Local Plan 2014.

The part of the Development Plan applicable to the proposal is the HDLP. The HDLP is prepared in the context of the National Planning Policy Framework (NPPF) – see ‘Planning Standards’ below. It is important to note that this is a very recently adopted and therefore ‘up to date’ plan in terms of NPPF Para.12.

Policies of most relevance to the proposal are:

- PL1 - Design Principles for Development
- PL2 - Amenity Principles for Development
- IN2 - Impact of Development on the Highways Network including Access and Servicing
- IN3 - Parking Standards

Several forms of ‘planning standard’ are relevant to the application. These standards complement Development Plan policies.

National Planning Policy Framework (NPPF)

The Development Plan is prepared taking account of the National Planning Policy Framework (NPPF) (as extant at the time - the NPPF is regularly updated; currently in its 2021 version) and the associated Planning Practice Guidance (PPG) (first published in March 2014 but also regularly updated with the NPPF).

Harlow and Gilston Garden Town (HGGT) is a designated ‘Garden Community’ under the Government’s Garden Communities Programme.

NPPF Para.72 provides the national policy context for Harlow and Gilston Garden Town (HGGT) as a location for *larger scale* (housing) *development*. Of particular note is the emphasis on; *existing or planned investment in infrastructure, the areas economic potential*

and the scope for net environmental gains..... plus; clear expectations for the quality of development and how this can be maintained (such as by following garden city principles).

The HGGT (Local Authorities) Partnership has published a series of documents that set the standards expected for developments in the Garden Town and are therefore relevant to this application.

HGGT Guidance

The HGGT Vision elaborates on the HGGT's interpretation of *garden city principles* and sets expectations for high quality development to accord with the principles.

The HGGT Design Guide requires consideration of design quality in a *garden city principles* sense and draws attention to specific local issues.

The HGGT Transport Strategy (Draft) explains the transport infrastructure investment and travel behaviour change (encouragement of bus, walking and cycling) being planned.

Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance is relevant to this application:

HDC Design Guide SPD (2011)
Design Guide Addendum SPD (adopted December 2021).

ECC Essex Parking Standards Design and Good Practice (2009)

ECC Development Management Policies (2020 - living document with regular updates).

Summary of Main Issues

Principle of Development

The site is located in a residential area. The application seeks planning permission for the extension of the dwelling. Provided that the proposal accords with Policies PL1 and PL2 of the Harlow Local Development Plan 2020 and the guidance in the Harlow Design Guide Supplementary Planning Document (SPD) the proposal would be acceptable in principle.

Character and Appearance

Policy PL1 of the HLDP states that proposals for development should respect the size, grain, height, materials, features and layout of the building to be extended or altered.

The character of the area is defined largely by two storey terraced dwellings, with pitched roofs with some of the properties built in a stepped formation. Creating a third storey in these locations would normally be unacceptable if there was a strong uniform character within the area. However, there are number of existing properties within Milwards that are three storeys in nature and thus a context has been set.

These three storey properties include No. 334, 378, 175a, 284, 371, 367, 297 and 298. In looking at the layout of the wider Milwards estate, these three storey properties are located at on the corner and set back slightly from the other properties. It is considered the three storey design was intentional when the estate was originally built. Whilst it is acknowledged

this property isn't set back like the other three storey properties within the area, due to its end of terrace/corner property nature it would not detract from the established character of the area or would be harmful to the appearance of the streetscene. Overall, the proposed development respects the established and original character of the area and would not be an anomaly within the surrounding area.

The proposed extension would be visible from the public realm and would have an impact on the street scene. The dwelling is located on a corner plot next to mature trees on the southern boundary. Whilst the extension would add some bulk to the dwelling it would not be considered an unacceptable over dominant addition to the site.

Matching materials to the existing will be used and the pitched roof design will be retained.

Taking the above factors into account the proposal would not result in any detrimental impact to the character and appearance of the wider area and would be considered an acceptable addition in this location.

Impact on neighbours

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

The proposed third floor windows would overlook the rear gardens of the properties 142- 146 Milwards to the west of the site. Any outlook from these windows would be similar to that from the existing second floor windows and would not be considered particularly intrusive. The side windows would overlook the mature trees to the south and raise no concerns. The proposal therefore would not result in any increased detrimental loss of privacy or overlooking that would warrant a refusal on these grounds.

In terms of overbearing impact the extension will be built on the existing footprint of the building and will not extend past the existing elevation lines. The outlook for No. 149 will not be impacted or overshadowed as no development will extend forward of the existing building lines. Therefore the proposal will not create any loss of light or overbearing impact to the adjacent neighbour at 149 Milwards.

Overall the proposed third storey would not result in any harmful loss of privacy or loss of light to the surrounding neighbouring properties and would be considered an acceptable in this location which accords with Policy PL2 of the HLDP.

Impact on the adjacent trees

The proposal would not result in any new foundations being created and thus would not have any potential impact on tree roots to the south of the site. A condition will be attached ensuring the trees are protected through the development process.

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 proposed extension by reason of its size, location and design would accord with Policies PL1 and PL2 of the Harlow Local Development Plan and would be deemed acceptable. Approval should be granted.

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 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.

- Proposed Ground & First Floor Plan Dr No. P00005 Rev A
- Proposed Second Floor & Roof Plan Dr No. P00006 Rev A
- Proposed Rear and Side (01) Elevations Dr No. P00007 Rev A
- Proposed Front and Side (02) Elevations Dr No. P00008 Rev A

- 3 In order to maintain the amenity value of the adjacent trees works shall be carried out in accordance with the recommendations within the current BS 3998:2010. Recommendations for Tree Work.

REASON: To comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990, so as to ensure that works are carried out in a satisfactory manner in order to preserve the amenity value and to protect the health of the tree(s).

- 4 No construction works involving heavy machinery shall take place on the premises outside the hours of 8am and 6pm on weekdays and 9am and 1pm on Saturdays nor at any time on Sundays, Bank or Public Holidays.

REASON: In the interests of the amenity of adjoining residents, in accordance with policies PL2 and PL10 of the Harlow Local Development Plan, December 2020.}

INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.
2. The granting of planning permission for this development does not establish a precedent and any forthcoming similar development and will be assessed on its own planning merits.