

# REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

4 December 2024

REFERENCE: HW/HSE/24/00369

OFFICER: Chris Walter

APPLICANT: Mr Mark Geddis

LOCATION: 17 Watersmeet  
Harlow  
Essex  
CM19 4QR

PROPOSAL: Erection of a side extension to the existing building

## LOCATION PLAN:



This map is based upon Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Harlow District Council Licence No.100019627 (2015)

## Reason for Committee Referral

Two objections have been received which are contrary to the officer recommendation of approval.

## Details of the Proposal

The application site relates to No. 17 Watersmeet, a semi-detached dwelling located within a residential area of Sumners & Kingsmoor. It shares a boundary to the north with No. 16 and one to the south with No.18. 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 a single storey side extension to be used as a storeroom. It would measure 2.3 metres in width, 11.15 metres in depth and 3 metres in height, extending 3 metres beyond the rear elevation of the host dwelling.

## RELEVANT PLANNING HISTORY:

### Planning Applications

<u>Application Number</u>	<u>Proposal</u>	<u>Status</u>	<u>Decision Date</u>
98/00141	Single Storey Side and Rear Extension	Granted	17.06.1998

## CONSULTATIONS

### Internal and External Consultees

None taken.

### Neighbours and Additional Publicity

Number of Letters Sent: 6

Total Number of Representations Received: 2

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

### Summary of Representations Received

Two letters of objection have been received raising the following material matter::

- Neighbouring Amenity – loss of access to light from kitchen windows

The following comments were raised that are not material to the determination of this planning application:

- When parking on the drive, would be unable to open car doors
- Do not give consent to build on or against boundary wall
- Plans do not give cross-sectional dimensions/views of the extension i.e. proximity of footings to the shared wall
- Plans do not indicate proposed materials, which could be a fire hazard

Officer Comment: Only material planning considerations can be taken into account in the determination of this planning. Issues relating to party wall agreements/shared boundaries would be treated as civil matters.

## **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 HDLP is prepared in the context of the National Planning Policy Framework (NPPF). 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

### 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.

## **Supplementary Planning Documents**

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

HDC Design Guide SPD (2011)  
Design Guide Addendum SPD (adopted December 2021).  
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 area’s 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**

The key planning matters assessed in the determination of this application are as follows:

- Principle of Development
- Design, Character & Appearance
- Residential Amenity
- Equalities

### Principle of Development

The acceptability of the principle of development for this householder proposal 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 & 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.

The Harlow Design Guide SPD sets out that side extensions should generally be of a width no greater than two-thirds of the width of and should be subservient in appearance to the existing dwelling. At a proposed 2.3 metres width, the extension would satisfy these criteria. When viewed in isolation as an addition to the dwelling, its modest scale respects the character and appearance of the host.

The proposal is acceptable with regards to design and character considerations, in accordance with policy PL1 of the HLDP and guidance within the Harlow Design Guide SPD and Addendum.

### Neighbouring Amenity

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.

The siting, bulk, massing and height of the proposed side extension would not result in any unacceptable impact on neighbouring amenity by reason of loss of light, outlook or create any visually overbearing impact. It is at a lower topography compared to No.16, and the extension would be a minimum 2.3 metres away from its rear elevation.

Its fenestration would overlook the highway and the application site's rear garden. No unacceptable overlooking or privacy impacts would emerge from the proposal.

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

### 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 application complies with the relevant policies within the HLDP and supplementary documents and is recommended for approval accordingly, subject to the planning conditions set out below.

### **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) 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 works should take place 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.

<b><u>Plan and Document Reference</u></b>	<b><u>Date Received</u></b>
Location Plan	14.10.2024
24-07-Arch-001 Location & Proposed Block Plan	14.10.2024
24-07-Arch-002 Existing Floor Plans & Elevations	14.10.2024
24-07-Arch-003 Proposed Plans & Elevations	14.10.2024

## **INFORMATIVES**

1. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework and local plan to promote delivery of sustainable development and to approach decision taking in a positive way.