
Appeal Decision

Site visit made on 23 May 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 13 June 2017

Appeal Ref: APP/N1540/W/16/3165463

Land to the rear of 247-250 Felmongers, Essex, Harlow CM20 3DR

- 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 C and H Humphreys, Mr M and Mrs J Mansworth, and Mr M and Mrs S Hopwood against the decision of Harlow District Council.
 - The application Ref HW/FUL/16/00113, dated 7 March 2016, was refused by notice dated 18 August 2016.
 - The development proposed is the erection of 11 dwellings, with new access road, car parking and landscaping.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The original application description referred to 247 Felmongers but for the sake of accuracy, this has been revised as set out above in the banner heading to the decision. During the Council's determination of the planning application, amended plans were submitted to reduce the scheme to 11 dwellings and improve the layout junction with the existing highway. Revised arboricultural impact documentation was also submitted. The appeal has been considered on this basis and the proposal's development description corrected accordingly.
3. Harlow Local Plan (LP) 2006 policy BE10 has been incorrectly referred to in the Council's reasons for refusal. Thus it has not been considered in this appeal.

Main Issues

4. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the safety of pedestrians, cyclists and drivers, having regard to the layout and design of vehicle parking spaces.

Reasons

Character and appearance

5. The appeal site comprises garden land of properties on 247 -250 (inclusive) Felmongers which comprise large dwellings in substantial plots. The garden land is generally open, with landscaping including trees. No 247 contains an enclosed swimming pool, fenced hard surfaced court and other outbuildings. The pattern of development in the surrounding area is varied with detached dwellings set in spacious landscaped plots and dense terraced development with smaller sized gardens. However, there are significant areas of informal
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open space within the area, some of which have substantial trees and areas of vegetation. Beyond the eastern and southern boundaries of the site, there are largely undeveloped areas comprising significant landscaping and a recreational ground. Such an area has been designated as Green Wedge in LP. Such qualities give the area an attractive spacious and verdant character and appearance. By reason of its location, the appeal site acts as a transition between the developed areas along Felmongers and a largely undeveloped area to the south and east.

6. The dwellings would be sited roughly in two groupings, a terrace of four dwellings mainly within the rear garden areas of 249 and 250 Felmongers, and two rows of dwellings opposite one another, mainly within the bottom rear half of the garden of 247 Felmongers. There would also be landscaped areas along the access within the garden areas of the properties, including 248 Felmongers. The mews/courtyard style development has been designed to take account of the guidance of Harlow Design Guide Supplementary Planning Document 2011.
7. It is not essential to replicate the layout and design of development in the surrounding area but the shape of the appeal site would give rise to noticeably irregular and awkwardly sized plots in relation to site boundaries. This would result in some dwellings being especially close to rear boundaries. From the access road, the dwellings on plots 1, 3, 4, 5 and 8 would appear cramped with restricted space behind their rear elevations, albeit for the dwelling on plot 1 just one rear corner would have restricted space behind. Furthermore, the terraced dwellings on plots 1-4 would be sited very close to the access road with little space to their frontages. Within the site's context, such a form of development would adversely impact upon the spacious and verdant qualities of the area and the transitional status of the appeal site.
8. LP Policy NE1 states that Green Wedges will be protected from inappropriate development and permission will be granted only for small-scale development proposals not having an adverse effect on the role of a Green Wedge. The policy is not directly relevant to the appeal proposal as the site lies outside the Green Wedge. Nevertheless, the area contained within the Green Wedge is attractive by reason of its landscaped nature and the development would be visually intrusive to it by reason of its close proximity, massing and cramped nature. Such an intrusion would amplify my findings on the adverse impact of the development on the character and appearance of the area.
9. My attention has been drawn to residential developments in Sheering Road and Mombles Road, near to the junction with First Avenue. However the appeal site would be different being within a transitional area between a built-up area and a largely undeveloped landscaped area beyond and for a greater number of dwellings on irregular shaped plots. In the case of the Mombles Road site, this related to development of a former garage site. For these reasons, there are significant differences between the appeal scheme and these other developments and therefore any meaningful comparison is limited. In any case, every proposal has to be considered on its particular planning merits.
10. In conclusion, the development would harm the character and appearance of the area for the reasons indicated. Accordingly, the proposal would conflict with policies BE1 and H10 of the LP, which collectively and amongst other matters, requires new building's height and massing, and development's layout and landscape to make an appropriate visual relationship with that of the form,

grain, scale, materials and details of the surrounding area, and that new development would not have an unacceptable adverse effect on the character of the locality and appearance of the street scene. By reason of not positively responding to the prevailing character of the area, the proposal is not appropriately designed with regard to scale and design and therefore, the proposal would conflict with the advice within Principle DG28 of the Harlow Design Guide 2011.

Highway safety

11. The dwellings would have parking provision for the occupiers of both the dwellings and visitors. Vehicles would reverse/enter spaces across a shared surface for both vehicles and pedestrians. Some of the visitor car parking spaces would necessitate pedestrians walking along a significant section of the shared surface to a dwelling. However, the development would take the form of a cul-de-sac where it would be reasonable to expect low traffic vehicle speeds especially given the winding nature of the access road. Furthermore, most vehicle spaces would also be quite prominent and visible enabling pedestrians, cyclists and drivers to see one another. Some garaging close to the access road would be less visible but manoeuvring/reversing into and out of garage spaces would be at slow speed given the built constraints of the garaging and therefore the safety of road users would be unlikely to be endangered.
12. The Essex Design Guide and Essex Parking Standards (EPS) indicate that a distance of 6m is required between a parking space abutting the highway and the opposite edge of the carriageway. The EPS also indicate that parking should be located in such positions so as to encourage and maximise their use. However these requirements are for guidance and in this particular instance, there would be no severe transport or highway safety impacts for the reasons indicated. Furthermore, the proposal would accord with policy T9 of the LP, which amongst other matters, requires vehicle parking to be provided in accordance with adopted parking standards.

Other matters

13. The Appellants contend that the proposal should be considered in the context of the presumption in favour of sustainable development as set out in the National Planning Policy Framework (the Framework) and that the LP is out of date in this respect.
14. It is indicated that the first part of LP policy BE1 is rather restrictive where it requires all new buildings to relate to their setting to strengthen, enhance, protect or create local character. However, the policy also indicates planning permission will only be granted for new development if certain design based criteria are met. In this regard, one such criterion is that the development's height, massing, layout, appearance and landscape makes an appropriate visual relationship with that of the form, grain, scale, materials and detail of the surrounding area. Therefore, when taken as a whole, the policy is broadly consistent with the Framework in requiring development to respond to local character and to achieve good design. Similarly policy H10 requires consideration of character which is a feature of good design and a key aspect of sustainable development under the Framework.
15. The Appellants have argued a shortfall in the 5 year land supply for Housing based on a monitoring report which the Council has not disputed. If I were to

conclude there is a shortfall in the 5 year supply of the scale suggested by the Appellants and that the relevant policies for the supply of housing should not be considered up-to-date, there would be adverse impact on the character and appearance of the area.

16. There would be benefits in new residents enhancing the economic health of the town by providing additional customers for local businesses. The housing would boost housing land supply in a location accessible to shops, employment and services. These economic and social benefits would accord with policies of the Framework to which moderate weight is applicable given 11 dwellings are proposed. Turning to other suggested benefits, the benefit of this location compared to others in terms of accessibility to healthcare and education services, would be limited in the absence of any identified sites to draw comparison with. The benefit of developing this site compared to open countryside sites around Harlow would be limited for the same reason.
17. Nevertheless, the Framework states that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. In this regard, the design of the development would be poor by reason of its cramped layout and the adverse impact on the character and appearance of the area significant for the reasons indicated. Therefore, the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits, when accessed 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.

Conclusion

18. The proposal would harm the character and appearance of the area and there would be a conflict with policies BE1 and H10 of LP, and the development plan as a whole. The development would not be sustainable and there are no other material considerations that indicate a decision should be made other than in accordance with the development plan and permission should be refused.
19. For the reasons given above and having regard to all other matters raised, including support, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR