

REPORT TO DEVELOPMENT MANAGEMENT COMMITTEE

12 February 2025

REFERENCE: HW/HSE/24/00428

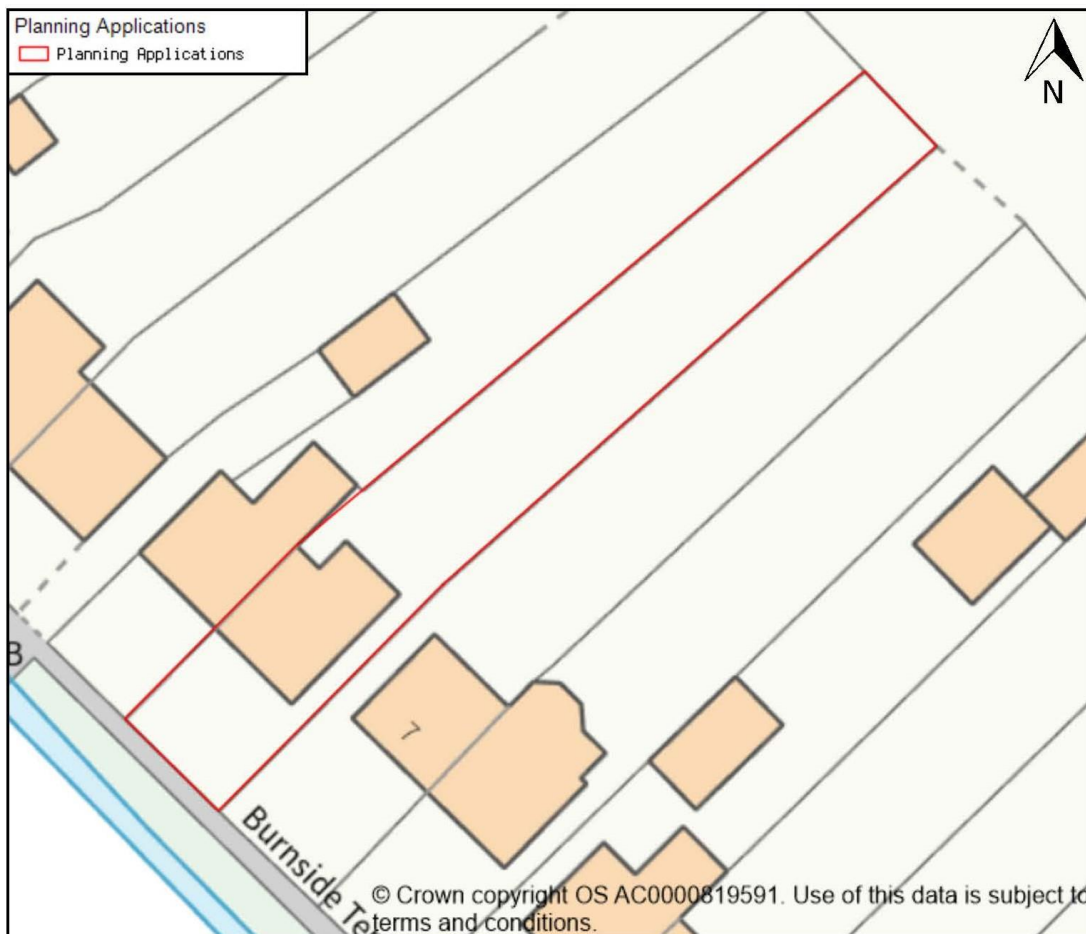
OFFICER: Chris Walter

APPLICANT: Kiril Topalski

LOCATION: 6 Burnside Terrace
Hobbs Cross Road
Harlow
Essex
CM17 0LA

PROPOSAL: Construction of a single storey front porch entrance

LOCATION PLAN:



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Reason for Committee Referral

Three objections (including two from the same address) have been received which are contrary to the officer recommendation of approval.

The design and appearance is considered to be acceptable having due regard to the character of the street scene and relevant planning policies and is recommended for approval.

Application Site and Surroundings

The application site relates to 6 Burnside Terrace, a semi-detached dwelling located within a residential area of Old Harlow. It shares boundary to the north-west with No.5 and one to the south-east with No. 7. The site is not located within a conservation area, or within the setting of designated heritage assets. Nos. 1-3 Merrion Cottages, situated 40 metres north-west of the site, are locally listed.

Details of the Proposal

Planning permission is sought for the construction of a front porch, measuring 1.57 metres in depth, 2.80 metres in width and 2.8 metres in height.

RELEVANT PLANNING HISTORY:

Planning Applications

Application Number	Proposal	Status	Decision Date
HW/PALHE/24/00152	Construction of a single storey flat roof rear extension	Prior Approval Not Required	12.06.2024
HW/HSE/24/00221	Construction of a first-floor rear extension	Granted Planning Permission	30.07.2024
HW/LDCP/24/00436	Erection of outbuilding in rear garden	Would Be Lawful Development	21.01.2025

CONSULTATIONS

Internal and External Consultees

ECC Place Services – Heritage

The property is located within the setting of Numbers 1, 2 and 3 Merrion Cottages which are locally listed buildings (non-designated heritage assets). The proposal would not have an adverse impact on their setting.

Neighbours and Additional Publicity

Number of Letters Sent: 3

Total Number of Representations Received: 3

Date Site Notice Expired: N/A

Date Press Notice Expired: N/A

Summary of Representations Received

Three letters of objection (including two from the same address) have been received during the statutory consultation period.

The following comments were raised that are material to the determination of this planning application:

- Character & Appearance: not in keeping with row of houses/neighbourhood (including listed buildings)
- Impacts on human health and wellbeing

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

- Ongoing building works causing restrictions to water supply and impacting access i.e. deliveries
- Homeowner using shared access that they have no right to

Officer Comment: Only material planning considerations can be taken into account in the determination of this planning.

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
- PL12 - Heritage Assets and their Settings

National Planning Policy Framework (NPPF) (2024)

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 2024 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 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
- Heritage Assets and their Setting
- 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 and Appearance, including Impact on the Setting of Designated and Non-Designated Heritage Assets

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.

Policy PL12 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 212 – 221. 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

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, in general, front extensions and porches are not a prevailing feature of the character of Harlow's residential areas. Taking into the existence of permitted development rights for the erection of a porch, they should only be permitted where applicants can demonstrate that they are a prevailing feature of the original housing within their area and not exceed 1.5 metres in depth.

At a proposed 1.57 metres depth, the front porch would be contrary to this Design Guide requirement. Nevertheless, its scale, bulk, design and massing would remain appropriately subservient with the host dwelling. Given its setback from the highway, it would not appear as a dominant feature within the streetscape.

One representation was received raising concern that the front porch would detract from the character of the area, which include both Grade II listed and locally listed buildings. The nearest Grade II listed building is the Churchgate Hotel, located 130 metres to the west of the site, while the nearest locally listed buildings are Nos. 1-3 Merrion Cottages, situated 40 metres north-west of the site. Given the scale of the front porch and the separation distances involved, the proposal would not result in unacceptable harm to the setting of surrounding designated and non-designated heritage assets. Furthermore, the Heritage Officer was consulted and raised no objections on the impact to the setting of these assets.

The proposal would not result in unacceptable harm to the character and appearance of the application dwelling, area or the setting of designated and non-designated heritage assets, in compliance with policies PL1 and PL12 of the HDLP and guidance outlined within the Harlow Design Guide SPD and Addendum.

Neighbouring Amenity

Policy PL2 of the HDLP 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 scale, mass, bulk and siting, the proposed front porch would not result in unacceptable loss of light, outlook or create unacceptable overbearing/enclosing impact on

any residential occupiers. It would also not overlook or infringe on the privacy of adjacent properties.

The front porch 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.

<u>Plan and Document Reference</u>	<u>Date Received</u>
2660.50 Rev A Location Plan, Block Plan & Existing Ground, First & Roof Plans	22.01.2025
2660.51 Existing Elevations	15.11.2024
2660.52 Rev A Proposed Ground, First & Roof Plans	22.01.2025
2660.53 Rev A Proposed Elevations	22.01.2025

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.

Elizabeth Beighton
Development Manager

Chris Walter
Contributing Officer