
Appeal Decision

Site visit made on 7 February 2017

by Alex Hutson MATP CMLI MArborA

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

Decision date: 27 February 2017

Appeal Ref: APP/N1540/D/16/3165416
5A Park Lane, Harlow CM20 2QQ

- 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 S Howell against the decision of Harlow District Council.
 - The application Ref HW/HSE/16/00353, dated 1 August 2016, was refused by notice dated 28 September 2016.
 - The development proposed is extension to dwelling with two parking spaces and turning area.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Town Park and Nettleswell Cross Conservation Area (TPNCCA); and
 - Whether the proposal would safeguard the roles of the Green Wedge.

Reasons

Conservation area

3. The appeal site lies within the TPNCCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that with respect to development affecting buildings or other land in a conservation area, "special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area." In addition, Paragraph 132 of the National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 4. The TPNCCA as a whole is strongly characterised by large open spaces and mature vegetation. This affords an important verdant and spatial quality to the area. The appeal site occupies a backland location and comprises a dwelling of modest proportions set within grounds of a substantial size. Town Park, a public open space, lies to the south and west of the appeal site, from which glimpsed views through vegetation can be obtained of the appeal site and the
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existing dwelling. Residential dwellings along Park Lane and School Lane lie to the north and east. The appeal site is accessed via a driveway between 4 and 5 Park Lane. The largely undeveloped nature of the appeal site, combined with the modest size of the dwelling within it, which sits comfortably within its landscape and open setting, add to the verdant and spatial qualities of the area and thereby positively contribute to the character and appearance of the TPNCCA.

5. The proposal seeks to extend the appeal property and to incorporate two parking spaces and a turning area. I acknowledge that the proposed extension would reflect the materials and design of the existing dwelling. I also accept that dwellings in the area display a wide variety of architectural styles. In addition, it would appear that there would be no loss of, or harm to, important trees within the appeal site.
6. Nevertheless, the proposed extension would increase considerably the overall size and footprint of the existing dwelling. Furthermore, it would extend built form substantially deeper into the appeal site than currently exists. Moreover, the ridge height of the proposed extension would extend to the main ridge height of the host building and would not, therefore, appear subordinate to it. Consequently, the proposal would appear disproportionate to the size of the existing dwelling and would erode the spatial qualities of the appeal site and surrounding area. Thus, the proposal would result in harm to the character and appearance of the TPNCCA. This is notwithstanding that other forms of householder development and domestic paraphernalia may be controlled through the removal of permitted development rights.
7. However, in the context of the TPNCCA as a whole, I take the same view as the Council and consider the harm arising to the significance of the TPNCCA designated heritage asset as a result of the proposal would, in this case, be less than substantial.
8. Paragraph 134 of the Framework sets out that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Nonetheless, I have not been presented with any compelling evidence from the appellant to this effect. Whilst I acknowledge that the ecological value of the appeal site could be enhanced through additional management, it is unclear how this would provide any wider public benefit given that the land would remain in private ownership.
9. I therefore conclude that the proposal would fail to preserve or enhance the character or appearance of the TPNCCA contrary to the requirements of s72(1) of the Act and that the harm to the significance of the designated heritage asset, albeit less than substantial, would not be outweighed by public benefits as required by Paragraph 134 of the Framework. The proposal would also be contrary to saved Policies BE1 and BE10 of the Adopted Replacement Harlow Local Plan 2006 (Local Plan). These policies require, amongst other things, development to relate to its setting, to strengthen, enhance, protect, or create local character and to not harm the character or appearance of conservation areas. These policies are consistent with the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas and to conserve heritage assets.

10. The proposal would also conflict with the guidance of the Harlow Design Guide Supplementary Planning Document 2011, which supports the requirements of saved Policy BE1, of the Local Plan, and which advises that extensions should be visually subservient to the original dwelling.

Green Wedge

11. The appeal site lies within a designated Green Wedge as defined within the Local Plan. The supporting text of saved Policy NE1, of the Local Plan, which relates to Green Wedges, sets out that such a designation is fundamental to the character of Harlow and reinforces the contrast between landscape and buildings, a concept which formed part of the original design intent for the town. Saved Policy NE1 seeks to protect Green Wedges from inappropriate development and to safeguard their roles. This policy identifies that the roles of Green Wedges include, amongst other things: to provide a landscape feature fundamental to the character of the town; to protect and enhance the inherent qualities of the landscape and to keep areas as natural as possible; to retain the open character of existing uses; and to preserve the setting and special character of historic areas.
12. In light of my findings above, notably that the proposal would appear disproportionate to the size of the existing dwelling, would erode the spatial qualities of the appeal site and surrounding area and would result in harm to the character and appearance of the TPNCCA, I conclude that the proposal would fail to safeguard the abovementioned roles of the Green Wedge. As such, it would be inappropriate development within the Green Wedge.
13. The proposal would therefore be contrary to Policy NE1, of the Local Plan, which seeks to protect Green Wedges and to safeguard their roles. This policy is consistent with the broad aims and objectives of the Framework which seek planning to take account of the different roles and character of different areas.

Other matters

14. I have had regard to the concerns of a number of interested parties, including in respect of damage to building foundations, privacy, noise and disturbance during construction works, light pollution, highway safety, flooding and ecology. However, the Council has not raised any concerns with regard to these matters and on the basis of the evidence before me, I have no substantive reasons to take a different view.

Conclusion

15. For the reasons set out above and having regard to all other matters, I conclude that the appeal should be dismissed.

Alex Hutson

INSPECTOR