

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

6 December 2023

REFERENCE: HW/HSE/23/00357

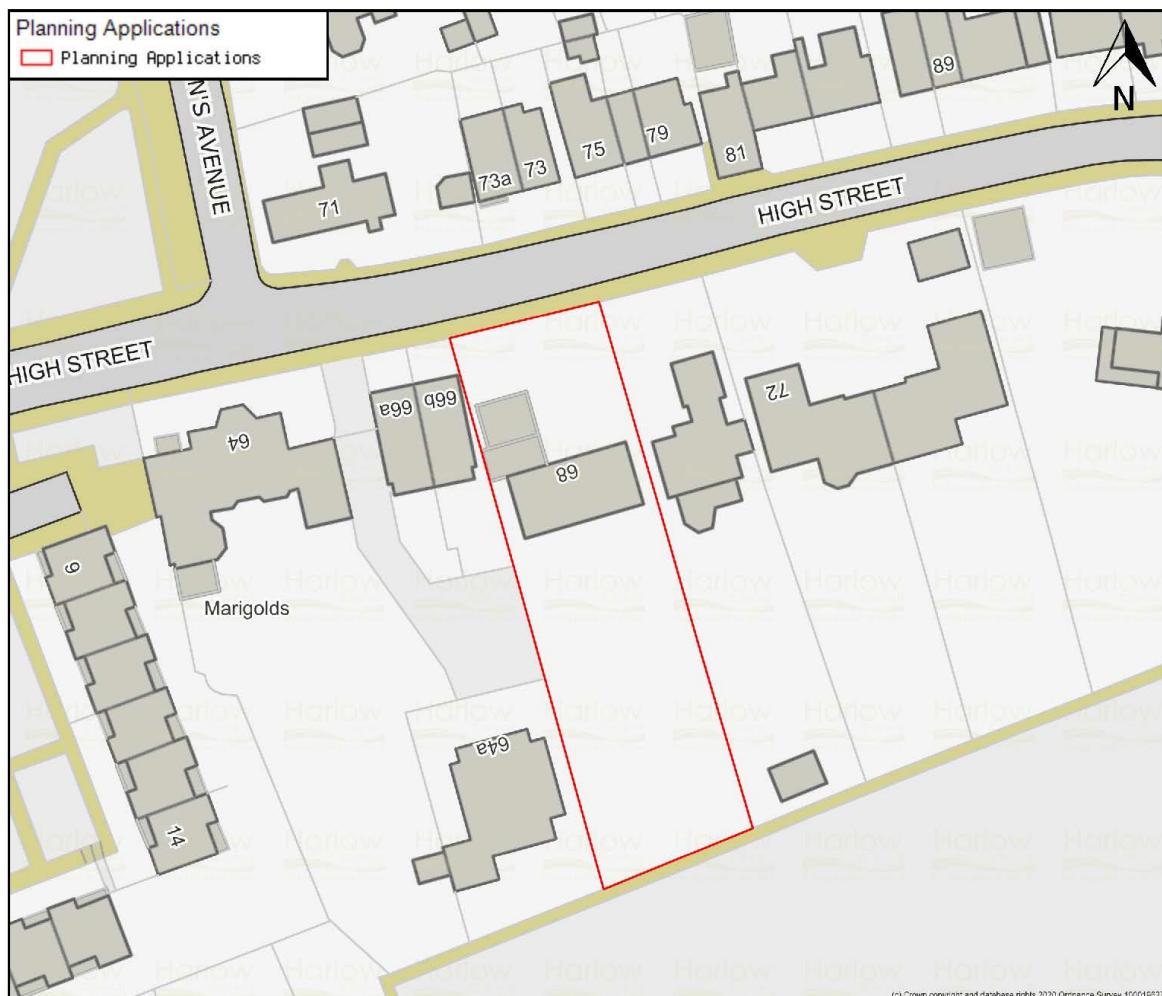
OFFICER: Chris Walter

APPLICANT: Mr Josh Haley

LOCATION: 68 High Street
Harlow
Essex
CM17 0DR

PROPOSAL: Construction of a single storey rear extension, removal of existing garage roof and erection of a new roof to accommodate part two-storey infill extension and first floor extension above the existing garage with two dormer windows. Insertion of new front dormer window to existing house. Recladding of existing rear dormers and rear gable elevations. Installation of new open air swimming pool. (Amended Description).

LOCATION PLAN



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REASON BROUGHT TO COMMITTEE: Multiple 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 Old Harlow Conservation Area and would not result in unacceptable impacts to neighbouring amenity or trees. The proposal is therefore in compliance with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly.

Application Site and Surroundings

The application site relates to 68 High Street, a detached dwelling located within a residential area of Old Harlow. It shares a boundary to the west with Nos. 64a, 66a and 66b and to the east with No. 70. The rear garden backs onto the playing fields of Harlow Cricket Club. The site is located within the Old Harlow Conservation Area and is in proximity to two listed buildings – No. 71 Chestnut Cottage, 10 metres to the northwest and Marigolds, 20 metres to the west.

Details of the Proposal

Planning permission is sought for the construction of ground floor rear extension measuring 9.053 metres in width, 3.1 metres in height and 3.71 metres in depth. It would be of a flat roof construction with roof lantern and be used to accommodate a dining area. There would be a part two storey infill extension with two dormer windows. The rear dormers and gable would be re-cladded, and there would be an open-air swimming pool within the rear garden. The proposal follows two previously refused applications (ref: HW/HSE/21/00586 & HW/HSE/23/00033).

RELEVANT PLANNING HISTORY:

Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/TP/16/10026	At Front of Property - London Plane - Reduce Crown Height by Approximately 2m and Crown Spread up to Maximum of 3m, both Pruning into Suitable Regions. Clean Crown, Crown Lift to Create a Clearance of Approximately 3.5-4m from Ground Level. Rowan - Reduce Crown Height and Spread by Approximately 1m Shaping. At Rear of Property - Beech - Reduce Crown Height and Spread by Approximately 2m Pruning into Suitable Regions. Prune Limbs on House Side to Create Suitable Clearance of at Least 2.5m. Cedar - Reduce Crown Height by Approximately 3-3.5m, Pruning into Suitable Regions. Reduce Crown	Approved	24.05.2016

	Spread as Necessary to Shape Tree.		
HW/TP/18/10016	Horse chestnut Tree - Crown Lift to 4m and Crown Clean	Raise No Objections	09.04.2018
HW/HSE/21/00586	Single storey rear extension, replacement of existing garage roof to accommodate part two storey infill extension with two dormer windows, re-clad rear dormers and gable and widening vehicular access (amended description).	Refused Planning Permission	08.07.2022
HW/TP/22/10026	T1-T4 - Reduce by at least 25% in height and width. T1 located to front of property, T2-T4 at rear. All trees covered by TPO and are in a Conservation Area	Approved	05.08.2022
HW/HSE/23/00033	Construction of a single storey rear extension, replacement of existing garage roof to accommodate part two-storey infill extension with two dormer windows. Re cladding of existing rear dormers and gable and insertion of a new front dormer.	Refused Planning Permission	29.03.2023

CONSULTATIONS

Internal and External Consultees

Heritage Officer Place Services

This application is for the construction of a single storey rear extension, replacement of existing garage roof to accommodate part two-storey infill extension with two dormer windows. Re cladding of existing rear dormers and gable and insertion of a new front dormer. Installation of new open air swimming pool (Amended Description). This follows my previous letter dated 5th October 2023.

The proposal site is within the boundaries of Old Harlow Conservation Area and in close proximity to a number of designated and non-designated heritage assets, including but not limited to:

- Grade II Listed Marigolds (List Entry Number: 1169315);
- Grade II Listed Chestnut Cottage (List Entry Number: 1337054).

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

HDC – Arborist Consultant

With regard to planning policy and statutory responsibility, Harlow Council (HC) must – in accordance with Section 197 of The Town and Country Planning Act 1990 – “ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees”. In terms of policy, with regard to the National Planning Policy Framework 2023 (NPPF), paragraph 174(b) states that HC must recognise the “benefits from natural capital and ecosystem services - including the economic and other benefits of [...] trees and woodland”. and more broadly ensure landscape

resilience to the effects of climate change “through the planning of green infrastructure” paragraph 154(a). Therefore, it is crucial that HC ensure that green infrastructure including trees is considered sufficiently within the planning and development process.

Following a site visit to assess any potential arboricultural constraints on the 22nd of September 2023 it is evident that the proposed development has sufficiently considered the impacts to trees and green infrastructure, which is in accordance with policies PL1, PL7, PL8 and WE1 of the Local Development Plan.

The provided arboricultural method statement outlines the project's alignment with arboricultural constraints and establishes clear protective measures for trees throughout the proposal.

Although some tree root damage may occur due to the extensive root systems of certain trees, efforts will be made to minimize this impact through careful construction techniques and design, ensuring that trees are not adversely affected.

This project will heavily rely on professional arboricultural expertise to ensure that all methods and investigations take trees into consideration. The role of arboricultural supervision is crucial, necessitating its inclusion as a condition for approval. Additionally, as mentioned in the report, site visits will need to be documented through photography and reporting, with these records shared with the planning authority.

The trees on the site are situated within a conservation area, and T1 is specifically protected under TPO 02/07. Preserving these trees is of utmost importance. Consequently, any actions beyond what is outlined in the arboricultural method statement will require further application if necessary.

Therefore, the proposed development can be considered for approval, as it has adequately addressed arboricultural concerns at this stage of the planning process. However, it is imperative that the decision notice mandates full compliance with the Arboricultural Method Statement (AMS) that adheres to the recommendations of BS 5837:2012 - Trees in relation to design, demolition, and construction. To ensure this, a performance condition is to be included in the decision notice, along with the supervision condition.

Neighbours and Additional Publicity

Number of Letters Sent: 9

Total Number of Representations Received: 9

Date Site Notice Expired: 10 October 2023

Date Press Notice Expired: 12 October 2023

Summary of Representations Received

In total, nine representations were received, of which four were objections (three from the same neighbour) and five were letters of support. Their comments can be summarised as follows:

Planning Objections

- Not in keeping with the character of Old Harlow
- Inaccuracies of drawings
- The red line between the two properties is incorrectly placed and implies that all the access ramp and passageway between the two properties is owned by No. 68. It is not.

The ownership of the ramp is shared, and the ownership of the passageway is shared for access to the rear gardens.

Letters of Support

- Many of the houses were built so long ago that they just aren't fit for modern living anymore. What better way to preserve the old town than to regenerate the houses whilst being thoughtful and kind to the surroundings which is exactly what this proposal is trying to do.
- Will enhance Old Harlow
- It's great that people are investing in the area whilst keeping its charm.

Officer's Comments: Following correspondence between the case officer and applicant, the exact nature of the proposed works was clarified and any inaccuracies within the submitted documents addressed.

The redline boundary reflects the area on which planning permission is being sought and the land necessary to carry out the proposed development. National Planning Guidance explains as follows:

"The application site should be edged clearly with a red line on the location plan. It should include all land necessary to carry out the proposed development (e.g. land required for access to the site from a public highway, visibility splays, landscaping, car parking and open areas around buildings). A blue line should be drawn around any other land owned by the applicant, close to or adjoining the application site".

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.

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
- PL7: Trees and Hedgerows

PL8: Green Infrastructure and Landscaping
PL12: Heritage Assets and their Settings
WE1: Strategic Green Infrastructure
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 Old Harlow 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. 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*

Given the neighbouring property No. 70 has timber cladding on its front projecting feature and the side cheeks of its dormers on the frontage, it is not considered that the application of timber in the relatively moderate levels proposed at No. 68e – to the proposed front dormers, a small section of the rear elevation and the cheeks of the existing rear dormers – would be unduly harmful to the character and appearance of the conservation area to an extent that would warrant refusal.

The scale and massing of the proposed alterations to the garage and its linkage to the main dwelling with dormers, would be acceptable in terms of design considerations.

Whilst the proposed rear extension is sizeable, it would not unduly detract from the original form or scale of the existing dwelling. The application of a large expanse of glazing is isolated to the rear elevation at ground floor level and would not be visible from the public realm. In this respect, the proposed extension design would not result in an unacceptable impact on the character and appearance of the dwelling or conservation area.

Furthermore, the Heritage Officer was consulted and raised no objections to the proposal, subject to conditions.

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 Old Harlow Conservation Area. The proposal would therefore be in general compliance with policies PL1, PL12 and WE5 of the HDLP, Principle DG47 of the Harlow Design Guide SPD and Section 4.11 of the Harlow Design Guide Addendum 2021.

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.

Due to the separation distance between the shared boundaries and the host's dwelling detached nature, the single storey rear extension would not result in an unacceptable loss of outlook, light or result in an overbearing impact on neighbouring occupants. The proposed bi-fold doors on the rear and left flank elevation would be set apart from the boundary with both neighbours, be positioned at single storey level and be partially screened by the shared

boundaries. The proposed fenestration on the rear elevation of the ground floor rear extension would result in any unacceptable overlooking or privacy impacts.

Given the property's detached nature, it is not considered the replacement of the existing garage roof to accommodate a part two storey infill extension with two dormer windows would result in unacceptable impacts to neighbouring amenity. The proposed dormers would overlook the existing front driveway and would not directly face any adjacent dwellings.

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.

Trees, Green Infrastructure and Landscaping

Part (b) of HLDP policy PL1 states that 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, Green

Infrastructure including trees and landscaping, building typology and the historic environment.

Policy PL7 indicates that proposals should not result in unacceptable impacts to trees.

Policies PL8 and WE1 requires green infrastructure and landscaping to be protected and enhanced as part of development.

There are numerous trees on site that are protected by conservation area status and T1 is specifically protected under TPO 02/07, which are likely to be impacted unless careful consideration is taken to build alongside them.

The council's consultant tree officer has indicated that the proposed development has sufficiently considered the impacts to trees and Green Infrastructure, in accordance with policies PL1, PL7, PL8 and WE1 of the HLDP. Specifically, the provided arboricultural method statement outlines the project's alignment with arboricultural constraints and establishes clear protective measures for trees throughout the proposal. Careful construction techniques and design will ensure that trees are not adversely affected.

Subject to compliance with conditions, the development would not result in unacceptable harm to trees or Green Infrastructure and Landscaping, in compliance with policies PL1, PL7, PL8 and of the HLDP.

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 Old Harlow Conservation Area and would not result in unacceptable impacts to neighbouring amenity or trees. It 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, 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.
- 3 Prior to commencement of above ground works/installation, specifications and samples 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 The proposed development shall be completed in full accordance with the submitted arboricultural details of the consented submission package. Specifically, this includes the following documents: Arboricultural Impact Assessment, Arboricultural Method

Statement BS5837 and Tree Protection Plan BS5837. Any alterations to the agreed details must be prior approved by the Local Planning Authority in writing.

REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Harlow Local Development Plan, December 2020.

- 5 Arboricultural supervision and input will be required throughout site development at critical stages of the development (as specified within the approved arboricultural method statement) and is likely to include supervision of tree works to ensure compliance with BS3998, position of drainage and services, the installation of tree protection measures and liaison with the site contractor and any other issues which may affect retained trees. A brief report (including photos) shall be sent to the Local Planning Authority will contain a summary of site findings on each site visit or collated at crucial points of development.

REASON: To ensure that damage to vegetation identified for retention is avoided and to comply with the duties indicated in Section 197 of the Town and Country Planning Act 1990 and policies PL1, PL7, PL8 and WE1 of the Harlow Local Development Plan, December 2020.

- 6 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.

- 7 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>
Design And Access Statement REV B	02.11.2023
Arboricultural Impact Assessment	12.09.2023
Arboricultural Method Statement BS5837	12.09.2023
Tree Protection Plan BS5837	12.09.2023
501.PL.005B Proposed Sections	12.09.2023
501-001 Rev A Existing Ground Floor - Location & Site Block Plan	25.10.2023
501-002 Existing First Floor & Roof Plan	12.09.2023
501-003 Existing Elevations & Sections	12.09.2023
501-PL.001D Proposed Ground Floor & Site Block Plan	25.10.2023
501-PL.002B Proposed First Floor & Roof Plan	12.09.2023
501-PL.003B Proposed Front & Left Flank Elevation	12.09.2023

501-PL.004B Proposed Rear & Right Flank Elevation	12.09.2023
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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