

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**11<sup>h</sup> January 2022**

**REFERENCE:** HW/HSE/22/00414

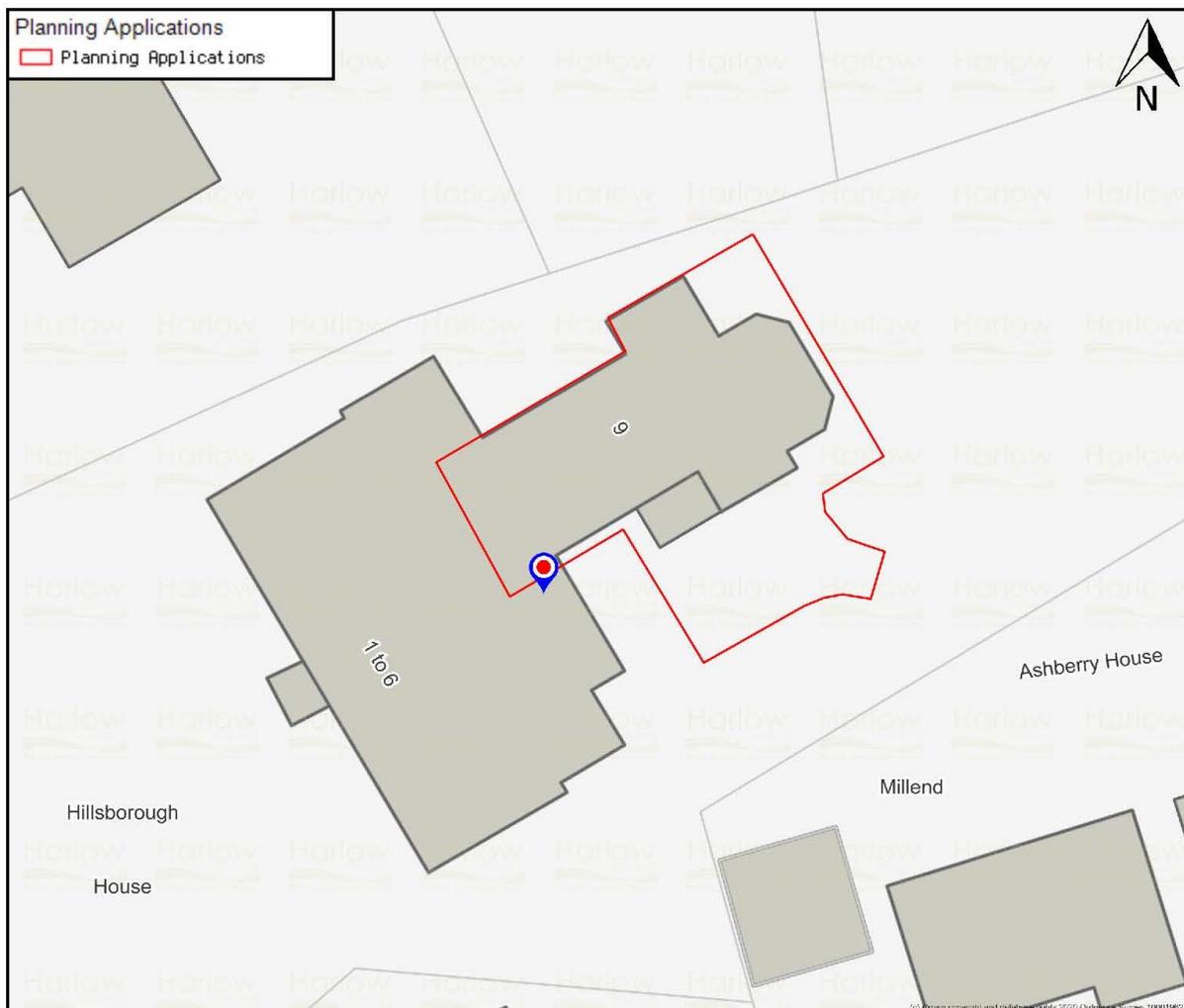
**OFFICER:** Chris Walter

**APPLICANT:** Miss Julie Masters

**LOCATION:** Flat 3, Hillsborough House  
9 Churchgate Street  
Harlow  
Essex  
CM17 0JS

**PROPOSAL:** Erection of a single storey rear extension to replace conservatory

**LOCATION PLAN**



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

## Application Site and Surroundings

The application site relates to Flat 3, Hillsborough House, 9 Churchgate Street, located within a residential area of Churchgate Street. The building shares a boundary to the north with No.7 Churchgate Street and No. 22 Sheering Road, to the east with Mill Gates, to the south-east with Millend and Ashberry House, and to the south with No. 13 Churchgate Street, a listed building. In respect to the relationships with surrounding buildings, Flat 3 is sited 16 metres away from the main living spaces of 7 Churchgate Street, 27 metres from 22 Sheering Road, 24.4 metres from Mill Gates, 17 metres from Millend, 20 metres from Ashberry House and 20 metres from 13 Churchgate Street.

It is located within the Churchgate Street Conservation Area, which contains an eclectic mix of residential properties, a church, a pub and local shops.

Hillsborough House is a two-storey building consisting of six flats, accessible via the metal gates to the front of the curtilage. The rear wing consists of two flats, namely Flat 3 on the ground floor and Flat 5 on the first floor. Behind the building and outside of the red line boundary indicated on the location plan is a communal garden. Bin storage and parking is found to the sides of the main building.

## Details of the Proposal

Retrospective planning permission is sought for the construction of a single storey rear extension to replace existing conservatory, measuring 2.4 metres in depth, 3 metres in height and 6.2 metres in width.

There is currently a partially built rear extension of cement board cladding construction. The Heritage Officer was consulted and raised concerns over the materials used, arguing that these would not be acceptable within a conservation area and that they would fail to demonstrate a subservient relationship with the host building.

Following correspondence between the case officer and agent, the application has been amended with the cement board cladding being replaced with brickwork to match the existing building, and there have been amendments to the parapet detailing.

Permission is therefore for sought for the erection of a single storey rear extension of brick construction to match the existing building, consisting of UPVC timber sash windows and buffstone capping to parapet wall.

## RELEVANT PLANNING HISTORY:

<u>App Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/88/00234	Conversion of Dwelling into Six Flats	Granted Planning Permission	N/A

# CONSULTATIONS

## Internal and External Consultees

### Heritage Officer Place Services

This application is for the for a construction of a single storey rear extension to replace existing conservatory.

The property is located in the Churchgate Street Conservation Area.

This is the second consultation within this application. Initial advice raised concerns regarding the form and appearance of the extension, noting the use of uPVC and cement boarding was unsympathetic to the significance of the Conservation Area.

The proposal has been amended following conservation advice; the use of brick to match the host and parapet detailing better relates to the architectural context of the host. There is a preference for timber windows and doors and high-quality roof covering such as standing seam metal. However, given the property had a modern extension with uPVC windows and the roof would largely be concealed by the parapet, the proposal would not result in any additional harm.

## Neighbours and Additional Publicity

Number of Letters Sent: 12

Total Number of Representations Received: 8

Date Site Notice Expired: 27 October 2022

Date Press Notice Expired: 3 November 2022

## Summary of Representations Received

Eight representations objecting to the application were received. Comments on both the original application and the amended application are summarised as follows:

### Planning Objections

- Appearance: no attempt has been made to source a similar colour or appearance of the original building which is a light-yellow brick. Hillsborough House is over 100 years old, and has been maintained to uphold the valued history of this House. In the First World War it was used as a hospital for the convalescence of returning soldiers. To have this new build is totally out of character to the building and in our opinion is a monstrosity. The new build is a grey colour concrete structure. It is more like a proper extension than a conservatory. The proposed (and partially built) extension is timber framed with cement board cladding which is not in keeping with the rest of the property which is in a conservation area.
- Appearance: This revised application is an even worse eyesore than the previous one. This is not a replacement of a worn out glass conservatory, but a full throttle extension, the former of which I would not have objected to. But the design of this one is ugly, out of keeping with local architecture and the proposed brickwork will not match with the remainder of the older building yellow brickwork. The buff stone capping and the raised parapet is completely inappropriate in a conservation area, not in keeping with the rest of the property. The materials have changed from the grey colour concrete to bricks that they say will match the existing building which we feel will not still be a perfect match. We must also take into account the meaning of

“Conservation Area which is areas of special architectural or historic interest, the character or appearance of which it is desirable to preserve. Conservation Areas enjoy protection from poor-quality development. They ensure that the best of our heritage is kept for future generations, they help ensure that every place retains as much as possible of its own unique identity.

- Amenity: Both the partially built structure and the proposed design significantly restrict my view of the communal garden from my balcony and window negatively effecting my enjoyment of my property with a potential reduction in resale value. The proposed/existing roof light/lantern is directly under my balcony such that stray light can enter my bedroom and I will be able to see directly into the room below resulting in a significant reduction in privacy. The garden area is communal and the partially built/proposed structure significantly impairs the enjoyment of the garden by other owners.
- Amenity: The original conservatory had a sloping glass roof while the proposed structure has a flat roof which reduces the view of the communal garden and the enjoyment of the property by the resident of the flat above.

### **Non-Planning Objections**

- Access: The partially built structure severely limits access to maintenance areas (drainage inspection covers, gas meters) at the side of the property and limits access for emergency services. Bushes will need to be cut down for emergency access.
- Lease: Hillsborough House (Harlow) Management Company currently have a Lease dated 1st May 1991 which is registered at The Land Registry and is a legal document. Item 6 states : Not to alter the demised premises externally or change the internal layout thereof or cut maim or injure any structural part thereof or erect or suffer to be erected any further Building or addition upon the demised premises or make or suffer to be made any external projection from the demised premises.
- Old Conservatory: It is stated on the Application that the old conservatory was leaking (how would Harlow Planning know this as the old building has already been taken down and destroyed)?
- Measurements: Measurements are incorrect and the footprint is larger than the original building. The depth stated is 2400 cm the actual measurement is 2800 cm. The height of the building looks a lot taller than the pictures state but no measurements have been given. The roof looks much bigger than the original building.
- Consultation with other neighbours: At a General Meeting held in Flat 2, on the 15th November 2021, Flat 3 advised that she would be having a new conservatory in March 2022, and apologised in advance for any disruption this may cause. She said it would be a "like for like" conservatory, which it is obviously not, and she did not consult in anyway with the other flat owners for their comments on her new build. Hillsborough House is owned by 6 Flats not just Flat 3.
- Party Wall: The plan for the extension shows two doors leading from the living room. Currently there is one. I am concerned that unless due measures are taken this will undermine the party wall above
- Lease: This is a freehold a property and we all have to agree as to what gets built on land under JOINT ownership
- Party Wall: The Party Wall Act has not been followed.
- Drainage & Maintenance: The latest proposal indicates a flat roof with a raised brick edging and a drain pipe. This generates a trough covering the entire area of the extension in which leaves and branches from the adjacent trees and water can accumulate, especially if the drain becomes blocked. This could lead to damp in the walls of the property and the accumulated debris would be unsightly from the

perspective of the flat above. It also generates the problem of who would be responsible for getting onto the roof and cleaning the area on a regular basis

Officer's comment: Only material planning considerations can be taken into account within the determination of this application. Matters in relation to building integrity and party walls would be dealt under separate legislation. Drainage/maintenance, the terms of the lease, joint ownership issues and previous consultation with other neighbours are not material, and would be treated as civil matters.

## **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 application are:

PL1 - Design Principles for Development  
PL2 - Amenity Principles for Development  
PL12 – Heritage Assets and Their Settings  
WE5 – Heritage

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

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.

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

### HGGT Guidance

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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.

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.

## **Summary of Main Issues**

The key issues to be assessed include the principle of development and its impact on the character and appearance of the area including the effect on the host building and the Churchgate Street Conservation Area, and neighbouring amenity.

### **Principle of Development**

The acceptability of the principle of development is dependent on its compliance with the relevant policies within the Harlow Local Development Plan (HLDP) 2020 and supplementary documents, as assessed below.

### **Character and Appearance, including impact on the host building and the Churchgate Street Conservation Area**

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. Development proposals should protect, enhance or improve local distinctiveness without restricting style and innovation, whilst taking account of local character and context, including patterns of development, urban form and landscape character.

Policy PL12 of the HDLP requires an assessment against national policies and sets out a number of criteria regarding how impact will be assessed. National Policy is set out in the

NPPF and in this case the tests are set out in paragraphs 201 and 202. If harm is less than substantial, the harm should be weighed against the public benefits. The criteria are:

- (a) the impact of development on the character, appearance, or any other aspect of the significance of the asset or its setting;
- (b) the design quality of the development and the extent to which it safeguards and harmonises with the period, style, materials and detailing of the asset (including scale, form, massing, height, elevation, detailed design, layout and distinctive features);
- (c) the extent to which the development is sympathetically integrated within the area and any distinctive features (including its setting in relation to the surrounding area, other buildings, structures and wider vistas and views);
- (d) the extent to which the development would enhance, or better reveal, the significance of the heritage asset; and
- (e) any public benefits of the development

The key issue for consideration in this application is therefore the preservation of the special character of the conservation area.

The Heritage Officer was consulted and raised initial objections to the partially built extension, citing concerns over its form and uses of unsympathetic materials, such as cement boarding, arguing that these would not be acceptable within a conservation area and that they would fail to demonstrate a subservient relationship with the host building. The partially built structure, consisting of cement board cladding would therefore not be acceptable in regard to design considerations, contrary to policy PL1 of the HLDP.

Following correspondence between the case officer and agent, revised drawings were submitted to address these issues over the materials used. Heritage was reconsulted and confirmed that the use of brick to match the host and parapet detailing better relates to the architectural context of the host, representing a more sympathetic addition to the building. Furthermore, given the siting of the extension to the rear of the property and shielding from the boundary treatments, it would not afford significant visibility within the public realm.

The balance that therefore must be taken is whether the scale of development and the benefits of that development outweigh the harm to the character and appearance of the Conservation Area. By reason of its revised design consisting of matching brick construction, the rear extension represents an acceptable addition to the host and conservation area. Taking this into consideration, the extension is in compliance with policies PL1, PL12 and WE5 of the HLDP 2020.

### **Neighbour Amenity**

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

The fenestration on the rear and side elevations are positioned at ground floor and overlook the communal garden. No windows have been installed on the side elevation facing No. 7 and 22 Sheering Road. The development therefore does not result in any overlooking or privacy impacts upon neighbouring amenity.

Given its single storey nature and separation distance from the shared boundaries, the extension would not result in unacceptable overbearing or overshadowing impacts. Furthermore, its rather shallow depth means that a reasonable level of outlook is maintained to the current and future occupiers of the above flat (5), including the enjoyment of use of the communal rear garden.

The fenestration would overlook the communal areas and not directly face the habitable living spaces of other flats within Hillsborough House. There would be no unacceptable privacy impacts.

The revised rear extension design is therefore acceptable in regard to amenity considerations, in compliance with policy PL2.

## **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 rear extension would not result in unacceptable harm to the character and appearance of the host or conservation area, and would not result in unacceptable impacts to neighbouring amenity. It would 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:**

### **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) All new external work shall be carried out in materials of such colour or texture and with architectural detailing to match the existing facing work of the building.

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

- 3) 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.**

<b>Plan Reference</b>	<b>Version No.</b>	<b>Plan Type</b>	<b>Date Received</b>
077/22/1000	Rev D	Existing Plans and Elevations	05.12.2022
077/22/1001	Rev D	Proposed Plans and Elevations	05.12.2022

#### **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 submission, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.