

Appeal Decision

Site visit made on 21 February 2017

by J Dowling BA(Hons) MPhil MRTPI

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

Decision date: 19 April 2017

Appeal Ref: APP/N1540/W/16/3163086

8 The Drive, Harlow CM20 3QD

- 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 Paul Quatermain (Kurtis Properties) against the decision of Harlow District Council.
 - The application Ref HW/FUL/16/00291, dated 1 February 2016, was refused by notice dated 15 September 2016.
 - The development proposed is demolition of two bedroomed bungalow and construction of 2-4 bedroom semi-detached houses with integral garages and 4 car parking spaces.
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Decision

1. This appeal is allowed and planning permission is granted for the demolition of two bedroomed bungalow and construction of 2- 4 bedroom semi-detached houses with integral garages and 4 car parking spaces at 8 The Drive, Harlow CM20 3QD in accordance with the terms of the application, HW/FUL/16/00291, dated 1 February 2016 subject to the conditions set out in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the appeal site and the surrounding area.

Reasons

3. The Drive is a small cul-de-sac which has a mix of different types and ages of properties including detached and semi-detached two storey houses. Number 8 is the only bungalow within the street and is located at the end of the road adjacent to the turning head and as a result views of the site from the wider area and the top section of the road are limited.
4. The appeal proposal would result in the demolition of the existing housing and its replacement with a pair of two storey semi-detached houses. Since the appeal was refused planning permission the Council have granted planning permission for the 'demolition of two bedroom bungalow and construction of 2-4 bedroom semi-detached houses with integral garages and 4 car parking spaces and full length rear gardens'¹. The difference between this planning permission and the appeal scheme is that the approved units would have full length rear gardens; unit No 1 would be set further away from the boundary with No 7a and the Council advocate that they would have a symmetrical

¹ LPA reference: HW/FUL/16/00581

appearance. As a result it is the difference between the approved scheme and the appeal scheme that falls for me to consider.

5. I note from the information submitted with the appeal that although the rear garden depth differs from the scheme that was recently granted planning permission the Council did not object to the amount of amenity space proposed or imply that it would be inadequate to meet the needs of the future occupiers of the units. As a consequence while I acknowledge that the rear gardens would be shorter than those on adjacent sites I consider that they would be sufficient to meet the needs of future residents.
6. I observed at my site visit that due to the variety of different housing styles within the street the gaps and spaces between the existing buildings varies. Furthermore, I note that the gap between the bungalow and No 7a is already limited as there is single storey detached garage currently located on the boundary between the two properties.
7. Whilst I recognise that the older houses towards the western end of the Drive have larger plots with more space around the buildings, the properties at the eastern end of the road and opposite the site have a denser urban grain. This combined with the variety of architectural styles and the differing ages of the buildings informs the character and appearance of the streetscene.
8. Whilst they do not appear as a symmetrical pair the proposed new units have been designed to reflect and respect the appearance of adjoining properties by the use of architectural details such as hipped roofs, front facing gable ends, bay windows and porch detailing which are found on other properties within the Drive. Furthermore, I note from my site visit that other properties within the road also have integral garages.
9. Both of the units would be set off the site boundaries and whilst proposed unit 1 would be closer to the boundary with No 7a than the recently approved scheme a reasonable gap between the units would be retained. As a result whilst I acknowledge that the proposal would have a bigger footprint than the current bungalow and as a consequence more of the site would be occupied by built form, given the space that would be retained around the units, the proposed areas of soft landscaping to the front of the site and the retained planting to the side of the site I consider that the proposal would not be out of character with the prevailing pattern of development and local character.
10. Therefore, I conclude that the proposal would reflect and respect the character and appearance of the site and the wider surrounding area in accordance with policies BE1 and H10 of the Adopted Replacement Harlow Local Plan (2006) which advocate that infill development should not adversely effect the character and appearance of the locality (H10) and new buildings should relate to their setting and the form, grain and scale of the surrounding area (BE1). These policies are in accordance with the National Planning Policy Framework (the Framework) which amongst other things requires new development to be of a high quality design and improve the character and quality of an area². Consequently the proposal would meet with the requirements of the environmental dimension of sustainable development.

² Paragraphs 57 and 64 of the National Planning Policy Framework (2012)

Other matters

11. A number of local residents have raised concerns about the subdivision of the site and what the area to the rear of the site would be used for; how it would be maintained and if it was to be used for a residential scheme the effect that this would have on, amongst other things, traffic, character and appearance and living conditions particularly for those people who live in Lavender Close. The Council also consider that subdividing the site would represent an inefficient use of land. Given the planning history for the site I can understand these concerns. However, I can only consider the scheme before me any proposals to redevelop the area to the rear of the site would need to be subject to planning permission at which point the issues raised could be considered by the Council. Whilst the Council may consider this an inefficient use of land their suggestion of imposing a condition to require the incorporation of this area into the proposed rear garden areas I consider would not meet the test for conditions set out in the Framework. With regards to the concerns regarding the rear of the site becoming overgrown should this happen the Council has a number of legislative powers at their disposal to require the proper maintenance of land where they have deemed it to have fallen into disrepair.
12. Removal of the wall at the rear of the site for access is not shown on the submitted plans and does not form part of the appeal proposal as a result the issues raised regarding ownership are not material to the determination of this appeal.
13. I note that the proposal is considered unnecessary by some local residents due to the current availability of housing in Harlow and the number of new houses that are planned to be built. However, the Framework aims to significantly boost the supply of housing³ and encourages the effective use of land by reusing land that has previously been developed⁴. The proposal would therefore be in accordance with the Framework.
14. Occupiers of neighbouring properties advocated that a range of wildlife including protected species currently inhabit the rear garden. However, I note that the Council does not have any concerns regarding wildlife and nothing I have read in the evidence before me or from what I observed on site leads me to a different conclusion.
15. Similarly the Council do not have concerns regarding drainage/flooding and highway safety and parking and having read their original committee report and the evidence submitted with the appeal nothing leads me to a different conclusion on these matters.

Conditions

16. Paragraph 206 of the Framework sets out a number of tests that conditions need to meet. I have considered the conditions suggested by the Council against the Framework and the advice contained within the Planning Practice Guidance. Where necessary I have adjusted the wording in the interests of clarity. For the avoidance of doubt and in the interests of enforceability in addition to the standard time limit for implementation, I have included a

³ Paragraph 47 of the National Planning Policy Framework (2012)

⁴ Paragraph 17 of the National Planning Policy Framework (2012)

condition that requires the development to be carried out in accordance with the approved plans.

17. In the interests of the character and appearance of the surrounding area I have attached conditions requiring the approval of the details of the proposed materials and the hard and soft landscaping schemes. I have amended the suggested wording of the landscaping condition to include the details for implementation and maintenance as I consider that given the limited nature of the proposal the standard timeframes for implementation and maintenance are appropriate. I note that the retention of the trees on the eastern boundary of the site is considered important to the setting of the site and as a consequence I have attached the Council's suggested tree protection condition.
18. To ensure highway safety and protect the living conditions of the occupiers of neighbouring properties during construction a condition requiring the submission of a Construction Method Statement which would amongst other things control construction workers parking, wheel washing and the delivery and storage of plant and equipment is considered necessary. In order to avoid the need for a separate condition, I have amended the wording to include control over the hours of work and, given the residential nature of the area, hours of deliveries.
19. To ensure sufficient parking is provided on site to meet the needs of future residents I consider that a condition requiring its provision prior to the units being occupied is reasonable. The Council suggested a condition requiring that the vehicular access be constructed at right angles to the highway boundary and with an appropriate dropped kerb. However, as this layout is shown on plan MDP.PQ/12 rev B I consider that such a condition would be unnecessary. Furthermore, given the Council would have control of the surface treatment of the vehicular access through the proposed hard and soft landscaping condition I consider the suggested condition regarding unbound material to also be unnecessary.
20. The Council have also requested the imposition of a condition requiring the provision of a Residential Travel Information Pack, as this is to encourage sustainable travel such a condition is reasonable. To minimise potential highway conflict I agree with the Council that a condition requiring redundant vehicle accesses to be closed is necessary.
21. To ensure the living conditions of the occupiers of adjoining residential properties is maintained I consider that conditions requiring the use of obscure glazing and preventing the insertion of additional openings in the side elevations are necessary.

Conclusion

22. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jo Dowling

INSPECTOR

Conditions Schedule

1. The development hereby permitted shall begin no 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: MDP.PQ/10 rev A, MDP.PQ/11 rev A and MDP.PQ/12 rev B.
3. Development shall not take place until details of the materials to be used in the external surfaces of the development have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the materials so approved
4. Development shall not take place (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and/or widening or any other operations involving the use of motorised vehicles or construction machinery) until full details of both hard and soft landscape have been submitted to and approved in writing by the Local Planning Authority. These details shall include:
 - a) details of the materials and location of hard surfacing;
 - b) details of all boundary treatment and means of enclosure;
 - c) details of the location of proposed above and below ground functional services;
 - d) details of replacement planting such as planting plans, schedule of plants to be used, planting techniques and aftercare; and
 - e) details to minimise discharge of surface water onto the Highway.

The approved scheme shall be implemented within the first planting season following completion of the development and the tree planting and landscaping shall thereafter be maintained for five years to the satisfaction of the local planning authority. Any trees or shrubs removed, dying, being severely damaged or becoming seriously diseased within 5 years of planting shall be replaced with trees or shrubs of such size and species as may be agreed in writing with the Local Planning authority, and within whatever planting season is agreed.

5. Development shall not take place, including any ground works, demolition or site clearance until a Construction Method Statement (CMS) has been submitted to and approved in writing by the Local Planning Authority. The CMS shall include:
 - a) Provision for the loading/unloading and storage of plant, materials and operative vehicles;
 - b) details of the parking of vehicles of the site operatives and visitors;
 - c) details of wheel and underbody washing facilities; and
 - d) the days and hours of work and deliveries.

Construction work at the site will be carried out in accordance with the details and measures approved as part of the CMS.

6. Prior to the occupation of any of the proposed units, the parking areas shown on plan MDP.PQ/12 rev B shall be provided on site and shall thereafter be permanently retained and not used for any purpose other than the parking of vehicles for the occupiers of the development and visitors to it.
7. Prior to the occupation of any of the proposed units, the Developer shall be responsible for the provision and implementation of a Residential Travel Information Pack for Sustainable Transport, approved by Essex County Council.
8. Any redundant vehicle access width shall be suitably and permanently closed incorporating the reinstatement to full height of the footway/kerbing immediately the proposed new access is brought into use.
9. The windows at first floor level on the side elevations of the dwellinghouses hereby approved shall be obscure glazed and non-opening, unless the parts of the windows which can be opened are more than 1.7 metres above the floor of the rooms in which they are installed and the windows shall thereafter be permanently retained in that form.
10. Upon completion, no further openings permitted by Class A , Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order), shall be created in the side elevations of the dwellinghouses hereby approved.
11. The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement (AMS) and Tree Protection Plan by Writtle Forest Consultancy Ltd (reference: 16611-1165, received 22.07.2016). As detailed within Section 5 of the report, arboricultural supervision and monitoring shall be completed at critical stages of the development. The first inspection shall include a pre-commencement meeting with the site contractor and confirm the correct position of tree protection measures across the site using the pro-forma attached at appendix 3 of the report.