

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

Appeal Ref: APP/N1540/W/16/3154269
79 Sheering Road, Harlow, Essex CM17 0JN

- 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 Mr G Lunn against the decision of Harlow District Council.
 - The application Ref HW/FUL/16/00103, dated 1 March 2016, was refused by notice dated 20 June 2016.
 - The development proposed is erection of a single four bedroomed dwelling with associated car parking and new vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposal on the character and appearance of the area.
 - The effect on highway safety.

Reasons

Background

3. The proposal before me follows a refused application for a similar residential development in 2015 and the subsequent dismissal of a related appeal¹. Whilst each case must be determined on its own merits I have had regard to this previous decision in the determination of this appeal.

Character and appearance

4. The appeal site forms part of the side and rear garden area of No. 79 Sheering Road, a large detached two storey dwelling set within a substantial plot. The proposed dwelling would be sited between the side of Nos. 79 and 77a Sheering Road. This section of the road is predominantly characterised by substantial detached dwellings of varying styles, set back from the road frontage behind mature landscaping and trees, with varying gaps in between.
5. I agree with the findings of the previous Inspector that the general scale and appearance of the proposal per se, would not be out of keeping with this character. Moreover, its design would be reflective of the wide variety of architectural styles along Sheering Road.

¹ APP/N1540/W/15/3131663

6. However, despite what I consider to be minor changes to the width of the dwelling (a reduction of approximately 2.1m²) and amendments to the external elevations, the dwelling would still be sited on a narrow plot. Although substantial development exists further along Sheering Road in the form of detached dwellings sited in proximity to the boundaries and with limited space in between, the introduction of such a substantial dwelling on such a narrow plot would leave very limited and insufficient space to the side boundaries.
7. This would result in the concentration of a group of four dwellings sited very close together and give the perception of an almost continuous built frontage. In combination with the overall scale and size of the dwelling, the proposal would appear cramped on the site and result in an unduly dominant and overly prominent addition to the streetscene. In its context it would be at odds with the character and appearance of the area and would therefore not represent a high quality of design. I do not consider that such effects could be mitigated by additional landscaping.
8. For these reasons, the proposal would cause significant harm to the character an appearance of the area and would conflict with Policies BE1 and H10 of the Adopted Replacement Harlow Local Plan 2006 ('LP'). 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.

Highway safety

9. Amendments have been made to the layout of the front garden area in an attempt to demonstrate that two vehicles could access and exit the site in a forward gear. Subject to conditions, no objections were received from the Highway Authority and the Council has again, failed to produce any supporting evidence of highway safety issues in support of its position.
10. Nevertheless, although it is likely that users would find it challenging to turn round so as to leave in a forward gear, with care and caution it would not be impossible. Notwithstanding that I share the concerns of the previous Inspector regarding the applicability of Policies H10 and T9 to highway safety, the proposal before me would not cause harm to highway safety and would not conflict with the aims and objectives of the LP, in this regard.

Other Matters

11. 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. Furthermore, reference is given to the Harlow District Council Monitoring Report 2012-2013 and the appellant contends this indicates that the Council is not able to demonstrate a five year supply of housing land.
12. 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. In relation to current housing land supply,

² Paragraph 3.4 of appellant's statement

I have no meaningful evidence before me and I am unable to reach a definitive conclusion on this matter.

13. Nevertheless, mindful of the approach taken by the previous Inspector there would be some limited social and economic benefits from the provision of one additional dwelling. Set against this, the proposal would cause significant harm to the character and appearance of the area and would conflict with the LP. It would also fail to fulfil the environmental definition of sustainable development as set out in the Framework.
14. Even if I were to conclude there is a shortfall in five year supply of the scale suggested by the appellant and that relevant policies for the supply of housing should not be considered up to date, the adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. The proposal would not therefore be the sustainable development for which the Framework indicates a presumption in favour.
15. The Council has again raised concerns regarding the effect on 'the visual amenity of neighbours'. The previous Inspector found that this was relevant insofar as neighbours would experience the effects of a dwelling that would be detrimental to the character and appearance of the area. Furthermore, that the proposal would not result in unacceptable effects in terms of outlook, overshadowing, loss of light or overlooking. On the evidence before me, I have no reason to take a different view.
16. I acknowledge that the scheme is a re-submission, there were no objections from the consultees and that the application was recommended to the Planning Committee for approval following negotiations over the design of the proposal. However, the Council's administration and determination of the application is not a matter for me to address as part of this appeal and none of these matters outweigh my findings in relation to the first main issue.

Conclusion

17. Although I have found no harm to highway safety, the proposal would cause significant harm to the character and appearance of the area. In my view, that is the prevailing consideration and although there would be compliance with some aspects of the development plan, the proposal would conflict with the development plan, when read as a whole. There are no material considerations that indicate a decision should be made other than in accordance with it and having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR