

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**

17 August 2022

**REFERENCE:** HW/FUL/22/00001

**OFFICER:** Natalie Price

**APPLICANT:** Mr Neil Pretious

**LOCATION:** 25 Jerounds  
Harlow  
Essex  
CM19 4HE

**PROPOSAL:** Erection of three-bedroom semi-detached property and detached garage.

**LOCATION PLAN**



**REASONS BROUGHT TO COMMITTEE:** Two objections received.

## **Application Site and Surroundings**

The application property is the end house of a terrace of six on the south side of Jerounds. The houses are 6.1 metres wide. There are two tunnels through the terrace to provide rear access. The adjoining property, number 24, has a single storey rear extension. The road in front of the terrace leads to a garage court and the application property faces the garage court. The plot is approximately twice the width of other plots in the terrace so there is a large garden area alongside the house. It has an irregular shape with a spur projecting to the rear of the row of garages opposite the house. The houses in the terrace have long rear gardens, 18.5 metres deep. The site slopes upwards from north to south. There is a small tree in the north-west corner of the site and four more trees in the rear garden, all set well away from the house.

The surrounding area is residential apart from the Three Horseshoes public house, a Listed Building which backs onto the side of the site with the car park at the rear being adjacent to the site. The distance between the proposed new house and the Listed Building is such that the proposal is not considered to significantly affect its setting. A house, 7 Three Horseshoes Road also backs onto the side of the site. This has a very large rear garden, with an average depth of almost 50 metres. There is a large willow tree in its back garden, close to the boundary with the application site, and another smaller wild cherry tree adjacent to it. The houses in the terrace that back onto the site have long rear gardens of similar depth to that of the application site.

The site is not in a Conservation Area.

## **Details of the Proposal**

The application is to build another house extending the line of the terrace and of similar width to the existing houses in the terrace. Though the house extends the line of the terrace, there would be a one- and two-storey projection beyond the rear building line at the rear, 4 metres deep. The application forms indicate matching materials will be used. One parking space would be provided in front of the house and a second would be in a detached garage with a gabled roof to be built on the spur behind the garages in the garage court. The plans also show two parking spaces to be provided for the existing house in the front garden.

The application has been amended in two respects. The plans originally showed a tunnel to be provided through the dwelling to provide rear access, echoing the other tunnels in the terrace, but this has now been removed. Also, indicative positions for bin storage for the existing house and the proposed one have been shown on the plans.

## **RELEVANT PLANNING HISTORY:**

HW/EQ/20/20016 - Proposed New 3 Bedroom Dwelling

HW/EQ/20/20028 - Proposed new 3 bedroom house next door to the existing 25 Jerounds

# CONSULTATIONS

## Internal and External Consultees

### Essex County Council - Highways

No objections

### Essex County Fire and Rescue Service

Access for Fire Service purposes has been considered in accordance with the Essex Act 1987 - Section 13.

Fire Service access is satisfactory.

More detailed observations on access and facilities for the Fire Service will be considered at Building Regulation consultation stage

## HDC - Cleansing And Environment

Comment 24/05/2022

Further to our discussion yesterday, it has been concluded that the contractor, where possible, [the Refuse Collection Vehicle (RCV)] accesses the garage area in order to complete the waste collections for this row of properties. When they are able to do so, it reduces the distance between the proposed development and the RCV. Although it is not fully compliant with BS5906 and will undoubtedly exceed the 15m distance at all times, the Council's Cleansing and Environment Service have therefore no objection to this application.

## HDC - Consultant Arborist

No Comment Received.

## Heritage Officer Place Services

The application site is located in the setting of the Grade II listed The Three Horseshoes Public House (list entry: 1169840).

The proposed new dwelling would be constructed to the rear (east) of the listed pub's boundary. The historically rural setting of the pub has been lost due to the surrounding development. The proposal would not result in any further harm to the setting of the listed pub. The proposed dwelling would not affect the pub's historic curtilage and would mirror the design of existing dwellings along Jerounds and would therefore be read in conjunction with the residential development. No objection is raised to the proposal. Were permission granted a condition should be attached relating to external materials as well as a landscape plan, including hard and soft boundary treatments.

## HDC - Consultant Arborist

It has been adequately shown via the arboricultural impact assessment that impacts to trees are likely to be minimal as a result of the proposed development. The site usage during development would be the key potential impact. The use of heras fencing to stop usage of areas around trees throughout the development as detailed in the report will ensure no trees are impacted unnecessarily. Therefore, the proposed development can be approved.

## Neighbours and Additional Publicity

Number of Letters Sent: 10

Total Number of Representations Received: 3

Date Site Notice Expired: 24 February 2022

Date Press Notice Expired: N/A

## Summary of Representations Received

Three representations were received. Two were objections to the application with the following concerns:

- The proximity to our border. on drawings it is showing no gap whatsoever. Would of thought there needs to be a 1 metre distance away?
- The security of 7 Threehorseshoes Road whilst any building works are taking place
- There is a willow tree in the garden 7 Threehorseshoes Road on the boundary and whether there would be any disruption to the root system
- Impact on the privacy of Highfield House Three Horseshoes Road - There are no other houses that look over the garden as the adjacent properties are either bungalows or far enough away that there is no line of sight into the rear garden.
- Impact of the proposed garage on Highfield House due to its' height.
- The proposed detached garage would be unsightly when viewed from Highfield House.
  
- The representation raised a query relating to a fence height and asked about the impact on horse chestnut tree on the site. {Officer Comment: the query regarding the fence height was clarified as was the point that there is no horse chestnut on the site.}

## PLANNING POLICY

### 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 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  
PL7 – Trees and Hedgerows  
H2 – Residential Development  
IN2 – Impact of the Development on the Highways Network including Access and Servicing  
IN3 – Parking Standards

### Supplementary Planning Documents (SPD) /Other Guidance

The following local planning guidance are relevant to this application:

HDC Design Guide SPD (2011)  
Design Guide Addendum SPD (2021)  
ECC Essex Parking Standards Design and Good Practice (2009)  
ECC Development Management Policies (2020 - living document with regular updates)

### HGGT Guidance

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.

## **Summary of Main Issues**

The main issues are:

- Principle of development,
- Design and Its Impact on the Character and Appearance of the Local Area,
- Impact on neighbours,
- Parking and access,
- Refuse provision,

- Prejudicing development of adjoining land,
- Tree impacts; and
- Equalities.

### **Principle of development**

Policies PL1 and H2 of the HLDP do not preclude residential development, provided that the established character of the area and neighbour amenity are protected. The development should also make provision for refuse storage and collection, provide off-street parking according to the adopted vehicle parking standards, and should not prejudice the potential for comprehensive development of adjacent land.

The development would provide a new dwelling that would work towards meeting housing targets within the District. As such, the principle of the additional housing on the site is considered to be acceptable. The criteria within HLDP policy H2 will be considered within subsequent sections of the report below.

### **Design and Its Impact on the Character and Appearance of the Local Area**

The Jerounds estate is characterised by groups of terraces that are of a simple design with each terrace set just back from the road frontage with an “open front” and a pitched roof with a ridge that is parallel to the road. The fenestration varies from terrace to terrace with a variety of window treatments and in some places white painted cladding between 1<sup>st</sup> and ground floors.

The principle of extending the terrace would not be out of character with the wider estate however design details are important to ensure that the extension of the terrace would not be out of character. The proposed new terrace house would have similar fenestration to the other properties in the terrace and would be 6.3 metres which would be the same width as the other houses in the terrace. Furthermore, there would be a 2.0 metre gap to the western boundary would be retained.

The proposed garage would be located to the rear of the existing garages that serve the houses in Jerounds. The garage would have a pitched roof with a ridge height of 3.0 metres and eaves height of 2.0 metres. Given that the boundary fence with Highfield is 2.5 metres, the garage would not be unduly prominent and would be of an appropriate design for an outbuilding.

Overall, the proposed new terrace house and garage would be acceptable in terms of the scale, design and detailed fenestration and would comply with the Harlow Design Guide and Local Plan policies H2, PL1 and PL12.

### **Impact on neighbours**

There are several residential properties around the site and the impact on each of these has to be considered.

At the rear, as 5-9 Jerounds are located in excess of 40 metres from the rear of the proposal. On this basis, there would be no impact on the residential amenity of these properties.

As no first-floor windows are proposed in the side of the proposed new dwelling there would be no impact on the privacy of the rear garden of 7 Three Horseshoes Road. Furthermore, the

new house would be adjacent to the public house's car park, not number 7, so the house would not significantly affect number 7's property in terms of loss of light and overdominance.

Although 25 Jerounds is owned by the applicant, it is nevertheless appropriate to consider the impact of the proposal on that property. Any impact would be from the proposed part one and part two storey rear projection of the new house beyond the rear of the existing terrace. This projection has been designed so that the single storey element adjoins 25 Jerounds and would be 2.5 metres on the boundary with a pitched roof sloping away. The two storey element of the proposal would be set 2.0 metres from the boundary. The depth of both the two storey and single storey elements would project 3metres beyond the rear wall of 25 Jerounds. It is considered that given the limited depth of the rear projection with the two storey element set 2.0 metres away from the boundary with 25 Jerounds there would not be a significant impact due to either overdominance or loss of light.

As extensions could be added to proposed new house using permitted development rights, a condition is recommended restricting these rights.

The front first-floor windows of the new house would overlook the garden of Highfield House in Three Horseshoes Road. There would be a 13-metre separation distance from the nearest part of the garden, however, and this is sufficient distance to avoid an undue effect on privacy. No windows are proposed overlooking 25 Jerounds.

The proposed garage would have a limited impact on the garden of Highfield House, but this would be a single-storey building and the impact would be on the garden, not the house itself. Thus, this impact is considered to be acceptable.

To summarise on this issue, subject to the imposition of a condition as referred to above, the proposal is not considered to unduly affect neighbours in terms of overlooking or loss of light, so the proposal is considered acceptable in terms of Local Plan policy PL2.

### **Parking and access**

Local Plan policies H2 and IN3 require adequate parking provision for new dwellings. The Essex standards would require two spaces for a three-bedroomed dwelling. The plans show one parking space for the new dwelling in front of the house and a second space would be provided in the garage, so the standard would be met.

It should be noted that the part of the site where the new house is to be built currently provides parking space for the existing number 25 house and this would, of course, be lost if the development goes ahead. Thus, it is reasonable to expect parking provision to be made for the existing house and the plans show two spaces being provided in the front garden.

This would result in the loss of 25's front garden and no other houses in the terrace to have parking on their frontages. Nevertheless, on balance, this is considered acceptable as this house is at the end of the road so the parking would not be prominent and the loss of this garden has to be balanced against the advantage of the provision of a new dwelling. The proposal is therefore considered acceptable in terms of Local Plan policies H2 and IN3.

The site will be access by the existing road network for the estate. A single dwelling will not generate significant additional traffic and the road system can cope with this. Thus, the proposal complies with Local Plan policy IN2 and also H2 in this respect.

### **Refuse provision**

Local Plan policy H2 requires new housing development to make adequate provision for refuse storage and collection. The proposed bin storage would be located at the front of the proposed new dwelling. This would be the same arrangement that currently exists for the other properties in the existing terrace. This arrangement is not fully compliant with BS5906 which requires a maximum carry distance of 15 metres. The Council's Cleansing and Environment Section have now indicated that with the new property, Refuse Collection Vehicles will access the garages and this will ensure that an appropriate carry distance is maintained for existing and future occupiers. On this basis, the proposal would be in accordance with policy H2 of the HLDP.

### **Prejudicing development of adjoining land**

Again Local Plan policy H2 stipulates development should not prejudice the potential for comprehensive development of adjacent land. 7 Three Horseshoes Road, the Three Horseshoes public house and Highfield House all have relatively large plots and, whilst it must be emphasised that no proposals for their redevelopment have been mooted, it is possible proposals might be put forward at some stage. If this were to happen, access could be taken off Three Horseshoes Road, so this proposal would not prejudice any such development.

### **Tree impacts**

In view of the trees on the site and the adjoining trees in the rear garden of 7 Three Horseshoes Road, the applicants have been asked to submit an arboricultural impact assessment to demonstrate the site could be redeveloped whilst retaining the trees. Subject to the implementation of the measures set down in the statement, the other trees referred to should not be adversely affected. A condition requiring the implementation of these measures is recommended. It should also be noted that there is a group of bushes where the proposed garage would be located and these would be lost as a result of the construction of the garage. As these are bushes rather than trees, the Council's arboriculturalist has no objection to their loss. The proposal is considered acceptable in terms of Local Plan policy PL7.

### **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 new dwelling would be designed so that it would continue the existing terrace and would have a design that would be in keeping with the terrace and wider area. The scale of the new dwelling is such that it would not harm the amenities of adjoining residents. The proposal would therefore be in accordance with the HLDP. The application is therefore recommended for grant.

## 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 Prior to construction, the two parking spaces to serve 25 Jerounds shall be constructed in accordance with the approved plans and hard surfaced. Thereafter they shall be permanently retained for use for parking in connection with 25 Jerounds.  
**REASON: In the interests of road safety and the free flow of traffic.**
- 3 The proposed development shall be completed in full accordance with the submitted arboricultural details of the consented submission package. Specifically, this includes the following documents: Tree survey, arboricultural impact assessment: 22\_5827\_03\_21 by ROAVR. Any alterations to the agreed details must be prior-approved by the Local Planning Authority in writing.  
**REASON: To ensure that damage to vegetation identified for retention is avoided.**
4. Prior to the first occupation of the proposed dwelling, the driveway, parking area and garage to serve the proposed new dwelling with the parking area for 25 Jerounds shall be constructed as shown on the approved plans and the driveway and parking area shall be hard surfaced. The driveway and park areas shall be either constructed using porous materials or with drainage to ensure surface water run off does not drain onto the road in front of the site. Thereafter the garage driveway and parking areas shall be permanently retained for use for parking in connection with the proposed dwelling.  
**REASON: In the interests of road safety and the free flow of traffic.**
- 5.. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), no extensions shall be added to the rearmost wall of the proposed dwelling unless planning permission has been granted for them.  
**REASON: To protect the amenity of the occupiers of 25 Jerounds.**

6. No development shall take place until 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, balustrades to 1st floor terraces, doors, soffits and guttering. The development shall thereafter be carried out in accordance with the approved details.

**REASON: In the interest of visual amenity and to accord with policies PL1 and PL12 of the Harlow Local Development Plan, December 2020**

7. 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.**

8. No development shall take place, including any works of demolition, until a Method of Construction Statement, to include details of:

- a) parking and management of vehicles of site personnel, operatives and visitors
- b) loading and unloading of plant and materials
- c) storage of plant and materials
- d) programme of works (including measures for traffic management)
- e) provision of boundary hoarding behind any visibility zones
- f) wheel washing facilities: have been submitted to and approved in writing by the Local Planning Authority. Only the approved details shall be implemented and retained during the demolition and construction period.

Reason: To ensure there are no adverse impacts on the free flow of traffic on local roads and to safeguard the amenities of the area consistent with Policy IN2 of the Harlow Local Development Plan 2020.

9. Prior to the commencement of all above ground works on site, details of provision of an electric charging point for vehicles shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall be maintained as such for the lifespan of the development.

Reason: In the interests of encouraging sustainable travel within Harlow District, in accordance with policy IN1 of the Harlow Local Development Plan 2020.

10. 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
	--	Location Plan	05.08.2022
CM19-2853 001	D	Existing and Proposed Plans	08.07.2022

## 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.

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.

3. It is noted there is no existing dropped kerb vehicle crossing for 25 Jerounds. To rectify this the applicant is requested to make a vehicle crossover access application regardless of whether this application is granted as they are currently in breach of section 184 of the Highways Act 1980, illegally driving over the pavement.

4. All work within or affecting the highway is to be laid out and constructed by prior arrangement with and to the requirements and satisfaction of the Highway Authority, details to be agreed before the commencement of the works. The applicant should contact the Essex County Council Development Management Team on [developmentmanagement@essexhighways.org](mailto:developmentmanagement@essexhighways.org).