
Appeal Decision

Site visit made on 27 June 2017

by N A Holdsworth MCD MRTPI

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

Decision date: 07/08/2017

Appeal Ref: APP/N1540/D/3171470
10, Willowfield, Harlow, Essex, CM18 6RR

- 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 Brian Kent against the decision of Harlow District Council.
 - The application Ref HW/HSE/16/00339, dated 23 July 2016, was refused by notice dated 23 December 2016.
 - The development proposed is new single storey garage to the side of the house.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues are the:
 - i) effect of the proposal on the character and appearance of the area
 - ii) whether the loss of internal open space is justified

Reasons

Character and appearance

3. The application site is set within an architecturally cohesive group of 6 two storey dwellings. A particular feature of this group of buildings are the asymmetric, angled front half gable walls and recessed side wings which are prominent in views along Willowfield. The side elevation of the appeal building marks a distinctive end point to this group of buildings, bordering an area of open space that separates this group of dwellings from the neighbouring block of flats and providing views from the street to the wooded area beyond. This area forms part of a gap between the houses on Willowfield and those further afield.
4. The proposed single storey side extension would be built along the same building line as the existing recessed side wing. As such it would appear as an integral and prominent part of the main building. Its effect would be to elongate the building and by association its curtilage, thereby diminishing the symmetrical form which it shares with the other buildings in the terrace. Furthermore, the flat roof of the extension would not reflect the dominant pitched roof form of this group of buildings, resulting in an incongruous appearance that further diminishes the appearance of the terrace as a whole. In consequence the development would diminish the cohesive appearance of

this group of buildings and their setting within the wider street scene. The bulk and mass of the extension would also reduce the size of the open space between the building and the neighbouring block of flats. This area currently provides an open setting to the wooded area visible to the rear of site, which is accordingly designated as a 'green wedge'. Whilst I note the appellants contention that part of this wooded area is neglected, it nonetheless provides an important function in providing relief from the built form in both public and private views along Willowfield and its surroundings. The appeal proposal represents a progressive encroachment of built form that would diminish these views.

5. I have reviewed the examples provided of other development that has occurred within the group of buildings that the appeal site forms part of. However, even cumulatively, these alterations have not undermined the visual cohesion of the group to the extent that would occur under the appeal proposal.
6. I therefore consider that the development would result in harm to the character and appearance of the area. It would conflict with saved policy BE1 of the Replacement Harlow Local Plan 2006 (LP) which, amongst other things, requires the massing and appearance of extended buildings to make an appropriate visual relationship with the form, grain and scale of the surrounding area. Nor would it accord with principles DG47 and DG48 of the Harlow Design Guide Supplementary Planning Document to the extent that they have similar aims.

Internal open space

7. The land on which the extension is proposed is designated in the LP as internal open space. I note the evidence provided that the area in question is used for unauthorised car parking and the allegation that it is poorly maintained. However, having visited the site I concur with the conclusions reached by another Inspector in an earlier appeal decision¹ and that is that the space in question is an integral part of the planned landscape structure of the area. It is an attractive grassed area which forms part of the setting of mature trees. Whilst the height of the proposal has been reduced from the previous proposal, its bulk and scale would still reduce the openness of the space in question, resulting in a residual area that appears cramped in relation to the built form that surrounds it.
8. I have noted the representations made regarding the Council's supplementary planning document 'Open Space, Sport and Recreation' adopted June 2007. Paragraph 5.9 of this document states that the minimum size of internal open space should be 0.1 hectares and does not include landscaping strips of less than 15 metres in width. However, it is clear that this document relates principally to the standards that apply where such spaces are proposed in new housing developments. I do not therefore agree that this supplementary guidance overrides the policy protection offered to the area in question, given that it evidently forms part of the planned landscape structure of the area and is accordingly designated as internal open space in the LP.
9. The proposal therefore conflicts with policy NE7 of the LP which limits development on designated internal open space to leisure, recreation and

¹ APP/N1540/W/15/3128713

community uses. There are no material considerations that indicate an exception this policy should be taken on this occasion.

Other matters

10. I have considered the evidence supplied in the form of a letter dated February 2014 stating that the estates department of Harlow Council would agree to the sale of the land in question for the construction of a garage, subject to conditions including obtaining planning approval. However, it is evident from the appeal documents that the land in question is not owned by the appellant, and does not currently form part of the curtilage of the dwelling. I therefore consider the likelihood of any alternative development occurring under permitted development rights is low, and would not provide a justification for development which is otherwise contrary to policies in the development plan.
11. I note that the Council's arboricultural advisor considers that the proposal is acceptable subject to details being provided of tree protection measures, arboricultural supervision and additional details being provided of soft landscaping measures. On the basis of the information submitted I agree that the impact on surrounding trees could if necessary be managed through the use of planning conditions. The lack of harm in this regard does not weigh in favour of the proposal it merely has a neutral effect on the overall planning balance.

Conclusion

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

Neil Holdsworth

INSPECTOR