

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE
5th July 2023

REFERENCE: HW/HSE/23/00175

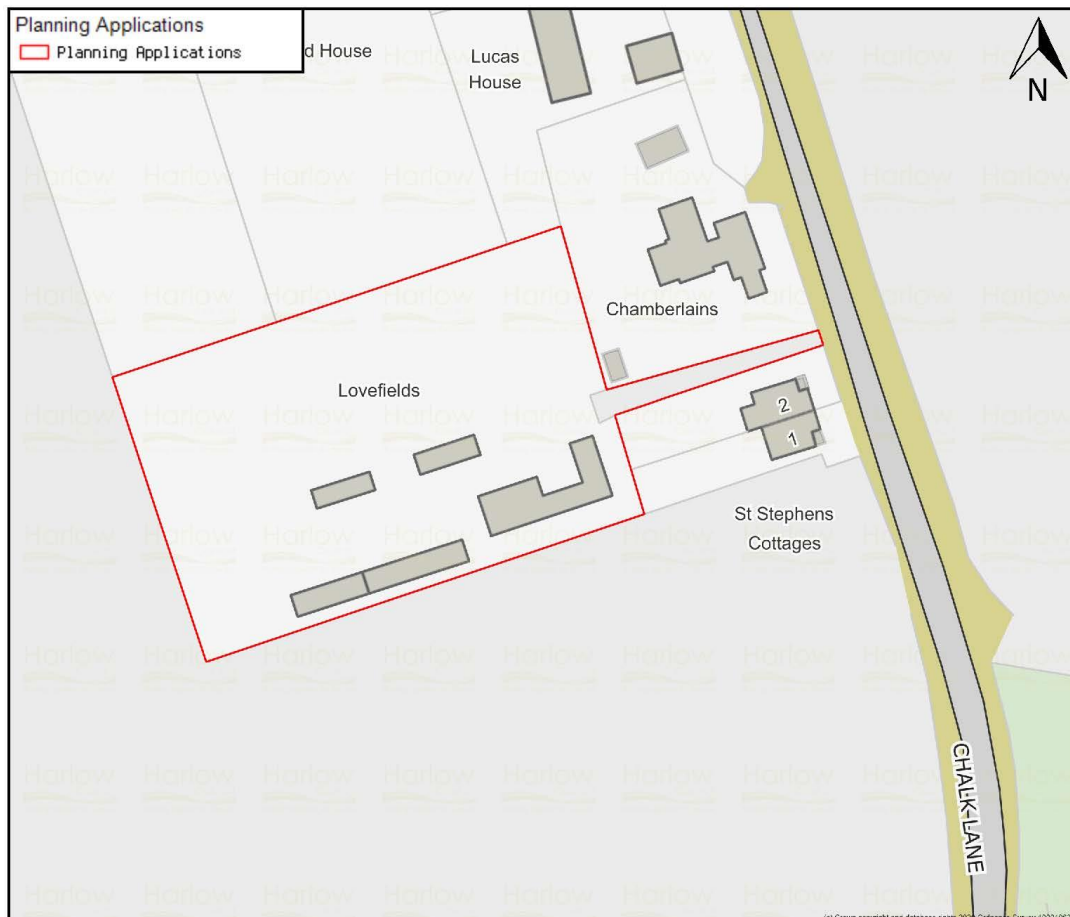
OFFICER: Chris Walter

APPLICANT: Mr Stuart Bowtell

LOCATION: Lovefields,
Chalk Lane,
Harlow,
Essex,
CM17 0PQ

PROPOSAL: Retrospective planning permission is sort for changes to the originally approved application under planning reference HW/FUL/17/00343 for an increase to the roof height of the dwelling, installation of additional windows, roof lights, and dormer windows

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 Lovefields, a detached dwelling set to the west of Chalk Lane and to the rear of Nos. 1 and 2 St Stephens Cottages. While not located within a conservation area, the application site is to the south-west of the Grade II Listed "Chamberlains". The dwelling also shares a common boundary with three properties to the north, including Frog Hall, Lucas House and The Orchard House. Chamberlains is located 30 metres to the north-east, with Nos. 1 and 2 St Stephens Cottages 26 metres to the east of the application dwelling.

Forming part of the rural area of Harlow, Lovefields is to the west Chalk Lane – a single track, country road - and to the south of Matching Road/Moor Hall Road. The site is located towards the eastern edge of the district boundary and is not located within a conservation area.

Access to the dwelling is served by a narrow gravel track that runs between Chamberlains and No. 2 Stephens Cottages.

The site is situated towards the eastern section of Old Harlow and to the west is land designated as part of the Strategic Housing Site East of Harlow (Harlow and Gilston Garden Town), as shown on the adopted Harlow Local Development Plan (2020) Policies Map. This site has been allocated for 2600 new dwellings and associated infrastructure, including shops, schools and open spaces. It forms one part of the four new Harlow and Gilston Garden Town Communities.

The application site previously fell within the Green Belt; however, its designation was removed as part of the 2016 Green Belt Review and adoption of the current Local Plan period.

Details of the Proposal

Retrospective planning permission is sought for amendments to the originally approved planning application HW/FUL/17/00343. This consent included the change of use of the horse stable block to residential use and the construction of an infill extension to follow the extent of an existing canopy. It also included plans to raise the roof ridge height by 0.3 metres to 3.65 metres, and the installation of new doors and windows to the north-west, south-west and south-east facing elevations. The resulting development would have been of an "L" shape", measuring 9.5 metres in depth at its maximum and 21.7 metres in width.

Three bedrooms were proposed to the eastern side of the dwelling, with a small bathroom, kitchen and a large living room to the west. Access to the property would have been gained via the patio to the north.

The current application seeks retrospective permission for the increase to the dwelling's roof height to 6.15 metres, installation of dormer windows to the northern, southern and western facing elevations, and alterations to the fenestration arrangement and design, including the addition of rooflights to the southern and eastern facing elevations.

At the ground floor level, the dwelling as currently built includes a living room to the eastern side of the building, measuring 10.37 metres in depth and 6.36 metres in width. To the west is a small utility and cloakroom. The large kitchen/breakfast area and dining room is served by two sets of bi-fold doors to the western and northern facing elevations.

At the first-floor level, the dwelling as built includes two bedrooms to its eastern side, separated by a Jack & Jill en-suite bathroom. To the west is a low-level storage cupboard and large en-suite bedroom.

Permitted development rights for the property under Schedule 2, Part 1, Classes A, B, C, D, E, G and H of the Town and Country Planning (General Permitted Development) Order 2015 were removed under application HW/FUL/17/00343.

RELEVANT PLANNING HISTORY:

Planning Applications

Application Number	Proposal	Status	Decision Date
HW/ST/01/00301	Demolition of Existing Stables, Erection of New Stables and the Formation of an Arena for Horse Riding	Granted Planning Permission	17.09.2001
HW/FUL/17/00343	Conversion of Existing Stables to Form New Dwelling	Granted Planning Permission	20.10.2017
HW/CND/18/00468	Application for Approval of Details Reserved by Condition 2 (Materials) & Condition 4 (Arboricultural Method Statement) of Planning Permission HW/FUL/17/00343 for the Conversion of Existing Stables to Form New Dwelling	Approve Discharge of Planning Conditions	28.01.2019

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

This application is a retrospective planning permission for changes to the originally approved application under planning reference HW/FUL/17/00343 for an increase to the roof height of the dwelling, installation of additional windows, roof lights, and dormer windows.

Chamberlains is a Grade II listed building (list entry: 1337570).

The dwelling is situated with the southeast corner of the site, 1.5 storeys in height and surrounded by established trees and hedges. The principle of a residential dwelling in this location was established within the previous application (ref: HW/FUL/17/00343). The dwelling as built does not have a detrimental impact on the setting of the listed building. Any additional planting to the boundary would be beneficial. I would not raise an objection to this proposal. It should be noted that any additional built form, particularly to the immediate rear (west) of the listed building, would unlikely be supported from a heritage perspective.

Neighbours and Additional Publicity

Number of Letters Sent: 7

Total Number of Representations Received: 2
Date Site Notice Expired: 8 June 2023
Date Press Notice Expired: 8 June 2023

Summary of Representations Received

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

- Amenity: The Velux roof window is positioned directly opposite both cottages bedroom windows and has been installed at around chest height low enough to easily see out of. Not only are the occupants able to see into our bedroom, garden and all the rooms to the rear of our property, we are unavoidably able to see into what we now understand to be a bathroom. This window has taken away all our privacy and has made us feel very uncomfortable. It is fully opening plus has clear glass.
- Original Application: Informed that the stable conversion would be a single storey dwelling with no immediate impact on Nos. 1 and 2 St Stephens Cottages as the roofline would not be visible and would have no overlooking windows.

Officer comment: The issues raised in these representations, including the impact of the development on neighbouring amenity, shall be considered within the appropriate sections of the report.

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:

H2: Residential Development
PL1: Design Principles for Development
PL2: Amenity Principles for Development
PL12: Heritage Assets and Their Settings

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 area's 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 area, nearby heritage asset and neighbouring amenity.

Principle of Development

Under planning application HW/FUL/17/00343, consent was granted for the change of use of the horse stables to residential use; and included the construction of an infill extension below an existing canopy; to raise the roof ridge line of the stable block; and the insertion of new doors and windows.

With respect to the use of the stable block as residential use, it is evident that as the stables were constructed in 2001 (Ref No. HW/ST/01/00301) and in-situ for 16 years, being of permanent and substantial construction. It was indicated that the conversion would secure the retention and re-use of the building for residential purposes indefinitely. The principle of a change of use to this building was not considered to be inappropriate development.

The dwelling as currently built, however, differs in design to that approved under HW/FUL/17/00343, which includes the increase to the dwelling's roof height by 2.5 metres, installation of dormer windows to the northern, southern and western facing elevations, and alterations to the fenestration arrangement and design, including the addition of rooflights to the southern and eastern facing elevations.

Given the nature of what has been built, the development should be treated and assessed as a new dwelling. Policy H2 of the HLDP is therefore of relevance to this application.

Policy H2 of the HLDP indicates that the principle of the development could be considered acceptable providing the development would not have an unacceptable adverse effect on the character of the locality, neighbouring amenity, parking, access and refuse arrangements, and that it would not prejudice the potential for comprehensive development of adjacent land.

The acceptability of these alterations to the approved plans under HW/FUL/17/00343 is therefore dependent on its compliance with the relevant policies within the Harlow Local Development Plan (HLDP) 2020 and supplementary documents, as assessed below.

Impact on the Character and Appearance of the Application Dwelling and Area

Policy PL1 of the HLDP and the Harlow Design Guide SPD indicate that development 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. Of particular importance to the assessment of the dwelling is its scale, form and location, in addition to the design merits of the windows, doors, dormers and materials.

Under application HW/FUL/17/00343, it was proposed that the roof of the existing stable block would be raised by 0.3 metres to a height of 3.65 metres, with its single storey nature being maintained. The dwelling as currently built measures 6.15 metres in height, which represents an increase of 2.5 metres to the original consent. While this increase in ridge height is sizable, given the application site's limited visibility within the public realm, it does not result in an unacceptable impact on the character and appearance of the street scene. Furthermore, due to its detached nature and individual design, this part of the development would also be consistent with the guidance outlined in Section 4.12.28 of the Harlow Design Guide SPD (2011) and Section 4.20 of the Harlow Design Guide Addendum (2021), which indicates that alterations to a roof may be permitted if viewed in isolation.

Owing to local topography, the application site sits at a higher elevation to its neighbours to the east, Nos. 1 and 2 St Stephens Cottages. Nevertheless, the dwelling's 6.15 metre height is lower to that of these properties, which reach 7.4 metres tall. This helps prevent the dwelling from appearing overbearing in scale when compared to surrounding development. The scale, mass and bulk of the dwelling as built, therefore, demonstrates a respectful, acceptable level of subservience with the wider locality, not appearing over-dominant within the street scene.

With regard to the existing permission, the scale, form and location of the dwelling as built is acceptable and does not result in an overdevelopment or over-intensification of the application site. Furthermore, it does not compromise the potential to develop on adjacent land, including the Strategic Housing Site East of Harlow.

The original consent included a series of windows and doors to the northern and western facing elevations, with two rooflights overlooking the patio area. The development was to be constructed using timber cladding to match the existing stable block.

The dwelling as built, however, contains new fenestration, including windows, doors, rooflights and dormers. Given their scale and siting, these features are not highly visible within the public realm and do not result in unacceptable harm to the character and appearance of the host. In the context of the dormers and rooflights, they do not project

excessively beyond the roof-plane or result in excessive cluttering. Taking into consideration the existing permission, the design merits of the new fenestration are acceptable.

The drawings submitted under application HW/FUL/17/00343 indicated that the conversion of the stable block to residential use would reflect the existing timber cladding design. The dwelling as built, however, consists of multi red facing brickwork with clay tiled roofing. While representing a departure from the original design characteristics of the stable block, these materials are considered appropriate in the context of a new dwelling and the surrounding development. In terms of materials, most dwellings, including Nos. 1 and 2 St Stephens Cottages, are generally constructed of buff brick topped by concrete tiled roofing. The materials of the dwelling are therefore generally sympathetic to surrounding development, not appearing incongruous within the streetscape. Taking this into account, in addition to the existing permission, the materials used do not result in unacceptable harm to the character and appearance of the area.

The development, therefore, does not result in unacceptable harm to the character and appearance of the application dwelling or area, in compliance with policies H2 and PL1 of the HLDP and guidance outlined within the Harlow Design Guide and Addendum.

Impact on Nearby Heritage Asset

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 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

To the north-east of the site is the Grade II Listed Chamberlains (Historic England Ref No: 1337570). Though detached by open fields and by its own domestic curtilage and the application site, Chamberlains is still experienced within a largely open landscape which makes a positive contribution to its setting.

The dwelling at Lovefields is situated with the southeast corner of the site, 1.5 storeys in height and is surrounded by established trees and hedges. While the Heritage Officer indicated that the dwelling as built does not have a detrimental impact on the setting of the listed building, additional planting to the boundary, particularly along its eastern edge, would be considered beneficial.

In light of the above Heritage advice, the LPA considers it reasonable that as part of any consent granted, a condition shall be attached requiring the submission of a detailed soft landscape scheme, including boundary treatments, in the interests of visual amenity and to screen the development from the Grade II listed Chamberlains.

Subject to conditions, the development does not result in any unacceptable harm to the setting of the nearby heritage asset and is therefore in general compliance with policy PL12 of the HLDP.

Neighbouring Amenity

Policy PL2 of the HLDP and section 4.12 of the Harlow Design Guide aim to ensure development does not adversely affect adjacent residents, taking into consideration impacts on access to daylight and sunlight, overshadowing, privacy and overlooking.

Given the property's detached nature and western siting in relation to neighbouring properties, which includes a separation distance of over 26 metres from the habitable living spaces of its closest neighbours (Nos. 1 & 2 St Stephens Cottages), the increased height of the dwelling does not result in any unacceptable impact in terms of overshadowing, visually overbearing impact or result in a loss of light or privacy for any neighbouring amenity.

Owing to their scale and siting, the introduction of the dormer windows to the northern, southern and western facing elevations do not overshadow or result in any adverse impact on neighbouring daylight and sunlight access. The dormers to the northern and western facing elevations are obscured from surrounding dwellings by the host, and the dormer to the southern elevation does not include any fenestration that directly faces adjacent properties. The addition of the dormers to the dwelling as currently built does not result in any unacceptable overlooking impact or worsen the privacy conditions of neighbouring occupants.

The alterations to the fenestration design and arrangements at ground floor level would not result in any unacceptable harm to the privacy conditions of neighbouring occupants, not directly facing any surrounding properties and being set away from the shared boundaries.

Section 2.1 of the Harlow Design Guide Addendum (2021) indicates that development of new dwellings and additions or alterations to existing dwellings should ensure a good level of privacy inside buildings and within private outdoor space. The Addendum also states that directly facing habitable room windows will normally require a minimum separation distance of 18 metres, A distance of 9 metres should be kept between gardens and habitable rooms.

The dwelling as built contains a rooflight on its eastern facing elevation, which faces towards the general direction of Nos.1 and 2 St Stephens Cottages and is transparent and fully opening.

As illustrated by Section 2.3 of the Addendum, there is no legal definition of a habitable room, but the Royal Institute for Chartered Surveyors describes habitable rooms as providing the living accommodation of the dwelling, including any living room, dining room, study, home office, conservatory or bedroom. Excluded from the definition is any bathroom, WC, utility room, storeroom, circulation space or kitchen.

The rooflight on the eastern facing elevation serves a small en-suite, which in accordance with the definition outlined above, does not constitute as a habitable room. In this instance, the guidance outlined within the Design Guide Addendum would therefore not be applicable.

It is also noted that the eastern facing rooflight is sited over 26 metres away from the habitable living spaces Nos. 1 and 2 St Stephens Cottages.

Nevertheless, in light of the relationship between the eastern facing rooflight and the rear gardens of Nos. 1 and 2 St Stephens Cottages, the LPA considers it reasonable that as part of any consent granted, a condition shall be attached requiring the rooflight to be obscure-glazed and non-opening, in the interests of protecting neighbouring amenity. Details of the new rooflight shall be submitted to and approved in writing by the local planning authority, and replaced within three months of any permission.

Given their siting, the rooflights on the southern facing elevation would not overbear, overshadow or result in any unacceptable loss of light to be experienced by neighbouring occupants.

Taking the above into account, subject to compliance with conditions, the development does not result in unacceptable harm to the amenities of neighbouring occupants, in compliance with policy PL2 of the HLDP and guidance outlined within the Harlow Design Guide and Addendum.

Equalities Impact

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 development is acceptable in principle and does not to give rise to any significant material harm to the character and appearance of the host dwelling and surrounding area, in addition to the nearby heritage asset. Subject to conditions, the development would be sympathetic to the amenities of neighbouring properties. The development is therefore acceptable and in general compliance with policies H2, PL1, PL2 and PL12 of the HLDP,

and guidance outlined within the Harlow Design Guide SPD and Addendum. It is recommended for approval accordingly.

RECOMMENDATION

That Committee resolve to **GRANT PLANNING PERMISSION** subject to the following conditions:

- 1) The rooflight on the eastern facing elevation as shown on the plans hereby approved shall be obscure-glazed and non-opening and shall remain as such for the lifespan of the development. The rooflight shall be replaced within three months of this permission, details of which shall be submitted to and approved in writing by the local planning authority.

REASON: In the interests of neighbouring amenity and to accord with policy PL2 of the Harlow Local Development Plan, December 2020.

- 2 A detailed soft landscape scheme shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented during the next planting season following completion of the development. The scheme shall include all soft landscaping and details of boundary treatments. A specification of all materials shall be supplied within a detailed method statement which shall include site preparation, planting techniques, aftercare and a programme of maintenance for a period of 3 years following completion of the scheme.

REASON: To comply with the duties indicated in Section 197 of The Town and Country Planning Act 1990 and policies PL1 and PL12 of the Harlow Local Development Plan 2020, so as to ensure satisfactory landscape treatment of the site in the interests of visual amenity and to screen and enhance the historic interests of the Grade II listed Chamberlains.

- 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.

<u>Plan and Document Reference</u>	<u>Date Received</u>
A.B.1 As Built Elevations	28.04.2023
A.B.2 As Built Ground Floor Plan	28.04.2023
A.B.3 As Built First Floor Plan	28.04.2023
A.B.4 As Built Roof Plan	28.04.2023
A.B.5 As Built Location & Block Plan	28.04.2023

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