
Appeal Decisions

Site visit made on 3 July 2017

by Karen L Baker DipTP MA DipMP MRTPI

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

Decision date: 1st August 2017

Appeal A: APP/N1540/W/17/3169682 78 Hookfield, Harlow, Essex CM18 6QQ

- 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 KP Property Developments against the decision of Harlow Council.
 - The application Ref. HW/FUL/16/00337, dated 23 July 2016, was refused by notice dated 19 September 2016.
 - The development proposed is "to demolish existing building and to erect 3 dwellings with associated car parking and landscaping, with alterations to the existing dwelling".
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Appeal B: APP/N1540/W/17/3169687 78 Hookfield, Harlow, Essex CM18 6QQ

- 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 KP Property Developments against the decision of Harlow District Council.
 - The application Ref. HW/FUL/16/00338, dated 23 July 2016, was refused by notice dated 27 September 2016.
 - The development proposed is "to demolish existing building and to erect 2 dwellings with associated car parking and landscaping, with alterations to the existing dwelling".
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters

3. As part of the appeals the appellants have submitted some revised plans (BRD/15/025/008 to replace BRD/15/025/006 Rev. A in Appeal A; and, BRD/15/025/004B and BRD/15/025/006C to replace BRD/15/025/004 Rev. A and BRD/15/025/006 Rev. B respectively in Appeal B). These plans would amend the internal arrangements at first floor in No. 78 Hookfield, by replacing the first floor bedroom window in the western elevation of this dwelling with an obscure glazed window, which would open into an en suite shower room, and retaining the existing first floor bedroom window in the southern elevation. I am satisfied that these changes would be minor and that the interests of the

Council and third parties would not be prejudiced. I have therefore considered these appeals on the basis of these amended plans.

Main Issues

4. The main issues in these appeals are:

- a) the effect of the proposed developments on the character and appearance of the area, including the existing trees, and the role of the Green Wedge between Hookfield and Jeans Yardling;
- b) whether or not the proposed developments would preserve or enhance the character or appearance of the Tye Green Conservation Area and the setting of the Grade II listed building Jeans Yardling;
- c) the effect of the proposed development on the living conditions of neighbouring residents, with particular reference to the outlook of the occupiers of No. 78 Hookfield and the privacy of the occupiers at No. 77 Hookfield; and,
- d) whether or not the proposed dwelling on Plot 3, in Appeal A, and the proposed dwelling on Plot 2, in Appeal B, would provide satisfactory living conditions for future occupiers in respect of privacy.

Reasons

Character and Appearance

5. The appeal site currently comprises 2 parcels of land. The northern part of the site is occupied by the dwelling at No. 78 Hookfield and its associated garden. The properties along Hookfield to the north east of the appeal site are mostly 2 storey terraced dwellings, which front onto the street, with modest rear gardens. The southern part of the appeal site is a meadow, which abuts a public footpath immediately to the south. Indeed, given the lack of any boundary treatment, the meadow appears as part of a larger area of informal open space, which is dissected by the public footpath that runs between Tye Green Village to the south east and an area allocated in the Adopted Replacement Harlow Local Plan, adopted in July 2006, as Green Wedge to the west. The appeal site also includes an area of land to the east, which runs through the Jeans Yardling complex and would form the vehicular access to the proposed development from Tye Green Village. This part of the appeal site lies within the Tye Green Conservation Area. The Jeans Yardling complex includes the Grade II listed building known as Jeans Yardling and associated buildings, many of which have been converted to residential use.
6. The Council considers that the whole of the appeal site is greenfield land. The National Planning Policy Framework (The Framework) defines previously developed land as land which is or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. It goes on to say that this excludes land in built up areas such as private residential gardens, amongst other things. As such, I concur with the Council's assessment that this site is greenfield. Nevertheless, this does not preclude the development of such sites, subject to relevant policy considerations. Indeed, I note the example referred to by the appellants at 9 Potter Street, Harlow (Ref. HW/PL/14/00279).

7. Paragraph 53 of The Framework says that local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area. Policy H10 of the Local Plan says that planning permission for residential infill development, including the sub-division of garden plots, small redevelopment schemes and the development of vacant plots, will be granted provided that a number of criteria are met. These include that the development proposal would not have an unacceptable adverse effect on the character of the locality and the appearance of the streetscene, amongst other things. Local Plan Policy BE1 states that all new and extended buildings should relate to their setting to strengthen, enhance, protect or create local character.
8. The garden associated with No. 78 Hookfield is considerably larger than many of the other terraced dwellings, given its corner position. However, the front elevation of this dwelling is substantially smaller in the streetscene. A large outbuilding exists to the south west of this dwelling, on the northern part of the appeal site. The proposals would include the demolition of this outbuilding and the construction of a terrace of 3 dwellings, in the case of Appeal A, and the construction of a pair of semidetached dwellings, in the case of Appeal B, in this general location. Private amenity space for each dwelling would be provided to the north west of these properties, with an area of private amenity space retained for No. 78 to the south east of that dwelling. A driveway, vehicle and cycle parking, turning area and landscaping would be provided on the southern part of the appeal site, along with a pedestrian/cycle link to the existing public footpath and cycle way beyond. The front elevations of the new dwellings would face the southern part of the appeal site. The host dwelling would be altered to provide a walkway through from the proposed driveway to Hookfield, in order that refuse bins from the existing and proposed dwellings can be placed on the roadside.
9. The appeal site is located within the built up area of Harlow. Nevertheless, it was apparent from my site visit that at present the appeal site is in 2 distinct parts. The northern section of the appeal site relates well to the development along Hookfield. Indeed, the more generous garden is a typical feature of these corner properties dotted throughout this relatively dense residential estate. The southern part of the appeal site is more closely related to the development around Jeans Yardling and Tye Green Village, which, in the vicinity of the appeal site, are mostly substantial detached properties set within large gardens. Indeed, there are 2 distinctly separate character areas adjacent to the appeal site, with the urban layout of Hookfield immediately to the north and the more rural character of Jeans Yardling and Tye Green Village to the south and east.
10. The appellants have submitted a Landscape and Visual Impact Assessment (LVIA) as part of these appeals. It concludes that the proposals would have only a low impact on the identified local character receptors within the adjacent public open space, paddocks and built up areas along Tye Green Village and Hookfield. The visual impact is identified as moderate along the public footpath and the open paddock land south of the appeal site, but low (negligible) when viewed from the public right of way within adjacent public open space and paddocks west of the appeal site.
11. The proposed dwellings would be sited to the rear of, and backing on to, the Hookfield residential estate. The dwellings proposed would be in a short 2

storey terrace (Appeal A) and a pair of semidetached 2 storey properties (Appeal B). They would have narrower front elevations, be of a greater depth than, and exceed the height of, the existing dwellings along Hookfield. In addition, the style of fenestration and materials proposed would differ substantially from those used in the existing dwellings. Although they would not be visible within the Hookfield streetscene, the dwellings would be highly visible from the public footpath immediately to the south of the appeal site. From this footpath, the proposed dwellings would be viewed against the backdrop of the rear elevations of the existing dwellings along Hookfield. In my opinion, given their juxtaposition, along with their scale, height, mass and design the proposed dwellings would appear as an alien and discordant feature in these views, out of keeping with the character of both the Hookfield estate and the dwellings along Tye Green Village and within the Jeans Yardling complex. Although I acknowledge that planting along the boundaries and within the proposed parking area could provide some screening of the proposed developments, I do not consider that this would be sufficient to ameliorate the harm identified.

12. Although not part of the Green Wedge, the meadow on the southern part of the appeal site, along with the public footpath and land to the south, provides an important green link between the Jeans Yardling complex and the Green Wedge. The development of the southern part of the appeal site as a driveway, vehicle and cycle parking and turning area, would therefore, despite the inclusion of soft landscaping, have an urbanising effect upon the meadow, to the detriment of the character and appearance of the local area.
13. It was apparent from my site visit that a number of trees are located adjacent to the western boundary of the appeal site within the Green Wedge. Furthermore, a substantial hedgerow exists to the south of the current boundary between No. 78 Hookfield and the meadow. I acknowledge the Arboricultural Impact Assessment submitted by the appellants as part of these appeals. I am satisfied that the proposed developments would not unduly harm the existing trees adjacent to the western boundary, subject to the imposition of appropriate root protection areas, and that the loss of the substantial hedgerow could be mitigated by new planting within the appeal site.
14. With regards to the role of the Green Wedge, Policy NE1 seeks to protect Green Wedges from inappropriate development and identifies a number of roles fulfilled by the Green Wedges. It is apparent from the Local Plan that Policy NE1 relates to development within the Green Wedge. As the appeal site is located outside the Green Wedge I do not consider that Policy NE1 would apply to the development proposals before me. In this regard, I am therefore satisfied that the proposed developments would not have an adverse effect on the roles of the Green Wedge.
15. Although I consider that the proposed developments would not unduly harm the existing trees adjacent to the appeal site and would not have an adverse effect upon the role of the adjacent Green Wedge, I conclude that the proposed developments would harm the character and appearance of the area. As such, they would be contrary to Policies BE1 and H10 of the Local Plan and would not accord with Principle DG28 of the Harlow Design Guide Supplementary Planning Document 2011, which requires development to positively respond to the prevailing character of the area by being appropriately designed.

Heritage Assets

16. The appeal site lies partly within the Tye Green Conservation Area and is adjacent to the Jeans Yardling complex, which includes a Grade II listed building. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 says that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. A similar statutory duty in respect of conservation areas is also included in the Act at Section 72(1). It says that in the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
17. One of the Core Planning Principles of The Framework is that planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations (paragraph 17). Government policy on conserving and enhancing the historic environment is set out in Section 12 of The Framework. Paragraph 132 advises that great weight should be given to the designated heritage asset's conservation and that the more important the asset, the greater the weight should be.
18. Jeans Yardling is a 2 storey timber framed building with a white painted weatherboarded front elevation, under a red tile roof. It forms the northern part of a group of buildings sited around a courtyard area. The 1896 Ordnance Survey map, submitted as part of the appellants' Heritage Statement, shows that this group of buildings was set within an open area, which included the meadow to the west. The land to the west of Jeans Yardling slopes gently down towards the public footpath and views of this building are available from this public footpath. Although the residential development of Hookfield to the north has taken place as part of the New Town development of Harlow, it was apparent from my site visit that the southern part of the appeal site, along with the wider meadow area to the west of the Jeans Yardling complex, has a historic and visual relationship with Jeans Yardling and, as such, forms an important part of the setting to this listed building.
19. Although the listed building would be retained, the proposed developments would include the construction of a driveway, vehicle and cycle parking and turning area on the meadow on the southern part of the appeal site. The proposals would include soft landscaping to lessen the impact of these works. Nevertheless, the developments would have an urbanising effect upon what is currently a pleasant, open area, which would detract from the setting of this listed building. This, along with the increased use of the driveway through the Jeans Yardling complex by the future occupiers of the proposed dwellings and its extension into the meadow area, would cause significant harm to the setting of the listed building. Nonetheless, in my opinion, this would be less than substantial harm.
20. The Tye Green Conservation Area includes the Jeans Yardling complex, with the western extent of its boundary being to the west of the buildings which form

the south eastern corner of this complex. As such, the majority of the appeal site is located outside the conservation area, with only the shared driveway, which would run through the Jeans Yardling complex, being within it. Nevertheless, the proposed developments would introduce more urban features which would alter views into the conservation area from the public footpath to the south and views out of the conservation area from the east, within the Jeans Yardling complex and along the public footpath to the south of these buildings. Furthermore, the increase in vehicular and pedestrian movements across the shared driveway within the Jeans Yardling complex, would alter the character of this area from that of a courtyard to a thoroughfare. This would cause some harm to the conservation area. However, in my opinion, this would be less than substantial harm.

21. As I have identified less than substantial harm to the designated heritage assets, it is necessary to weigh the harm to each of them with the public benefits of the appeal proposals as required by paragraph 133 of The Framework. The appellants refer to the lack of a 5 year housing land supply within the District and that the proposals would generate an additional 3 dwellings, in the case of Appeal A, or 2 dwellings, in the case of Appeal B. Of the designated heritage assets cited, I have found the greatest harm to the listed building at Jeans Yardling. Indeed, I find that balancing the harm to that listed building, and giving it considerable importance and weight, with the public benefits of providing the housing proposed in these schemes is such that the harm is so significant that the developments would not outweigh the less than substantial harm identified. Given that the listed building is the most affected heritage asset, it is not necessary to make a specific balance for the Tye Green Conservation Area, as this assessment means that the schemes fail the test set out in paragraph 14 of The Framework that specific policies in this Framework indicate development should be restricted.

Living Conditions of Neighbouring Residents

22. The proposed dwellings would be set forward of the rear building line of No. 78 Hookfield, so that their rear elevations would be sited around 5.8m and 4m, in Appeals A and B respectively, from the rear elevation of the existing dwelling. The only habitable room windows that would remain in No. 78 would be within its rear (south) elevation. Although the proposed dwellings would not extend the full depth of the side boundary between them and No. 78 and would be set back from this shared boundary, given the scale, mass and height of the proposed developments, they would appear obtrusive and prominent in views from the neighbouring dwelling and within its private amenity space. This would be detrimental to the outlook of the occupiers of No. 78.
23. The rear elevations of the proposed dwellings in both appeals would be sited around 10m from the rear garden of No. 77 Hookfield. The proposed dwellings in Appeal A would each have bi-folding doors at ground floor opening into their living rooms and 2 first floor windows, one opening into a bedroom and the other, which would contain obscure glazing, opening into a bathroom. The proposed dwellings in Appeal B would each have bi-folding doors and a window at ground floor opening into their living rooms and 2 first floor windows, which would each open into a bedroom. Although a 2m high fence could be secured by way of a planning condition along the boundary between the proposed dwellings and No. 77, given the close proximity of these dwellings to this boundary, along with their height and the fenestration proposed, there would

be some overlooking and loss of privacy to the occupiers of No. 77 in their rear garden from the first floor bedroom windows.

24. I conclude, therefore, that the proposed developments would harm the living conditions of neighbouring residents with particular reference to the outlook of the occupiers of No. 78 Hookfield and the privacy of the occupiers of No. 77 Hookfield. As such, the proposals would be contrary to Local Plan Policies H10 and BE1.

Living Conditions of Future Occupiers

25. The rear gardens of the dwellings on Plot 3, in Appeal A, and Plot 2, in Appeal B, would be sited to the west of the dwelling at No. 78 Hookfield. This existing dwelling currently has a large ground floor window, which opens into a living room and a first floor bedroom window, in its western elevation. This bedroom currently has a second window in the southern elevation of No. 78. No. 78 is sited in a more elevated position than the proposed dwellings. I note the proposed alterations to the existing dwelling, which would include the removal of the ground floor living room window in the western elevation and the addition of an en suite to the bedroom and the subsequent inclusion of obscured glass in the window in the western elevation. These changes would substantially limit the views into the rear gardens of the proposed dwellings from No. 78 and would ensure that the rear gardens of the proposed dwellings would have sufficient privacy for future occupiers.
26. I conclude, therefore, that the proposed dwelling on Plot 3, in Appeal A, and the proposed dwelling on Plot 2, in Appeal B, would provide satisfactory living conditions for future occupiers in respect of privacy. As such, the proposals would not be contrary to Local Plan Policies H10 and BE1.

Conclusion

27. Although I have found that the proposed developments would provide satisfactory living conditions for future occupiers in respect of privacy, this is outweighed by the harm that I have identified to the character and appearance of the area, the heritage assets and the living conditions of neighbouring residents with particular reference to outlook and privacy. I consider these to be compelling objections and for these reasons the appeals should not succeed.

Other Matters

28. I have considered all the other matters raised by the appellants including the provision of housing in a location with good access to local facilities and services; but none changes my overall conclusion that the appeals should be dismissed.

Karen L Baker

INSPECTOR