

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

6 December 2023

REFERENCE: HW/HSE/23/00183

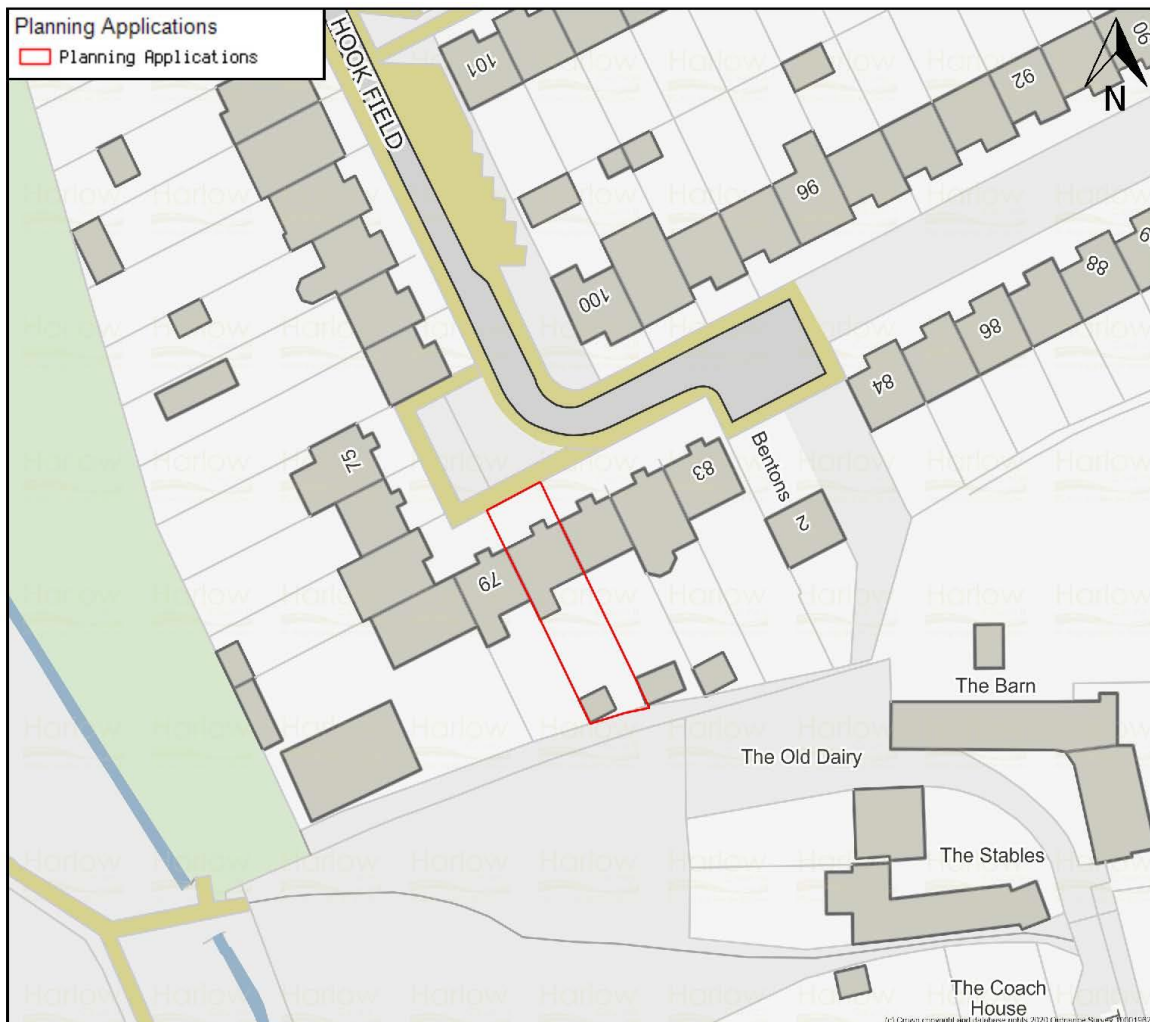
OFFICER: Chris Walter

APPLICANT: Mrs Agnesa Butuc

LOCATION: 80 Hookfield
Harlow
Essex
CM18 6QQ

PROPOSAL: Construction of a single storey rear extension

LOCATION PLAN



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

Summary

Officers consider that the works would not result in unacceptable harm to the character and appearance of the application dwelling or setting of the Tye Green Conservation Area and Grade II Listed Jeans Yardling building. It would not result in unacceptable impacts to neighbouring amenity. The third party representations are noted, however, the proposal is in compliance with the relevant policies within the Local Plan and supplementary documents and is recommended for approval.

Application Site and Surroundings

The application site relates to 80 Hookfield, a mid-terrace dwelling located within a residential area of Bush Fair. It shares a boundary to the south-west with No. 79 and one to the north-east with No.81. The site is in proximity to the boundary of the Tye Green Conservation Area and within the setting of the Grade II Listed Jeans Yardling.

The dwelling benefits from a 15 sqm shed to the bottom of the rear garden, approved under application reference HW/HSE/21/00244.

Details of the Proposal

Planning permission is sought for the construction of ground floor rear extension measuring 4 metres in depth, 7 metres in width and 3.3 metres in height. It would be built using matching brickwork.

ELEVANT PLANNING HISTORY:

Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/HSE/21/00244	Erection of garden shed	Granted Planning Permission	22.10.2021

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

This application is for construction of a single storey rear extension.

The proposal site is near the boundary of Tye Green Conservation Area and within the setting of Grade II Listed Jeans Yardling (List Entry Number: 1169847).

There is no objection to this application, subject to following conditions.

Neighbours and Additional Publicity

Number of Letters Sent: 3

Total Number of Representations Received: 2
Date Site Notice Expired: N/A
Date Press Notice Expired: N/A

Summary of Representations Received

In total, two objections were received during the statutory consultation period. Their comments can be summarised as follows:

Planning Objections

- Amenity Impact: No. 80 sits at a high level to No.79 and as such the proposed extension would appear overbearing and overshadow the rear garden. Reduce natural daylight into kitchen, dining area and conservatory.
- Character/Appearance: design not in keeping with the scale, character and appearance of the area. Taken within the existing shed, it would represent an overdevelopment of the site. The proposed floor area would equate to 28 sqm, which is not a direct replacement for a 6.25 sqm conservatory.
- Noise/dust disturbances

Officer's Comments: The issues raised within these representations, including impact to the character/appearance of the area and neighbouring amenity, will be dealt within the appropriate sections of the report. Matters in relation to noise and dust disturbances would be dealt under Environmental Health 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 2023 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 (S38(6) of the Planning and Compensation Act 2004 refers).

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

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).

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

Principle of Proposed Development

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

Impacts on the Character and Appearance of the Application Dwelling and the setting of the Tye Green Conservation Area and Grade II Listed Jeans Yardling Building

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. Principle DG47 of the Harlow Design Guide SPD states that proposals for householder developments should respect the size, grain, height, materials, features and layout of the building to be extended. Extensions should be subordinate to the host property.

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*

Section 4.12 of the Harlow Design Guide Addendum 2021 indicates in general the depth of extensions will not normally exceed 4 metres. The rear extension would be in compliance with this requirement, and taken with the existing shed, would not occupy a significant proportion of the rear garden. Furthermore, given the dwelling's location towards the middle of a cul-de-sac and the shielding caused by surrounding vegetation and shared boundaries, the extension would not afford significant public visual amenity.

The Heritage Officer was consulted and raised no objections to the proposal, subject to conditions. It is considered the impact on the setting of the Tye Green Conservation Area and Grade II Listed Jeans Yardling building would be minimal, and the character and appearance of the surrounding streetscape would be maintained.

Taking the above into account, the proposed development would be acceptable with regards to design and heritage considerations and would preserve the character and appearance of the Tye Green Conservation Area and Grade II Listed Jeans Yardling building. The proposal would therefore be in general compliance with policies PL1, PL12 and WE5 of the HLDP, the Harlow Design Guide SPD and Harlow Design Guide Addendum.

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.

The proposed fenestration on the rear extension would be positioned away from the shared boundaries and overlook the garden. There would be no windows on either side elevation. No unacceptable overlooking or privacy impacts would emerge.

It is noted that No. 79 benefits from an approximately 2.5-metre-deep veranda directly adjacent to the shared boundary with No. 80. The siting of this development at No. 79 would mean that the nearest habitable rear facing window at ground floor level would not be unacceptably harmed by the depth of the proposed development. In terms of amenity impact to this neighbour, there would be no unacceptable overshadowing and overbearing issue, or material loss of daylight or sunlight at the ground floor level.

Given the local topography, in which No.81 sits at a slightly higher elevation to No.80, the bulk, massing and scale of the extension would not result in an unacceptable loss of light, outlook, or create a visually overbearing impact to this neighbour.

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

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 works would not result in unacceptable harm to the character and appearance of the application dwelling or setting of the Tye Green Conservation Area and Grade II Listed Jeans Yardling building. It would not result in unacceptable impacts to neighbouring amenity. 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 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 Prior to commencement of above ground works/installation, a schedule of all external finish materials shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved materials and details specified and shall be permanently maintained as such.

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.

- 4 Prior to installation, a schedule of drawings that show details of all proposed windows and doors, in section and elevation at scales between 1:20 and 1:1 as appropriate, showing details of glazing type, framing, glazing bars, and cills, shall be submitted to and approved in writing by the Local Planning Authority. Works shall be implemented in accordance with the approved details and shall be permanently maintained as such.

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.

- 5 Acceptable construction hours are between 8:00 to 18:00 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.

- 6 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>
Site Location Plan	06.09.2023
Existing Ground Floor Plan	06.09.2023
Proposed Ground Floor Plan	06..09.2023
Proposed Elevations	22.10.2023

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.

Elizabeth Beighton
Development Manager

Contributing Officer

Chris Walter