

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

13 March 2024

REFERENCE: HW/HSE/24/00026

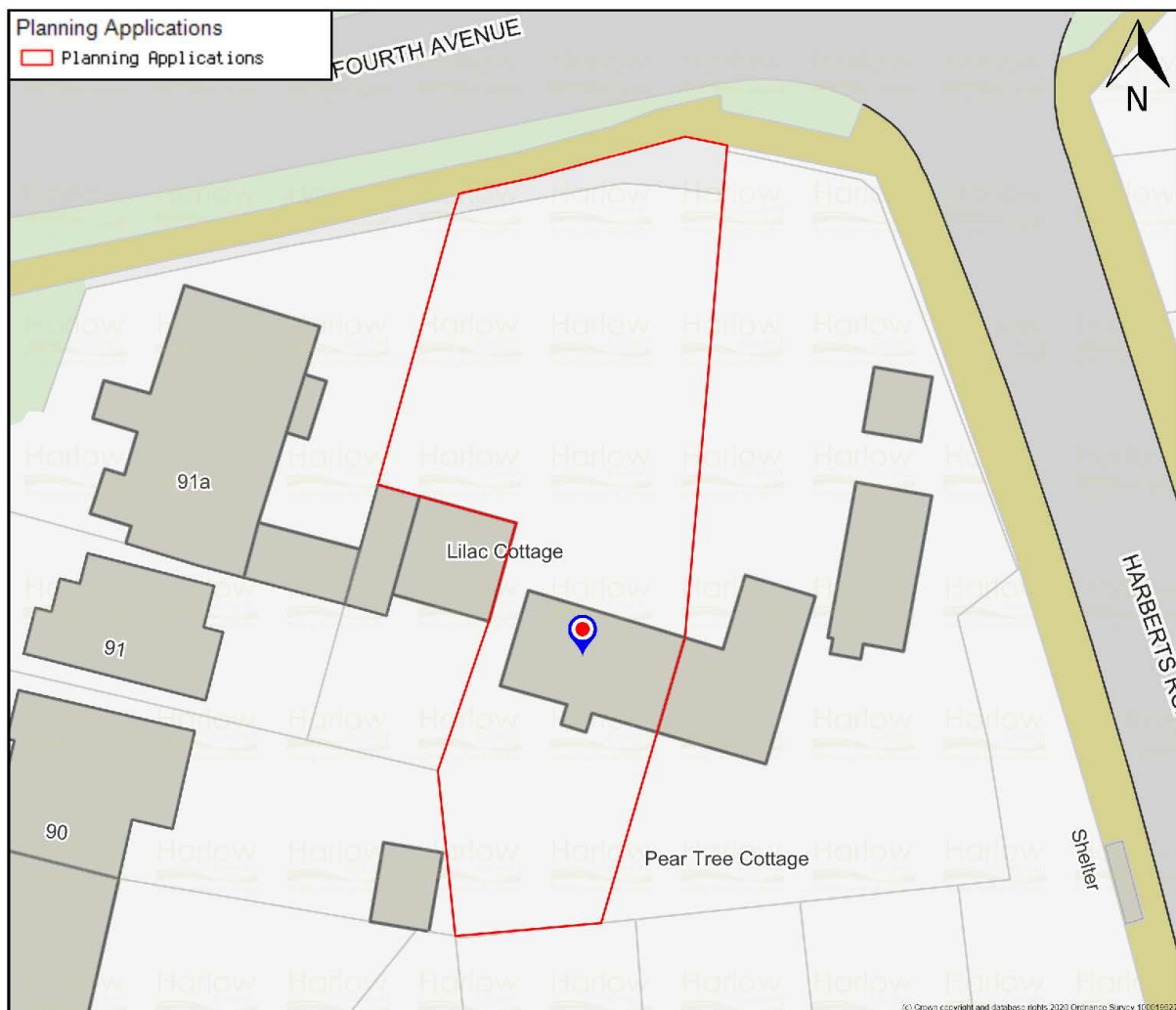
OFFICER: Chris Walter

APPLICANT: Mr Andrew Lawrence

LOCATION: Lilac Cottage  
Harberts Road  
Harlow  
Essex  
CM19 4EU

PROPOSAL: Demolition of existing detached garage to allow for construction of detached double garage with loft storage (Amended Proposal Description)

## LOCATION PLAN



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**REASON BROUGHT TO COMMITTEE:** More than two letters of objection have been received which are contrary to the officer recommendation.

This report should be read in conjunction with the associated listed building application.

### **Application Site and Surroundings**

The application site relates to Lilac Cottage, a semi-detached dwelling located within the residential area of Little Parndon – Hare Street. The site shares a boundary to the south with Nos. 3 and 4 Hare Street, to the west with Nos. 90, 91 and 91a Hare Street Springs, and to the east with Pear Tree Cottage. While not located in a Conservation Area, the site forms part of the curtilage for the Grade II Listed Hare Street Farmhouse.

Access to the dwelling is provided by a small drive to the west of Harberts Road.

The site benefits from an existing garage/storage space, measuring 3.58 metres in width, 4.01 metres in depth and 3.4 metres in height.

### **Details of the Proposal**

Planning permission is sought for the demolition of the existing detached garage to allow for the construction of a detached double garage with loft storage, measuring 5.61 metres in width, 5.17 metres in depth and 5.03 metres in height.

### **RELEVANT PLANNING HISTORY:**

#### **Planning Applications**

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
HW/LBC/23/00427	Demolition of existing detached garage to allow for construction of detached double garage with loft storage (Amended Proposal Description)	PCO	

### **CONSULTATIONS**

#### **Internal and External Consultees**

#### **Heritage Officer Place Services**

This application is for demolition of existing detached garage to allow for construction of detached double garage with carport and loft storage. This follows my previous letter dated 12th January 2024.

The proposal site is Grade II Listed Hare Street Farmhouse (List Entry Number: 1169254).

The revised proposal has addressed the main concerns regarding the scale of the proposed development by removing the dormers and the carport. While a lower ridge height would be preferable in this context, it is noted that the carport is now more set back from the cottage and in a less prominent position.

There is no further objection to this application.

## **Neighbours and Additional Publicity**

Number of Letters Sent: 13

Total Number of Representations Received: 4

Date Site Notice Expired: 29<sup>th</sup> November 2023

Date Press Notice Expired: 7<sup>th</sup> December 2023

## **Summary of Representations Received**

In total, four representations were received, of which three were objections (two of which are from the same neighbour) and one a letter of support. Their comments can be summarised as follows:

### **Planning Objections**

- Aesthetics - scale/design (do not align with the scale of existing properties in the immediate vicinity, thereby disrupting the visual harmony of the neighbourhood); height/width (imposing view; overdevelopment of site); negative impact on environment of listed building.
- Amenity: privacy (proposed double-height building will significantly invade privacy of neighbouring properties, thus compromising quality of life); sunlight and natural light deprivation (height/positioning will limit natural sunlight)
- Trees (works adjacent to mature sycamore/root system; disruption to wildlife)
- Noise & General Disruption (construction and use of building will cause pollution/disrupt peaceful ambience and increase traffic)
- Impact on housing values
- Use of building for habitable use and financial gain

### **Letters of Support**

- Plans are in keeping with the heritage and style of the Farmhouse.
- Proposal will add longevity and value.

## **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 Local Development Plan 2020 (HLDP), Essex and Southend-on-Sea Waste Local Plan 2017 and Essex Minerals Local Plan 2014.

HDLP policies relevant to this 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 Grade II Listed Hare Street Farmhouse

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a Listed Building or its setting, the Local Planning Authority shall have special regard to the

desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act relates to the determination of proposals within Conservation Area, which states special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Area.

The NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

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

The key issue for consideration in this application is therefore the preservation of the special character and setting of the Grade II Listed Hare Street Farmhouse.

Section 4.12.31 of the Harlow Design Guide SPD also states proposals for sheds, outbuildings and garages should not exceed the size of an average double garage (26m<sup>2</sup>). While the proposed detached double garage with storage space would exceed this requirement by approximately 3 square metres, the curtilage of the dwelling would comfortably accommodate an outbuilding of this size and would not appear cramped or excessive in scale within the site. The use of timber board weatherboard cladding would match the architectural detailing of Lilac Cottage.

The Heritage Officer was consulted and following the removal of the carport and reduced height of the outbuilding, confirmed they would raise no objections to the proposal.

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 Grade II Listed Hare Street Farmhouse. The proposal would therefore be

in general compliance with policies PL1, PL12 and WE5 of the HLDP, Principle DG47 of the Harlow Design Guide SPD and Section 4.11 of the Harlow Design Guide Addendum 2021.

### Amenity Principles for Development

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, outlook, overshadowing, privacy and overlooking.

Given its siting in relation to the habitable living spaces of neighbouring properties, including 15.5 metres with No.3 Hare Street (south) and 16.0 metres with No.90 Hare Street Springs, it is not considered that the introduction of the double garage would result in a material loss of daylight/sunlight access, overshadow or appear visually overbearing. It is also noted that No.90 Hare Street Springs benefits from an outbuilding towards the far end of its rear curtilage which would obscure views of the proposed development.

The proposed fenestration on the northern elevation of the proposal would face the host dwelling and be set away from the shared boundaries. It would not result in any unacceptable overlooking or privacy impacts on neighbouring 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.

### 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 proposal demonstrates a sympathetic and subservient relationship with the setting of the listed building, thereby preserving its character and appearance. It would also not result in unacceptable impacts to neighbouring amenity. The proposal is acceptable and would comply with policies PL1, PL2, PL12 and WE5 of the HLDP, and is recommended for approval accordingly.

## 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) Acceptable construction hours are between 8.00 and 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.
- 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>
LILAC-003 Existing Block Plan Depicting Adjacent Properties	12.12.2023
LILAC-004 Rev P2 Proposed Block Plan Depicting Adjacent Properties	24.01.2024
LILAC-005 Existing Garage Plans & Elevations & Sections	12.12.2023
Site Location Plan	02.11.2023
LILAC - 001 Rev P2 Existing & Proposed Site Plan	24.01.2024
LILAC - 002 Rev P2 Proposed Ground, Attic & Roof Plans, Proposed Sections A-A & B-B & Proposed Elev	24.01.2024

## INFORMATIVE CLAUSES

1. The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address these concerns. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, 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