

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

10 July 2024

REFERENCE: HW/HSE/24/00072

OFFICER: Chris Walter

APPLICANT: Ms L Parker

LOCATION: 43 Heathcote Gardens,
Harlow
Essex
CM17 9TZ

PROPOSAL: Attached single garage to the side elevation and re-position boundary fencing

LOCATION PLAN



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

Application Site and Surroundings

The application site relates to 43 Heathcote Gardens, an end-of-terrace dwelling located towards the end of a cul-de-sac of a residential area of Church Langley. The dwelling shares a boundary to the north-west with No. 42.

The site is not located within a Conservation Area, or within the setting of listed buildings.

Details of the Proposal

Planning permission is sought for the construction of a single storey side extension to be used as a garage. The proposed extension would measure 3.1 metres in width, 5.5 metres in depth and 3.5 metres in height.

The proposal also seeks to reposition the existing 1.8-metre-high boundary fencing to a minimum two metres from the road kerb line.

RELEVANT PLANNING HISTORY:

Planning Applications

Application Number	Proposal	Status	Decision Date
HW/HSE/23/00152	Construction of a two-storey extension to the side elevation to create garage and bedroom above	Refused	30.06.2023

Application HW/HSE/23/00152 was refused for the following reason:

The proposed two-storey side extension, by virtue of its mass and bulk, would result in a prominent, incongruous, and unsympathetic addition that fails to appear subservient in appearance to the host dwelling, and would be harmful to the visual amenities of the wider locality and the character and appearance of the street scene. Furthermore, the enlargement of the existing front storage unit with subsequent removal of the porch canopy entrance would result in the loss of a key architectural feature, which would detract from the uniformity and rhythm of similarly designed dwellings within this area of Heathcote Gardens. The proposed development is therefore contrary to Policy PL1 of the Harlow Local Development Plan (2020), the Harlow Design Guide SPD (2011) and Harlow Design Guide Addendum (2021).

It is considered that the current application has addressed previous concerns. The extension has been reduced to single storey, and the existing front porch canopy entrance would remain unaltered.

CONSULTATIONS

Internal and External Consultees

Essex County Council – Highways

No objections received

Neighbours and Additional Publicity

Number of Letters Sent: 12

Total Number of Representations Received: 2

Date Site Notice Expired: N/A
Date Press Notice Expired: N/A

Summary of Representations Received

Two objections were received during the statutory consultation period. Their comments can be summarised as follows:

Parking/Highway Safety – high presence of kerb/pavement parking within the area; issues for the elderly/children/wheelchair users when crossing the road; if used as storage will exacerbate existing parking/congestion concerns

Officer Comments: The issues raised within the representations, including the impact of the proposal on parking/highway safety, will be dealt within the appropriate sections of this report.

PLANNING POLICY

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that “where in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material consideration indicates otherwise”.

The Local Plan in this instance is the Harlow Local Development Plan (2020).

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 proposal are:

PL1: Design Principles for Development
PL2: Amenity Principles for Development
PL6: Other Open Spaces
N2: Impact of Development on the Highways Network including Access and Servicing
IN3: Parking Standards

Harlow and Gilston Garden Town (HGGT) is a designated ‘Garden Community’ under the Government’s Garden Communities Programme.

The following are material planning considerations in the determination of applications and appeals:

National Planning Policy Framework (NPPF) (2023)

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). The NPPF is a material consideration in the determination of applications.

HDC Design Guide SPD (2011)

Design Guide Addendum SPD (adopted December 2021).

Essex Parking Standards (2009)

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.

Main Considerations

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.

Design, Character and Appearance

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. Development 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.

Principle DG47 of the Harlow Design Guide SPD 2011 states that proposals for the extension of properties should respect the size, grain, height, materials, features and layout of the building to be extended. Extensions should be visually subservient to the original dwelling.

Section 4.12.17 of the Harlow Design Guide SPD states that side extensions should be no more than two-thirds of the width of the dwelling. The proposed side extension at 3.1 metres in width would be around 72% the host property, which is 4.35 metres wide, and would slightly exceed the Design Guide requirement in this regard.

Nevertheless, the extension would be set back from the principal elevation by two metres, helping to achieve subordination with the host and reduce its visual prominence within the street scape. Its roof form and materials would match those existing. Side garages are also common features within the streetscene, including a double garage opposite at No. 24.

The design of the repositioned fencing meets a high standard of urban and architectural design and is thus satisfactory with regards to character and appearance considerations. The materials used are high-quality and are sympathetic to the surrounding residential context.

Policy PL6 of the HLDP seeks to protect those other open spaces which make a positive contribution of the town's landscape character, openness, biodiversity and urban design principles.

In this instance, the grass verge adjacent to the existing boundary fencing is under the applicant's ownership. Given its size, its loss can be accepted as its contribution to the open character of the area is not considered significant. Importantly, the 'open front' to the front garden would be unaltered.

While the proposal would conflict with one element of the Harlow Design Guide, the scale, massing and design of the proposed extension would otherwise relate satisfactorily to the host dwelling. It is therefore considered that the proposal would not result in unacceptable harm to the character and appearance of the application dwelling or area and is in general compliance with policies PL1 and PL6 of the HLDP, the Harlow Design Guide SPD and its 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 single storey side extension would be screened from No. 42 by the application dwelling, and it would not result in an unacceptable impact on outlook, light or create a visually overbearing impact. Its fenestration would overlook the highway and application site's rear garden. No unacceptable overlooking or privacy concerns impacts would arise from this element of the proposal.

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.

Parking and Highways

Policies IN2 and IN3 of the Harlow Local Development Plan 2020 indicate that development should not have an unacceptable impact on highway safety and congestion and be in accordance with the Essex Parking Standards 2009.

The Essex Parking Standards (2009) requires any dwellinghouse with more than two bedrooms to have two off-street parking spaces. In addition to the space provided by the new garage, the existing driveway is of sufficient size to accommodate a minimum of one vehicle. Given its scale and nature, the proposal would not result in long-term impacts to parking or to the highway.

Objections were received raising concerns over kerb/pavement parking within the area. This, however, would be treated as a civil matter and beyond the scope of this planning application/legislation. Furthermore, the Highways Officer at Essex County Council was consulted and raised no objections to the proposal.

The proposal would not result in unacceptable long-term impacts to parking or highway safety, in compliance with policies IN2 & IN3 of the HLDP and the Essex Parking Standards 2009.

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.

CONCLUSION

The proposal would not result in unacceptable harm to the character and appearance of the application dwelling or area, neighbouring amenity or parking/highway conditions. It is therefore in compliance with the relevant policies within the HLDP and supplementary documents 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 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 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.
- 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.

<u>Plan and Document Reference</u>	<u>Date Received</u>
02-LP-2024 Proposed & Existing Plans, elevations & Location & Block Plan	18.04.2024

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