

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**7 June 2023**

**REFERENCE:** HW/HSE/22/00512

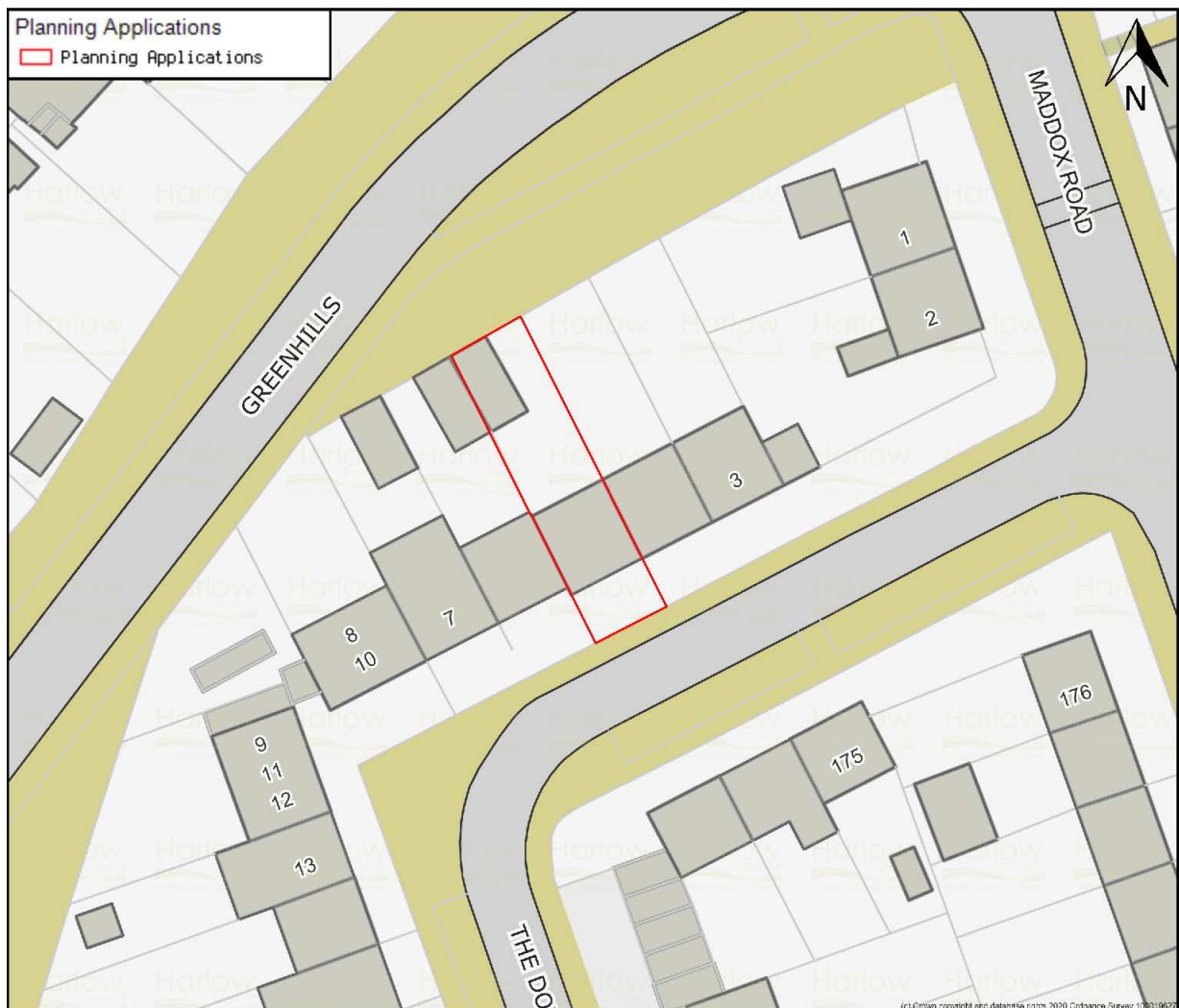
**OFFICER:** Chris Walter

**APPLICANT:** Mr Martin Slade

**LOCATION:** 5 The Downs  
Harlow  
Essex  
CM20 3RD

**PROPOSAL:** Conversion of existing garage into a summer house

**LOCATION PLAN**



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

**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 an existing mid-terraced HMO at 5 The Downs, which is on the Council's public register of licensed HMOs with 5 bedrooms for up to 5 occupants. It is located within a residential of Netleswell, and shares boundaries to the north-east with No. 4 and to the south-west with No. 6. The site is not located within a conservation area, nor within the setting of any listed buildings.

The double garage is located to the rear of the application site and shares a common dividing wall with No.6. Both garages are served via a small driveway, with both of a sufficient size to accommodate one modern vehicle. Off-street parking is also currently used along Greenhills.

## Details of the Proposal

Planning permission is sought for the conversion of the existing garage into a summerhouse. It will be used as a communal space for the tenants of the HMO and will remain incidental to the enjoyment of the property.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
94/00335	Garage to Rear of Property	Granted Planning Permission	09.11.1994

## CONSULTATIONS

### Internal and External Consultees

#### HDC – Environmental Services

Based on a summer house, I have no comment.

#### Essex County Council – Highways

From a highway and transportation perspective the Highway Authority has no objections to make on this proposal as it is not contrary to the Highway Authority's Development Management Policies, adopted as County Council Supplementary Guidance in February 2011, Policies IN1, IN2 & IN3 of the Harlow Local Development Plan 2020, and the NPPF 2021.

### Neighbours and Additional Publicity

Number of Letters Sent: 8

Total Number of Representations Received: 3

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

## Summary of Representations Received

Three objections were received regarding the proposal. Their comments can be summarised as follows:

- Parking: the garages were built to alleviate parking congestion in The Downs; this issue still exists and is therefore a good reason to retain the garage. There was a proviso in the previous Planning Permission that stated that the garage forecourt hard standing should not be used for permanent parking. The building should remain as a valuable garage facility, especially as it is wide enough to accommodate a modern sized car. There is also another HMO at No.15 The Downs, so with all the parking problems these dwellings bring wouldn't this "summerhouse" just exacerbate this?

- HMO: the property is a HMO. The proposed summerhouse could be let out as a studio. How can you be certain that this proposed "summerhouse" is not just another room to let out? There is no obvious asset of a summerhouse to a Multi Occupancy property.

## **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

IN2: Impact of Development on the Highways Network including Access and Servicing

IN3: Parking Standards

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

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.

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 application dwelling and wider locality, neighbouring amenity, parking and highway safety.

### **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.

### **Parking**

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

The proposed garage conversion would result in the loss of one parking space. The Essex Parking Standards (2009) requires any dwellinghouse with more than two bedrooms to have two off-street parking spaces of 2.9 metres x 5.5 metres each.

The front garden area does not provide scope for off-street parking due to its shallow depth, which would only leave one space for off-street parking for the dwelling with its driveway to the front of the garage. The land either side of the driveway is not within the ownership of the applicant and therefore there is no scope to park on this land and therefore to provide the two off-street parking spaces minimum requirement to meet Essex Parking Standards.

With this being said, the garage of No.5 The Downs backs onto Greenhills, a wide road that forms part of a cul-de-sac. While there would be additional on-street parking, given that there would be sufficient space available for the safe free-flow passing of traffic, the proposal would not result in unacceptable impacts to highway or pedestrian safety. Furthermore, a Lambeth Car Parking Survey was submitted that appears to demonstrate that car parking capacity within the local area would not be unacceptably impacted.

The Highways Officer was consulted and raised no objections to the proposal. It was indicated that the addition of one additional vehicle parking on-street would not cause a highway safety issue in the vicinity of the site.

As such, while the proposal would conflict with the Essex Parking Standards in this instance, based on the available submitted information, the garage conversion is unlikely to result in unacceptable impacts to parking conditions and highway safety in the locality, the proposal on balance would be in general compliance with policies IN2 and IN3 the HLDP (2020).

### **Character and Appearance**

Policy PL1 of the HLDP and the Harlow Design Guide SPD indicate that proposals should not result in unacceptable 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.

The garage conversion does not result in any increase of the existing building footprint. As the garage door would be replaced but retained to the front, the only alteration to the appearance of the garage would be the introduction of a set of sliding doors to the rear elevation, which would be of an appropriate scale and design. While the proposal would result in additional off-street parking, this would not result in an unacceptable impact on the visual amenities of the street scene.

Following correspondence between the agent and case officer, it was confirmed that there would be no permanent fixtures or fittings within the summerhouse. Nevertheless, to safeguard against its future use, it would be necessary to ensure that the building would be used solely for purposes ancillary to the enjoyment of the host dwelling, and not used as separate living accommodation. This can be secured through appropriate conditions.

There are enforcement powers at the Council's disposal to investigate any subsequent reports of unauthorised use of the summerhouse.

The development does not result in any unacceptable harm to the character and appearance of the surrounding area, and is in general compliance with policy PL1 of the HLDP and the Harlow Design Guide SPD.

### **Neighbouring 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.

Given its nature and scale, the garage conversion would not be overbearing, overshadow or result in any loss of light or privacy for any neighbouring amenity. The garage is located towards the far end of the application site, away from the habitable living spaces of neighbouring properties. The proposed sliding doors and fenestration on the side elevation would overlook the rear garden.

The works would not result in unacceptable impacts to neighbouring amenity, in compliance with policy PL2 of the HLDP and the Harlow Design Guide SPD.

## **CONCLUSIONS:**

The works would not result in unacceptable harm to the character and appearance of the area, or neighbouring amenity.

The proposal would result in the garage being converted into a summerhouse and the loss of one parking space. While this would give rise to additional on-street parking, given that the garage backs onto Greenhills, a wide road that allows the safe free-flow passing of traffic and forms part of a cul-de-sac. Furthermore, a Lambeth Car Parking Survey was submitted that appears to demonstrate that car parking capacity within the local area would not be unacceptably impacted. The proposal would unlikely result in unacceptable impacts to parking conditions and highway safety in the locality, in general compliance with policies IN2 and IN3 of the HLDP (2020).

The proposal is therefore in general compliance with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly, subject to conditions.

## **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 summerhouse hereby approved shall be used solely for purposes ancillary to the enjoyment of no. 5 The Downs, Harlow, Essex, CM20 3RD and shall remain as such for the lifespan of the development. The summerhouse will not be used as a separate self-contained residential unit or used for any other commercial use.  
**REASON: In the interests of maintaining the character of the surrounding area and neighbouring amenity, and protecting the amenities of neighbouring residential occupants, in compliance with policies PL1 and PL2 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><u>Plan and Document Reference</u></b>	<b><u>Date Received</u></b>
BAS263 Location Plan	20.12.2022
BAS263-02 Rev A Existing Garage Plans & Elevations	20.12.2022
BAS263-03 Rev A Proposed Summerhouse Plans & Elevations	20.12.2022

## **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 worst case would be that the proposal would displace one vehicle onto the street, and that's assuming that the garage is even used for parking in currently. Furthermore, the applicant has submitted a Parking Beat Survey that demonstrates that one additional vehicle parking on-street will not cause a highway safety issue in the vicinity of the site.

Gavin Cooper  
Development Manager

Contributing Officer  
Chris Walter