

APPENDIX 1

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE 16th March 2022

REFERENCE: HW/HSE/21/00618

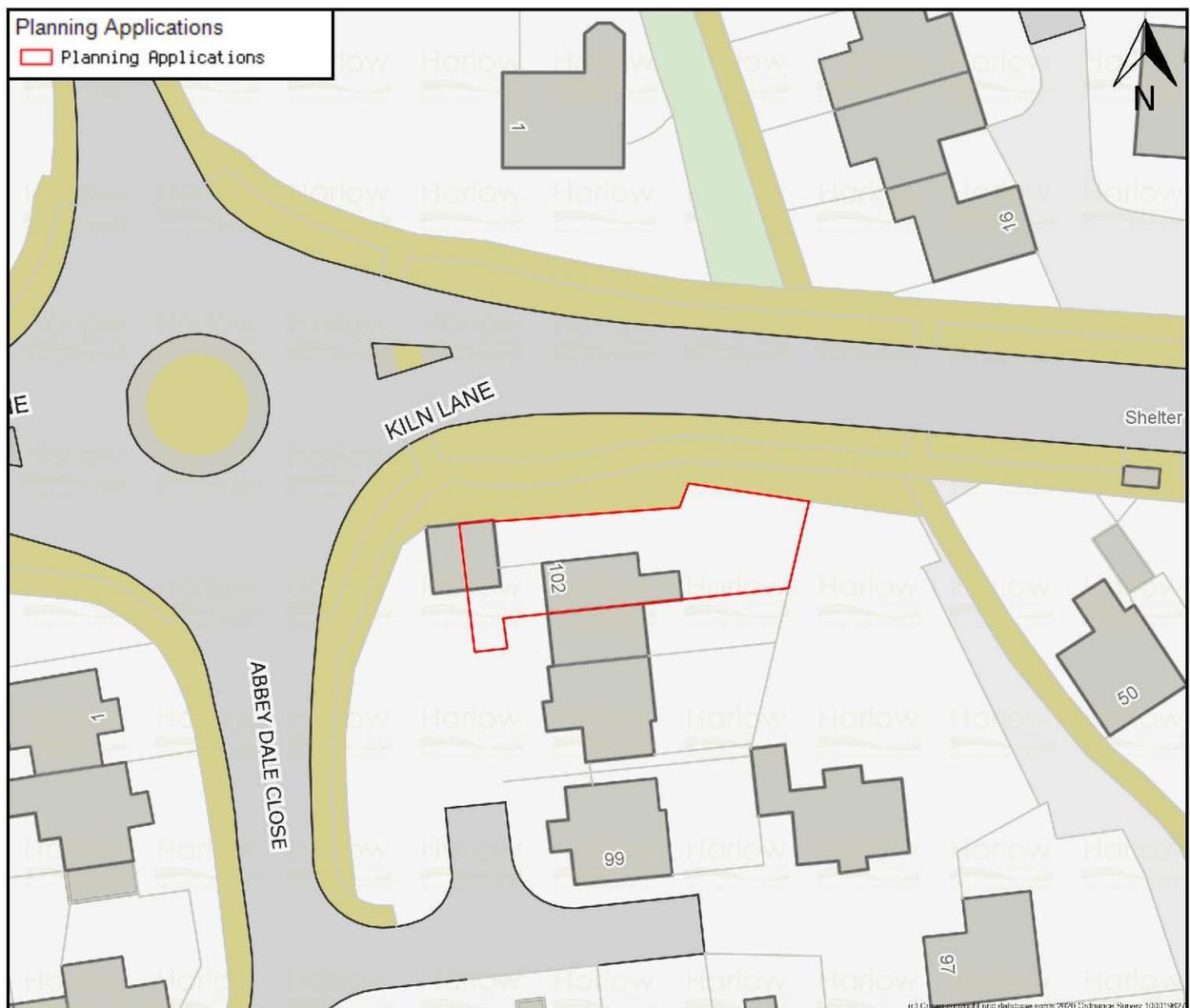
OFFICER: Chris Walter

APPLICANT: Mr Richard Lavelle

LOCATION: 102 Abbeydale Close
Harlow
Essex
CM17 9QB

PROPOSAL: Construction of a two storey side extension as an annexe

LOCATION PLAN



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

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Application Site and Surroundings

102 Abbeydale Close is an end-of-terrace dwelling located within a residential area of Church Langley. It shares a boundary to the east with No. 98 and one to the south with No. 101. The site is accessible via the roundabout to the northwest along Kiln Lane. It is largely shielded from Kiln Lane to the north by the boundary treatment and green foliage. Properties to the north, such as 1 Fenton Grange and 16 Bentley Drive, are located over 17 metres away from the application site. Numbers 1 and 2 Abbeydale Close, to the west, are situated 30 metres away.

Parking within Abbeydale Close is largely a privately controlled matter, with the majority of nearby residents, such as Nos.99 and 101, having access to their own garages or driveways. Car parking spaces are also found to the west of the application site.

The site is not located within a conservation area and does not contain a listed building.

Details of the Proposal

Planning permission is sought for the erection of a two storey side extension to be used as an annexe, measuring 7.45 metres in height to ridge level, 7.45 metres in depth and 3.5 metres in width. The extension would be used to accommodate a residential annexe, and would contain two bedrooms, a kitchen, a living space and wet room. The annexe would be accessed by two internal connecting doors, with one serving the ground floor living space and the other providing an entrance to the first floor additional bedroom. A 3.5 metre depth single storey rear extension is also proposed.

The initial submission indicated a proposed two storey side extension width of 3.9 metres. Following correspondence between the case officer and agent, revised drawings were submitted. These showed the extension's width being reduced to 3.5 metres, the removal of the front access door and the proposed car parking arrangements.

RELEVANT PLANNING HISTORY:

There is no relevant planning history.

CONSULTATIONS

Internal and External Consultees

No Comment Received.

Neighbours and Additional Publicity

Number of Letters Sent: 14

Total Number of Representations Received: 4

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

Summary of Representations Received

In relation to the original plans and the subsequent revised drawings, four representations from three neighbours were received objecting to the proposals. These are outlined below:

- Parking: The area surrounding 102 is already congested with existing vehicles, more likely in the future as existing children living in the close are approaching car driving age. Currently 102 Abbeydale Close has an unused Garage and one allocated parking space in front of the garage door. The proposal does not explain or provide a practical solution

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as to the parking arrangements these extra vehicles need. An extra vehicle would create tension between the other neighbours and is not a satisfactory solution to the parking issues we face. The cul-de-sac is already overcrowded and this will cause more stress and discomfort for existing homeowners in the area.

- Future Development: It is clear from the drawings that the construction could be converted in to two separate dwellings. For instance, the doorway in the lounge could be filled in as well as the doorway on the first floor. The annexe is clearly planned with one purpose in mind and that is to split the property in to a single dwelling which would result in overcrowding in a very small cul-de-sac.
- Building Foundations: I am concerned for the wellbeing of my property's foundations as this could be damaged in the process of the building work.

Officer comment: Only material planning considerations can be taken into consideration in the assessment of this application. Matters in relation to foundations would be dealt with under separate Building Control legislation.

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
- H7 - Residential Annexes
- 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).*

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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

The key issues to be assessed include the principle of the proposed development, its impact on the character and appearance of the application dwelling and wider locality, neighbouring amenity and parking.

Principle of Proposed Development

The application seeks planning permission for the erection of a two storey side extension to be used as a residential annexe. Policy H7 of the Harlow Local Development Plan (HLDP) 2020 relates to this type of proposal. The policy states that annexes must meet the following criteria:

- (a) it has a clear functional and physical dependence to the principal dwelling;
- (b) it will be subservient to the principal dwelling;
- (c) it is occupied by a relative dependent on the occupier of the principal dwelling, or their carer;
- (d) it is in the same ownership as the principal dwelling;
- (e) it does not involve sub-division of the site;
- (f) sufficient car parking is available to meet the adopted Vehicle Parking Standards;
- (g) to have regard to the character of the existing property and the surrounding area

The agent has confirmed the proposed two storey extension to be used as an annexe would be occupied by relatives dependent on the property owner. It would not involve the sub-division of the site and there would not be a separate external access for the annexe. The annexe would be accessed by two internal connecting doors, with one serving the ground floor living space and the other providing an entrance to the first floor additional bedroom. This helps to demonstrate some degree of functional and physical dependence to the principal dwelling. It is therefore considered that criteria (a), (c), (d) and (e) would be complied with, subject to a condition ensuring that the proposed annexe would not be used as a separate

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dwelling, occupied by unrelated individuals or the internal links be blocked, locked or otherwise obstructed.

The acceptability of the principle of proposed development is therefore dependent on the compliance of the proposal with the relevant policies of the HLDP, and the remainder of the criteria of Policy H7.

Character and Appearance

Policy PL1 of the HLDP and the Harlow Design Guide SPD indicate that proposals should not result in demonstrable harm to the character and appearance of the application dwelling or area. Principle DG47 of 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. Extensions should be subordinate to the host property.

Policy H7 of the HLDP indicates development for the provision of a domestic annexe must meet certain criteria. The essential considerations for annexes include the extent to which it has a clear functional and physical dependence to the principal dwelling and its subservience to the host dwelling, which is illustrated by policies H7(a) and H7(b).

For a residential annexe to be incidental to the existing property, some form of dependent relationship should be demonstrated. While its two bedrooms, bathroom, wet room, kitchen and living space, suggests that the annexe could become a self-contained dwelling in its own right, given that there would be no front access door and it would share the existing garden and parking spaces, it is considered the annexe would be able to demonstrate some degree of functional dependence with the principal dwelling.

The ridge height of the two storey extension being set down from that of the main dwelling is considered acceptable, as it helps to achieve subservience to the host dwelling. The building line would also be set back from the front elevation, which further indicates subservience, and helps to prevent the development from becoming overly prominent within the streetscene. Its roof form and materials would be of a similar design to that of the host. It is therefore considered the two storey extension to be used as a residential annexe would be in compliance with criteria (a) and (b) of Policy H7.

To ensure that the building is used for householder purposes, it would be essential that conditions were imposed to ensure that the building was not sold separately from the existing dwelling, used as an annexe and occupied by people related directly to the occupiers of the existing dwelling. Conditions should also be added to ensure the internal links are not blocked, locked or obstructed and that permitted development rights are removed to install a separate means of access.

While the Abbeydale Close Drive residential estate contains a mix of housing types, including detached, semi-detached and terraced, these properties demonstrate a rather uniform design and form.

It is considered that with regards to scale and massing, the two storey side extension to be used as an annexe would be subservient and respectful to the existing dwelling and wider locality. The ridge height of the two storey extension being set down from that of the main dwelling is considered acceptable, as it helps to achieve subservience to the host dwelling. Furthermore, the building line would be set back from the front elevation, which further indicates subservience, and helps to prevent the development from becoming overly prominent within the streetscene. The proposed roof form and materials used for the extension would be similar to that of the existing dwelling, which would be in keeping with the design of the application dwelling.

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Section 4.12.17 of the Harlow Design Guide SPD states that side extensions should be no more than 66% of the width of the dwelling. The proposed extension would have a width of 3.5 metres. While this would be around 70% of the existing width of the dwellinghouse and be contrary to this 66% Design Guide requirement, it is considered that due to its partial screening by the boundary treatment and foliage to the north and the separation distance from other nearby properties, such as 1 Fenton Grange and 16 Bentley Drive, caused by the public highway and roundabout, the proposed development would integrate acceptably with the wider locality and not be to the detriment of the 'openness' of the area.

Part 4.7 of the Harlow Design Guide SPD Addendum states that proposed single or double-storey side extensions to corner properties must retain a gap of at least 1 metre between the extension and the boundary which adjoins the public realm to help maintain an open design and avoid a terracing effect. A break between the property and boundary treatment also allows for external rear access and periodic maintenance of the side elevation, such as the roof and gutter. As the side elevation of the two storey extension would be set 0.4 metres away from the boundary with the public footpath, it is considered that it would be contrary to this Design Guide requirement. Notwithstanding this, the extension would be set-back from Kiln Lane by virtue of the open space separating the site from the Kiln Lane public footpath to the north of the property.

Therefore, while though the proposal would conflict with some sections of the Harlow Design Guide and Addendum, its width and scale is considered acceptable in this instance due to the siting of open space north of the property and its subservience to the main dwelling. It is therefore considered that the proposal would be acceptable in design terms, in compliance with Policy PL1 of the Harlow Local Development Plan 2020.

Neighbouring Amenity

Policy PL2 of the HLDP and the Harlow Design Guide SPD indicate that proposals should not result in detrimental impacts to neighbouring amenity.

The proposed two storey extension would be screened from the attached neighbour by the application dwelling, and the surrounding dwellings would be separated from the proposal by the garden of the application site, public footpaths and the highway. Furthermore, it would be largely shielded by the shrubbery and hedgerow to the north of the application site. It is therefore not considered that the proposal would overshadow, overbear or result in any loss of light for any neighbouring amenity.

The proposed fenestration on the front elevation would be set away from the shared boundaries and face the garage. There would be no windows installed on the side elevation. It is therefore not considered that the extension would result in any overlooking or loss of privacy for any neighbouring amenity.

It is therefore considered that the proposal would not result in detrimental impacts to neighbouring amenity, in compliance with policy PL2 of the HLDP and the Harlow Design Guide SPD.

Parking

Policies IN2 and IN3 of the Harlow Local Development Plan 2020 indicate that development should not have a detrimental impact on highway safety and congestion, and be in accordance with the Essex Parking Standards 2009.

According to the Essex Parking Standards 2009, dwellings with two or more bedrooms require a minimum of two parking spaces. The drawings show the provision of two parking spaces, with one being located within the garage and one on the drive in front of the house. An additional space could also be provided across the drive and in front of the garage. Parking

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within Abbeydale Close is largely a privately controlled matter, with the majority of nearby residents, such as Nos.99 and 101, having access to their own garages or driveways. Issues over car parking arrangements relating to these spaces would therefore need to be managed and resolved between local residents.

The development is therefore seen to be in compliance with policies IN2 & IN3 of the HLDP and the Essex Parking Standards 2009.

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 development is considered to be acceptable in terms of amenity and parking considerations. While the two storey element would be in conflict with some sections of the Harlow Design Guide SPD, it is considered to be acceptable due to its set down roof form, set back from the front and rear elevations, matching materials and its replacement of the existing garage that meets the public footpath. The proposal is therefore considered to be in compliance with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly.

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.

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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) At no time shall the internal links to the annexe accommodation hereby permitted from the existing dwellinghouse be blocked, locked or otherwise obstructed.

REASON: To prevent occupation of the accommodation being independent to the main dwellinghouse contrary to policy H7 of the HLDP.

- 3) The two storey side extension to be used as an annexe shall not be occupied at any time other than for purposes ancillary to the use of 102 Abbeydale Close as a single family dwellinghouse. Under no circumstances shall it be used as a separate self-contained residential unit of accommodation or be occupied, let or rented by persons unrelated or unassociated with 102 Abbeydale Close.

REASON: To prevent the establishment of a separate dwelling contrary to the provisions of policy H7 of the HLDP.

- 4) Notwithstanding any of the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that order), at no time shall a separate means of access be installed as part of the extension.

REASON: In the interest of visual amenity and the provisions of policies PL1 and H7 of the HLDP.

- 5) 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
OS Map 1:1500	--	Site Location Plan	15.11.2021
ATAC. AC. 21.1	--	Existing Ground Floor Plan	15.11.2021
ATAC. AC. 21.2	--	Existing First Floor Plan	15.11.2021
ATAC. AC. 21.3	Rev B	Proposed Ground Floor Plan	18.01.2022
ATAC. AC. 21.4	Rev B	Proposed First Floor Plan	18.01.2022
ATAC. AC. 21.5	--	Existing Elevations	15.11.2021
ATAC. AC. 21.6	Rev B	Proposed Elevations	18.01.2022

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.