

Appeal Decision

Site visit made on 12 December 2016

by Tom Gilbert-Wooldridge BA (Hons) MTP MRTPI IHBC

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

Decision date: 27th January 2017

Appeal Ref: APP/N1540/W/16/3156500

38-48 High Street, Harlow CM17 0DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr R Patel (RAMCO Ltd) against Harlow District Council.
 - The application Ref HW/FUL/16/00223, is dated 12 May 2016.
 - The development proposed is the demolition of the existing single storey rear storage buildings and main building roof and erection of a replacement roof with internal accommodation, reconfiguration of existing first floor to form new dwellings and erection of a rear 2.5 storey extension with internal residential accommodation. Erection of a detached cycle rack and bin storage building.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing single storey rear storage buildings and main building roof and erection of a replacement roof with internal accommodation, reconfiguration of existing first floor to form new dwellings, erection of a rear 2.5 storey extension with internal residential accommodation, and erection of a detached cycle rack and bin storage building at 38-48 High Street, Harlow CM17 0DN in accordance with the terms of the application, Ref HW/FUL/16/00223, dated 12 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: HS-2001, HS-2002, HS-2003, HS2004 and HS2005.
 - 3) Prior to commencement of the development, the areas within the curtilage of the site for the purpose of loading/unloading/reception and storage of building materials and manoeuvring of all vehicles, including construction traffic, shall be provided clear of the highway.
 - 4) Prior to the commencement of the development, a waste management plan, including details of bin storage for both the residential and commercial uses, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - 5) No above ground construction works shall take place until details of the materials to be used in the external surfaces of the building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
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- 6) The development shall not be occupied until the vehicle parking area indicated on the approved plans has been hard surfaced, sealed and marked out in parking bays. The vehicle parking area shall be retained in this form at all times. The vehicle parking shall not be used for any purpose other than the parking of vehicles that are related to the use of the development unless otherwise agreed in writing with the Local Planning Authority.
- 7) The development shall not be occupied until the cycle storage facility indicated on the approved plans has been provided. The facility should be secure and retained for cycle storage thereafter.

Procedural Matters

2. There is disagreement between the Council and appellant as to whether the Council issued a decision on the planning application before the case deadline and the submission of an appeal. The Council contends that a decision notice was issued on the deadline day of 12 August 2016, but I have not been provided with a copy of this notice. Therefore, this appeal has been treated as a non-determination of a planning application.
3. However, I have been provided with a copy of the Council's delegated report dated 12 August 2016, which makes it clear that the planning officer's recommendation was to refuse planning permission for three reasons. The Council's appeal statement also confirms these three reasons. The appellant has been given the opportunity to comment on the Council's report and statement and I have taken into account all submitted representations in determining this appeal.

Main Issues

4. Based on the three reasons for refusal in the Council's report and appeal statement, I consider the main issues to be the effect of development on:
 - (a) the character and appearance of the area, including Old Harlow Conservation Area;
 - (b) the living conditions of occupiers of residential development to the west, with regard to outlook; and
 - (c) parking provision.

Reasons

Character and appearance

5. Old Harlow Conservation Area contains the pre-New Town settlement of Harlow, with the High Street at its centre. Its significance is informed by the survival of historic buildings and streets, although set alongside modern buildings and streets of the New Town era. The High Street contains a mixture of historic and modern buildings. The latter have a similarity of scale and design, including the appeal site building, and are typically taller and wider buildings than their historic counterparts with modern materials and detailing.
6. The appeal site building has little architectural merit and as such, makes a neutral contribution to the significance of the conservation area. While there is an alleyway to Wayre Street along the eastern side of the building that reveals

more of this flank elevation than other buildings on the High Street, it is not particularly visible or prominent in long distance views in any direction. To the west of the building is the Grade II listed 34 High Street, which is slightly taller with a traditional pitched roof design.

7. The proposed development would result in a noticeable increase in the height of the building to accommodate living space at second floor level. However, it would not appear taller than other modern buildings in this section of the High Street, including the residential development immediately to the east, nor would it be much taller than 34 High Street. The remodelling of the front elevation would not be radically different from the existing and offers the opportunity to enhance the appearance of the building. While the first floor front windows would be large, they are similar to the size of the existing first floor front windows and would be located above large glazed shop fronts, with smaller dormer windows above. As such, the altered building would not be overly prominent in the High Street.
8. On the side and rear elevations of the altered and extended building, the fenestration would be broadly symmetrical and consistent in size and design. The rear extension would be set in at the sides and thus subservient to the main building, and the cycle and bin store would also be subordinate.
9. Taken as a whole, the proposed development would be of an acceptable design and scale that would not detract from the street scene or cause harm to the significance of the conservation area. I am satisfied that it would preserve the character and appearance of the conservation area and would revitalise an existing building of little merit. There would also be no harm to the significance of the listed building at 34 High Street, whose setting would be preserved.
10. Concluding on this main issue, the proposed development would have an acceptable effect on the character and appearance of the area, including Old Harlow Conservation Area. Therefore, it would accord with Policies BE1, BE6, BE10, H10 and RTCS14 of the Adopted Replacement Harlow Local Plan (ARHLP) 2006. Amongst other things, these policies seek development that does not harm the character and appearance of conservation areas or the setting of listed buildings, and protects and strengthens local character in terms of matters such as height, massing, appearance and design.
11. The development would also address the aims of the Harlow Design Guide 2011 ('the Design Guide') which promotes proposals that respect and respond to local character with contemporary design and building form. Finally, the development would have regard to the aims of the National Planning Policy Framework (NPPF) including paragraphs 57 and 64 which advocate high quality design over poor design, and paragraph 126 which advocates sustaining the significance of heritage assets.

Living conditions

12. A recently constructed residential development lies to the rear of 34 High Street and to the west of the appeal site. Its front elevation faces towards the rear yard of the appeal site and a high brick wall and storage buildings along the boundary between the two sites. There is a reasonable sized gap between the front elevation of the residential unit and this boundary, which contains conifers and is also used for car parking. The existing outlook from the four

first floor front windows of the residential unit includes the trees and the rear yard of the appeal site, but also the space provided by the Wayre Street public car park to the south.

13. The proposed development, particularly the two and a half storey rear extension, would intrude into the view from the first floor windows. However, the increased height of the main building is not excessive, and neither would be the depth of the extension. The upper floors of the extension would be prominent, but the gap between the residential unit and the extension, along with the existing trees and space provided by the car park to the south, would limit any sense of enclosure or visual dominance.
14. Concluding on this main issue, the proposed development would not result in unacceptable harm to the living conditions of occupiers of the residential development to the west of the appeal site with regards to outlook. Thus, it would accord with Policies BE1 and H10 of the ARHLP which, amongst other things, requires development to have an appropriate visual relationship with the surrounding area and avoid unacceptable adverse effects on the amenities enjoyed by the occupiers of neighbouring dwellings. The development would also address the Design Guide in terms of considering outlook.

Parking provision

15. This section of the High Street is pedestrianised, with single yellow lines to the rear of the appeal site and on adjoining streets prohibiting car parking from early morning until the evening. The Wayre Street car park was busy at the time of my site visit, but side streets beyond the single yellow lines area were not congested with parking. Harlow Mill train station is a short distance to the north and regular bus services stop nearby.
16. The proposed development would provide an additional parking space to the existing three spaces, but three would remain in commercial use and only one would be used for the ground floor studio flat. No off-street parking provision would be made for the remaining 11 residential units on the first and second floor, contrary to Policy T9 of the ARHLP which requires vehicle parking in accordance with the adopted Essex Parking Standards (EPS). The 2009 version of the EPS requires in this case a minimum of one space per residential unit plus visitor/unallocated parking.
17. A written ministerial statement dated 25 March 2015 adds text to paragraph 39 of the NPPF which states that local planning authorities should only impose local parking standards for residential development where there is a clear and compelling justification that it is necessary to manage their local road network. Paragraph 39 also refers to the accessibility of the development, the type, mix and use of development and the availability of public transport.
18. The High Street location of the proposed development, with good train and bus links, and the type of residential units means that a high level of parking demand would not necessarily be generated. I note the adjoining residential development to the east appears to have no car parking provision. Furthermore, I have seen no evidence to suggest that parking congestion is a major problem in the surrounding area. Thus, the imposition of local parking standards does not appear to be necessary in this particular case.

19. The proposed development would not accord with Policy T9 of the ARHLP or follow the guidance of the EPS, but taking into account national policy and the site specific circumstances, I consequently conclude that the proposed development would have an acceptable effect on parking provision.

Conditions

20. Conditions setting a time limit for the commencement of development and for it to be carried out in accordance with the approved plans are necessary for clarity and compliance. Requiring construction materials, equipment and vehicles to be kept clear of the highway is necessary for safety reasons in a town centre location, while details of waste management is necessary given the type and layout of residential units. Both conditions need to be implemented before development commences to ensure that these issues are addressed at an early stage.
21. A condition concerning the materials to be used is necessary and relevant to ensure that the appearance of the development is acceptable. Requiring the provision of vehicle and bicycle parking before the development is occupied is necessary in the interests of highway safety and promoting sustainable transport methods in the case of bicycles. However, I have not been given any specific reason why the provision of a residential travel information pack on a relatively small development is necessary. I consider that different transport options are readily apparent to any occupant given the town centre location.

Conclusion

22. The proposed development would have an acceptable effect on the character and appearance of the area as well as parking provision, and would not result in unacceptable harm to living conditions of neighbouring occupiers. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Tom Gilbert-Wooldridge

INSPECTOR