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## Appeal Decision

Site visit made on 16 November 2016

**by Richard Aston BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 06 December 2016**

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**Appeal Ref: APP/N1540/W/16/3152623**

**47 Windmill Fields, Harlow, Essex CM17 0LQ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by KP Property Developments against the decision of Harlow District Council.
  - The application Ref HW/FUL/16/00132, dated 17 March 2016, was refused by notice dated 27 April 2016.
  - The development proposed is erection of a new dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and area.

### Reasons

3. The appeal site is formed by part of the side garden of No. 47 Windmill Fields, a two storey semi-detached property that lies in a prominent and exposed position on a curve in the road. The area is residential in character, containing a variety of two storey dwellings of different forms and appearances, including brick and rendered properties. There is a sense of spaciousness to the side of the property that in combination with the spacing between other properties, mature trees and integrated open spaces, positively contributes to the character and appearance of the area.
  4. The use of sympathetic materials and windows would reflect the appearance of the host property. However, because of the combination of the site's prominence and the scale, depth and height of the proposal, in such proximity to the side boundary, it would appear cramped on the site and result in an unduly dominant and overly prominent addition to the streetscene. Furthermore, it would substantially diminish the perception of space on this side of the street and the contribution that the appeal site makes to the character and appearance of the area. In my view, the presence of existing street trees would not mitigate this effect.
  5. This effect would be exacerbated by the design of the proposal which includes two side facing gable ends set back from the front elevation of No. 47 and stepping back into the site. In combination with a rear projecting gable the proposal would have an overcomplicated roof configuration and appearance
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that would sit in stark contrast to the simple form and appearance of the host property and the pair. Overall, it would be an incongruous addition that would be at odds with the character and appearance of the area and in its context it would not represent a high quality of design.

6. For these reasons, the proposal would cause significant harm to the character and appearance of the host property and area and would conflict with Policies BE1 and H10 of the Adopted Replacement Harlow Local Plan 2006 and DG28 of the Harlow Design Guide Supplementary Planning Document. Amongst other things, these require that the massing and appearance makes an appropriate visual relationship with its surroundings, enhances character on sites with high public visibility and only allow the sub-division of garden plots, where, amongst other things, it does not have an unacceptable adverse effect on the character of the locality.

### **Other Matters**

7. The appellant contends that the proposal should be considered in the context of the presumption in favour of sustainable development set out in the National Planning Policy Framework ('the Framework') and that the LP is out of date in this respect. However, although the LP pre-dates the Framework I find these policies are consistent with it in terms of good design being a key aspect of sustainable development and indivisible from good planning. Furthermore, the LP is not absent or silent and the proposal would conflict with it. Accordingly, the presumption in favour of sustainable development set out in paragraph 14 of the Framework is not engaged.
8. In the normal balancing exercise required the very limited economic and social benefits from the provision of one additional dwelling would not outweigh the significant harm to the character and appearance of the area that I have identified.
9. I acknowledge that the scheme is a resubmission and that amendments have been made by the appellant in an attempt to address the Council's concerns. However, having determined the appeal on its own planning merits, as I am required to do, such matters do not outweigh the harm that I have identified or alter my findings in relation to the main issue.

### **Conclusion**

10. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and there are no material considerations that indicate a decision should be made other than in accordance with it. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

*Richard Aston*

INSPECTOR