

**REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE**  
**5<sup>th</sup> July 2023**

**REFERENCE:** HW/HSE/23/00203

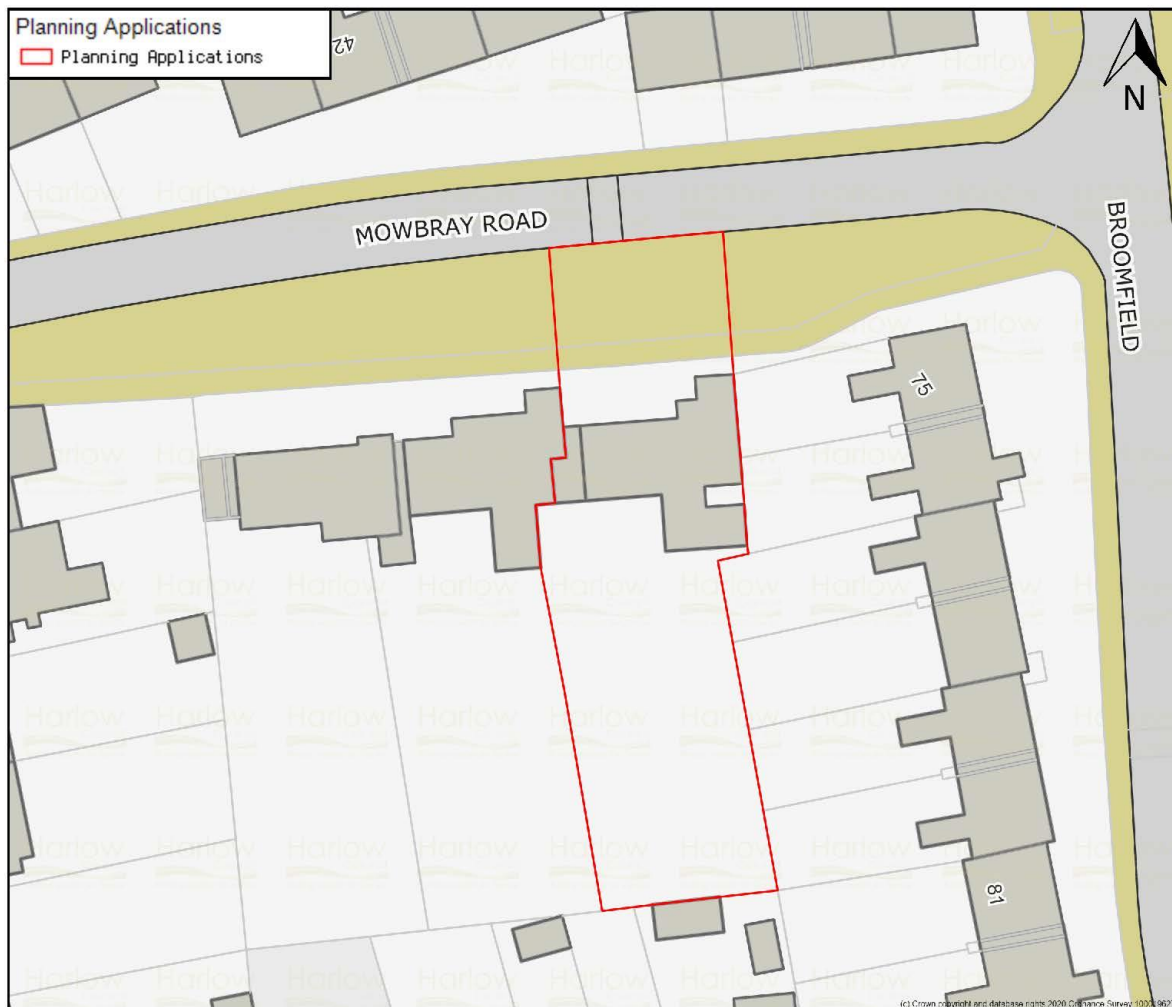
**OFFICER:** Chris Walter

**APPLICANT:** Mrs Rosalind Sproat

**LOCATION:** 74 Mark Hall Moors  
Harlow  
Essex  
CM20 2NG

**PROPOSAL:** Conversion of existing garage into a habitable room

**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 74 Mark Hall Moors, a terraced dwelling located within a residential area of Mark Hall. It shares a boundary to the west with No. 73, to the east with Nos. 75-80 Broomfield and Nos. 87-88 to the south. The property is located within The Mark Hall North Conservation Area.

The dwelling benefits from an integral garage, which is accessible via a driveway to the south of Mowbray Road.

## Details of the Proposal

Planning permission is sought for the partial garage conversion to accommodate a disabled person accessible W.C.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/PL/87/00081	Single Storey Rear Extension, Carport, Porch and Canopy	Granted Planning Permission	14.05.1987
HW/HSE/22/00338	Proposed replacement of garage front door with front window, raising of garage height and external alterations, in association with the conversion of the garage into habitable space	Refused Planning Permission	07.09.2022
HW/HSE/23/00075	Conversion of existing garage into a habitable room	Refused Planning Permission	17.04.2023

## CONSULTATIONS

### Internal and External Consultees

### Heritage Officer Place Services

This application is for the conversion of the existing garage into a habitable room.

The property is located in the Mark Hall North Conservation Area.

The proposal would preserve the character and appearance of the conservation area. No objections would be raised to the proposal.

### Essex County Council - Highways

The existing garage is not long enough to park two cars in now – so the proposal is no different, as you can still park one car in it. The driveway is highway, but they could be parking on that now anyway, so there's no change to the situation in terms of highway impact or parking provision.

## Neighbours and Additional Publicity

Number of Letters Sent: 17

Total Number of Representations Received: 2

Date Site Notice Expired: 8 June 2023

Date Press Notice Expired: N/A

## Summary of Representations Received

Two representations were received objecting to the planning application. Their comments can be summarised as follows:

**Principle of Development:** The application is still converting the house from a three-bedroom house to a four-bedroom house. There are three bedrooms upstairs and they are converting part of the garage and the extension to a fourth bedroom, there is already a study on the ground floor, all four residents of the house would need a bedroom! Unsure as to why there is another bathroom being installed as there is already one in situ on the ground floor that would be accessible for disabled use.

**Parking:** The proposed ground floor layout refers to 'Proposed 2no off street Parking Bay. One includes Disability Accessible.' However, which of the two parking spaces is accessible is not indicated. The interior parking space would only allow a vehicle with rear wheelchair access to park. Is that what is intended? The outside space would enable door access, but it is on a steep slope making it extremely difficult with even a powered scooter to move uphill to the property. Given the degree of adaptation proposed it is highly likely that care staff will visit, so where would they park? There are only 85 identified parking spaces for 350 properties in the adjoining estates and there can be no concession to reduce that number.

**Water Pressure:** Water pressure is already struggling along these houses due to a shared water main, this will only make things worse.

Officer comment: The issues raised in these representations, including the principle of the development and impact of the garage conversion on parking and highway/pedestrian safety, shall be considered within the appropriate sections of the report. Matters in relation to water pressure/services are not considered to be material planning considerations, and as such would be dealt under separate legislation.

## 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 Setting

WE5: Heritage

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.

### **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).

Essex Parking Standards (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.

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 and Highway/Pedestrian Safety**

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 Essex Parking Standards indicate dwellings with two or more bedrooms require a minimum of two parking spaces but a lower standard should be applied in the built up area. While an additional bedroom is proposed, taking the total at the property to three, given that the dwelling already benefits from two bedrooms, no further parking provision would be required.

A site plan showing two parking spaces was submitted – one within the existing garage and one to the front of the property along the driveway.

The Highways Officer was consulted and raised no objections to the proposal. It was indicated that given the driveway to the front of the dwelling is highway and can be used for parking already, there would be no change to the situation in terms of highway impact or parking provision.

Notwithstanding this, it is noted that the proposed garage conversion would be permitted development (not requiring planning permission) and significant weight is given to this. Furthermore, it is noted that other neighbouring properties within the immediate street scene, such as Nos. 72 and 73 Mark Hall Moors and Nos. 38, 39 and 40 Stackfield, benefit from driveways or garages. The proposal would not have a such a significant negative effect on on-street parking conditions in the locality that would warrant refusal. It is therefore considered that the proposal would not result in unacceptable long-term impacts to parking or highway conditions.

As such, based on the available submitted information and Highways advice, 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.

### **Impact on the character and appearance of the area including the effect on the host dwelling and Mark Hall North Conservation Area**

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.

Policies PL12 and WE5 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 195 and 196. 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 garage conversion does not result in any increase of the existing building footprint. The only alteration to the appearance of the property is the new high-level windows on the front elevation. The drawings and application form indicate that these windows are of an appropriate scale and design. There would be no material changes to the front elevation, with the garage door being maintained. Furthermore, the Heritage Officer was consulted and raised no objections to the proposal.

Nevertheless, in the interests of visual amenity and to preserve the character and appearance of the dwelling and Mark Hall North Conservation Area, the LPA considers it reasonable that as part of any consent granted, a condition shall be attached requiring that prior to their first use on site, details of the proposed external finishes to be used, including the proposed garage doors, shall be submitted to and approved in writing by the local planning authority.

Taking the above into consideration, the proposed development would be acceptable with regards to design and heritage considerations and would preserve the character and appearance of the dwelling and Mark Hall North Conservation Area. The proposal would therefore be in general compliance with policies PL1, PL12 and WE5 of the HDLP.

### **Neighbouring Amenity**

Policy PL2 of the HDLP 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 proposed fenestration detail would overlook the highway and would be sited a sufficient distance away from the habitable living spaces of neighbouring properties. No windows would be installed to the side elevation facing Nos. 74 to 75.

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

### **CONCLUSIONS:**

The works would not result in unacceptable harm to the character and appearance of the application dwelling or Mark Hall North Conservation Area and would not result in unacceptable impacts to neighbouring amenity. There would be no unacceptable impacts to local parking provision or pedestrian/highway safety, taking into consideration the front driveway can already be used for parking purposes and that the partial garage conversion could fall under permitted development.

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 Prior to their first use on site, a schedule (with clear photographs) of the types and colours of the materials to be used in the external finishes, including the proposed garage doors, 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.  
**REASON: In the interests of visual amenity and to preserve the character and appearance of the dwelling and conservation area, in accordance with policies PL1, PL12 and WE5 of the Harlow Local Development Plan, December 2020.**
  
- 3 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.  
**REASON: In the interests of neighbouring amenity, in accordance with policy PL2 of the Harlow Local Development Plan, December 2020.**
  
- 4 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.**

<u>Plan and Document Reference</u>	<u>Date Received</u>
74 OS 01 Block Plan & Location Plan	12.05.2023
74 PA 01 Existing Ground & First Floor Plans	12.05.2023
74 PA 02 Proposed Ground & First Floor Plans	12.05.2023
74 PA 03 Existing & Proposed North & South Elevations	12.05.2023

## **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.

Gavin Cooper  
Development Manager

Contributing Officer  
Chris Walter