

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

REFERENCE: HW/HSE/23/00447

OFFICER: Mick Gavin

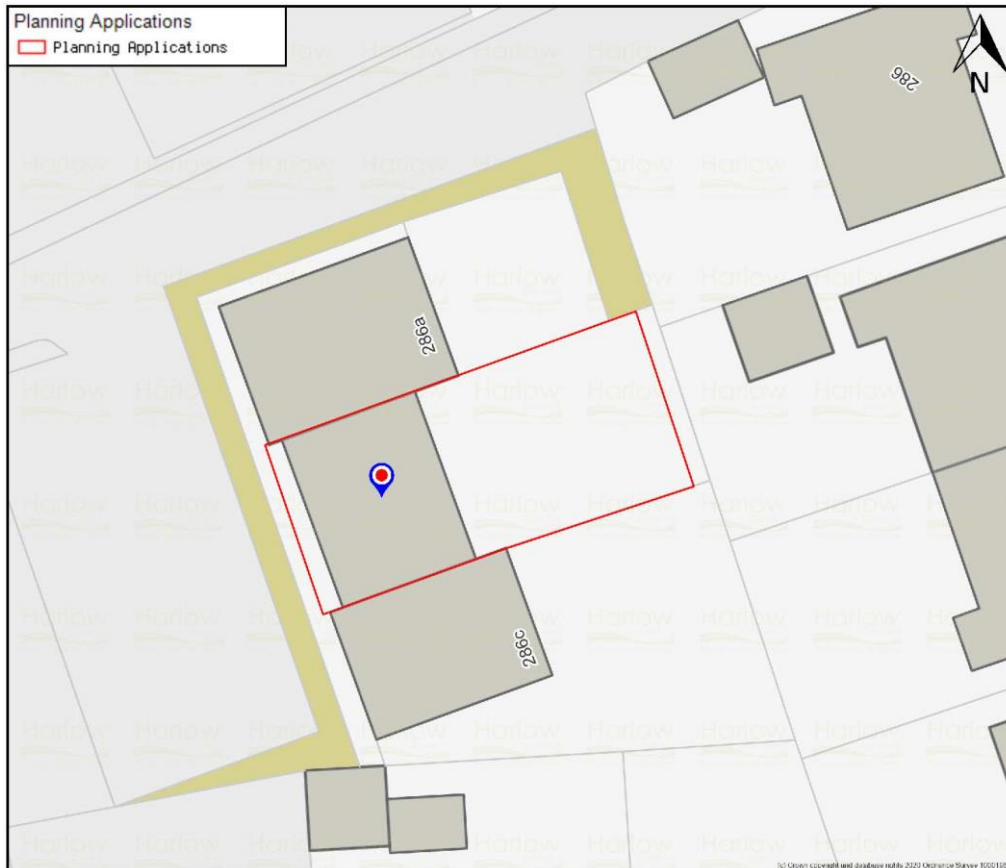
APPLICANT: Mr Lewis Dunn

LOCATION: 286B Fold Croft
Harlow
Essex
CM20 1SE

PROPOSAL: Loft conversion with 4 velux to front

LOCATION PLAN

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PROPOSED DEVELOPMENT: Loft conversion with 4 velux to front

Reason for Committee Referral

The application is reported to Committee because two objections have been received and the application is recommended for approval.

Recommendation

The proposed development is considered to accord with the Development Plan and with supplementary design guidance and therefore is recommended for approval. The comments from the third parties are noted however the impact of this development on their amenity is not considered to be significant enough to warrant the proposal unacceptable.

Site and surroundings

The application site is a two-storey mid-terrace house set to the rear of houses fronting Fold Croft. This short terrace of three houses was recently constructed following a reserved matters consent in 2021. To their front (west) is a parking area, beyond which Canons Brook runs north-south flanked by mature trees. The site lies partly within Flood Zone 2 and on the edge of Flood Zone 3.

The land immediately to the rear of the houses is within the Green Wedge as designated on the Harlow Local Development Plan (HLDP) 2020 Policies Map. Access is via a shared road from Fold Croft.

The site is not subject of any restrictive designations.

Details of proposal

The application seeks permission for a dormer extension to the rear roofslope of the house and four rooflights to the front roofslope, to serve a new en-suite bedroom.

The proposal was amended post submission, and the design and scale of the addition are considered further in the design section below.

RELEVANT PLANNING HISTORY

HW/OUTAM/19/00474 - Erection of three No. dwellings with associated car parking and infrastructure (Outline application with all matters reserved). Approved 9 June 2020.

HW/REM/20/00514 - Application for approval of reserved matters (appearance, access, landscaping, layout and scale) following outline planning permission HW/OUTAM/19/00474. Approved 20 February 2021

CONSULTATIONS

Internal and External Consultees

No consultations undertaken.

Neighbours and Additional Publicity

Number of Letters Sent: 7

Total Number of Representations Received: 2

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

Summary of Representations Received

Two objections have been received. Insofar as they related to material planning considerations, the following has been raised:

- Strongly object to increased overlooking and reduced privacy resulting from views into rear gardens and rear windows.

RELEVANT PLANNING HISTORY

HW/OUTAM/19/00474 - Erection of 3 No. dwellings with associated car parking and infrastructure (Outline application with all matters reserved) – Approved 09.06.2020

HW/REM/20/00514 - Application for approval of reserved matters (appearance, access, landscaping, layout and scale) following outline planning permission HW/OUTAM/19/00474 - Approved 20.02.2021

CONSULTATIONS

Internal and external Consultees

No consultations undertaken.

Neighbours and Additional Publicity

Number of Letters Sent: 7

Total Number of Representations Received: 2

Date Site Notice Expired:

Date Press Notice Expired:

Summary of Representations Received

Two objections received from residents of nos.287 and 289 Fold Croft:

- Strongly object to increased overlooking and reduced privacy resulting from views into rear gardens and rear windows.

PLANNING POLICY

National Planning Policy Framework (NPPF) (2023) sets out the Government's key economic, social and environmental objectives and the planning policies to deliver them. These policies will provide local communities with the tools they need to energise their local economies, meet housing needs, plan for a low-carbon future and protect the environmental and cultural landscapes that they value. It seeks to free communities from unnecessarily prescriptive central government policies, empowering local councils to deliver innovative solutions that work for their local area.

Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the purposes of this application, the Development Plan comprises the Harlow District Local Plan (HDLP).

The NPPF (2023) is a material planning consideration and also states in paragraph 47 that:

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing".

Paragraph 38 of the NPPF further states that:

"Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental

conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

This is echoed in policy SD1 of the HDLP which advises that development that is in accordance with the Local Plan should be supported unless material considerations indicate otherwise, any adverse impact *significantly* (my emphasis) outweigh the benefits or specific national policies indicate that development should be restricted.

For the purposes of this application, the Development Plan consists of the Harlow District Council (HDC) Harlow Local Development Plan 2020 (HLDP).

The relevant HLDP policies referred to in the determination of this application are as follows:

PL1 – Design Principles for Development
PL2 – Amenity Principles for Development
IN3 – Parking Standards

Supplementary Planning Documents / Current Planning Guidance

Harlow Design Guide 2011
Harlow Design Guide Addendum 2021

SUMMARY OF MAIN ISSUES

Principle of development

The principle of additions to dwellings is supported in principle. In this case the outline permission for the existing development included a condition (condition 13 of permission HW/OUTAM/19/00474) which withdrew normal permitted development rights to enlarge or alter the roof of nos.286 A, B and C. Therefore, while the proposed addition might in other circumstances be permitted development, an application for express planning permission is required. The reason for the withdrawal of permitted development rights was:

To enable the Local Planning Authority to retain adequate control over such extensions or alterations to protect the living conditions and amenities of neighbouring residents.

The impact of the proposal on neighbours, as well as the design of the extension, are considered below.

Residential amenity

HLDP policy PL2 states that development which preserves or enhances the level of amenity of existing neighbours will be supported.

Privacy and overlooking are important considerations. The comments from neighbours in this respect have been carefully considered. While there would be no adverse impact on the occupiers of no.289, which is set to the south of the site, no.287 is set directly to the rear of the site and views of the rear of this property would be afforded.

The Design Guide Addendum 2021 refers to situations where houses face each other across rear gardens and to ensure adequate levels of privacy are retained it states that:

Directly-facing habitable room windows will normally require a minimum separation distance of 18 metres

In this case the back-to-back distance to no.287 would be 22 metres. The proposal is therefore compliant with guidance in this respect.

Of the three new windows in the dormer, only one serves the new bedroom; the others serve the en-suite bathroom, which would be obscure glazed, and the landing. Given this, and the views already afforded by existing rear facing first floor windows, it is not considered that the impact on privacy would be unacceptable and not dissimilar to those afforded from the existing first floor windows.

In terms of any impact on either of the immediate adjoining properties, due to the properties set back and oblique angle of any views from these windows, any overlooking would be directed to the rear section of the gardens, which are considered to be less sensitive than those directly adjacent to the property.

The proposal is therefore considered to accord with policy PL2.

Design

HLDP policy PL1 requires that development *responds to the scale, height, massing, architectural detailing, materials and front boundary treatments of the surrounding area and is visually attractive.*

The Harlow Design Guide 2011 and Design Guide Addendum 2021 provide further guidance on appropriate design of extensions and alterations to dwellings. The overarching principle is that for all such development, dwellings should remain well-proportioned, respecting local character and using building materials which are durable and attractive.

In terms of dormer windows, the guidance is that these are generally uncharacteristic of Harlow's residential areas and are likely to be resisted where they are readily visible from the public realm. The proposed dormer would be visible from part of the accessway to the site, but as with the dwelling itself would not be visible in the street scene of Fold Croft due to the backland location.

The Design Guide Addendum also requires the following:

*Dormers should be set down from the ridge by at least 0.3m and must be set up from the eaves line by at least 0.5m, measured along the roof plane.
Additionally, where a dwelling adjoins another dwelling, the dormer must be set in by at least 0.3m from the boundary of the adjoining dwelling.
Where a clear rhythm of fenestration is established, the position and proportion of dormer windows should respond to existing windows*

The proposal was amended post submission and the dormer would now accord with all these criteria, other than the 0.3m step down from the ridge – a step down of 0.22m is achieved but it is not possible to increase this to 0.3m because the internal head height would not meet building regulations.

It is accepted that the dormer is a substantial addition: given the extensive width of the existing roof the dormer would be 8.5m wide. However, given that the proposal now largely complies with detailed design guidance and given the backland location and absence of impact on the wider street scene, it is considered that the development can be accepted.

Furthermore, the proposal only requires permission due to the removal of permitted development rights and in other circumstances would not need any recourse to the local

planning authority. It is reminded that the reason for the revocation was to be able to assess residential amenity rather than the design.

The rooflights proposed to the front roofslope are considered acceptable. A condition is proposed to ensure external materials match the existing house.

Parking

The house would be enlarged to a four-bedroom property from a three-bedroom property and there is no policy requirement for additional parking.

RECOMMENDATION

That Committee resolve to grant 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. The window shown serving the en-suite bathroom on drawing ELA/3 RevB dated 24/05/23 shall be fitted with obscure glazing to level 3 on the standard scale and fixed shut to a height of 1.7m above finished floor level. The window shall then be permanently retained as such thereafter unless otherwise agreed in writing by the local planning authority.
REASON: In the interests of the living conditions of neighbouring occupiers and to accord with Policy PL2 of the Harlow Local Development Plan 2020.
3. 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.
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.

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.