
Appeal Decision

Site visit made on 21 August 2017

by Tim Wood BA(Hons) BTP MRTPI

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

Decision date: 6 September 2017

Appeal Ref: APP/N1540/W/17/3176138
45 Sheering Road, Harlow, Essex CM17 0JN

- 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 Mrs H May against the decision of Harlow District Council.
 - The application Ref HW/FUL/17/00030, dated 16 January 2017, was refused by notice dated 14 March 2017.
 - The development proposed is a detached dwelling with an annexe.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - The effects of the proposal on the character of the area
 - The effects of the proposal on the living conditions of neighbours at No 45.

Reasons

Character of the area

3. The appeal relates to this detached property which is located adjacent to the corner of 2 sections of Sheering Road. The plot is wide, accommodates the detached dwelling and its out-buildings and garden. Along the side boundary of the plot is dense informal planting which provides an effective screen to the site. This and the adjacent grass verge give a verdant character to this part of the area, screening the buildings from the road. Although there is some variety in the area, the wide plot of this site reinforces the general spaciousness and goes some way to off-set the close relationship with No 47 Sheering Road on the opposite side.
4. The proposal would split the existing plot in 2 and construct a detached dwelling. The new dwelling would be on roughly the same front building line as No 45 but would extend to the rear much beyond No 45. I consider that the reduction in the existing wide plot to create 2 narrow plots would reduce the valuable spacious character that this site contributes to the area generally. Although there is variety in the area and the siting of buildings varies, I consider that the 2 resultant narrow plots would give rise to a cramped form of development that would have a harmful effect on local character. Both No 45

and the proposed new dwelling would be sited very close to both of their side boundaries and there would be very little gap between the buildings.

5. The proposal would result in much of the planting to the side of the appeal site, adjacent to the road, being removed. Although there is some debate, the proposed plans indicate that the building would be sited a very short distance from the boundary; if the boundary indicated at the site is followed, then this would mean that all of the vegetation in that area adjacent to the nearest flank wall of the new dwelling would have to be removed. Furthermore, although the rear section of the building would be set away from the boundary, it contains a window to a main room and so it would not be desirable to provide significant planting here. The overall effect that I envisage is that the new dwelling would be highly visible and prominent along this section of Sheering Road and the existing verdant character would be harmed.
6. At present, the planting along the edge of the appeal site enhances the character of the road and complements the planting on the opposite side of the road, within the Conservation Area. In this respect I consider that the loss of a large amount of the planting at the appeal site and the greater visibility of the built form within the site would mean that this aspect of the setting of the Conservation Area would be harmed. In relation to this main issue, the proposal is contrary to Policies BE1, BE10 and H10 of the Adopted Replacement Harlow Local Plan 2006 (LP).

Living conditions of neighbours

7. The rear section of the proposed dwelling would extend well beyond the rear of the neighbouring dwelling at No 45 Sheering Road. Although this section of the proposal would be of slightly reduced height, I consider that it would be highly visible from within the existing dwelling at No 45 and from within its garden area. Due to its proximity to the boundary and its rearward projection, I consider that it would appear overbearing and dominant when seen from No 45.
8. In addition, the proposed facing elevation would contain a lounge/kitchen window at the ground floor and a bedroom window at the first floor. It seems to me that these would afford the opportunity for clear and direct overlooking into No 45. Whilst it may be possible to consider a feature such as a boundary fence which may prevent overlooking from the ground floor, this would be very close to the window here and may be unacceptable in terms of restricting outlook from the new dwelling. In addition, the appellant has suggested that the first floor dormer could be swapped to the other side elevation and replaced by a roof-light. Although this would represent an alteration to the scheme, it would not mean that the overall effects on neighbours would be reduced to an acceptable level, in my judgement.
9. As a result of these factors, I conclude that the proposal would have an unacceptable effect on the living conditions of neighbours. Therefore, the proposal is contrary to Policy BE1 of the LP.

Other Matters

10. The appellants set out that the proposal is designed to accommodate family members including an adult daughter who suffers from a long standing and progressive medical condition. The new dwelling would accommodate the

mother with the daughter in the rear section of the building, designed to be an annexe with specific provisions for her. I have had due regard to the effects of dismissing the appeal on the family member. I am informed that she lives in another neighbouring property (No 43 Sheering Road) to the rear of the appeal site and currently has specific facilities. Family circumstances are such that No 43 may be sold in the near future. Whilst I am aware that the proposal would provide suitable facilities, I am also mindful that this is not the only way that such facilities can be provided. The appellant acknowledges that personal circumstances will rarely be a determining factor in planning decisions but suggests that a finely balanced decision may be tipped by such considerations. In my view the case is not finely balanced in relation to its planning merits but is clear-cut. I have had due regard to the effects of the decision on the family member but my view is that these matters are outweighed by the planning considerations that I have set out.

Conclusions

11. For the reasons set out above, the appeal is dismissed.

S T Wood

INSPECTOR