
Appeal Decision

Site visit made on 30 October 2017

by G D Jones BSc(Hons) DipTP DMS MRTPI

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

Decision date: 8th November 2017

Appeal Ref: APP/N1540/W/17/3180119

Land adjacent to Parsloe Road and Markwell Wood junction, Harlow

- 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 Kevin Pitt against the decision of Harlow District Council.
 - The application Ref HW/FUL/17/00200, dated 5 May 2017, was refused by notice dated 5 July 2017.
 - The development proposed is the erection of four dwellings with associated car parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has requested that the appeal be determined on the basis of a revised layout rather than the drawing that was before the Council when it determined the planning application. As the revisions concern a reasonably limited part of the development in respect to the width of the access driveway at the site's junction with the highway and given that the local highway authority (LHA) has confirmed that the revisions address its concerns, I have determined the appeal on the basis of the revised scheme. I also note that the Council has confirmed that the proposed revised access arrangements could overcome its third refusal reason – concerning highway safety – subject, among other things, to the LHA removing its objection and the imposition of any conditions the LHA sees necessary.
3. The information before me also refers to the appeal site being the subject to an Enforcement Notice and an associated appeal in connection with an alleged erection of a fence without planning permission and an alleged change of use of the land. The evidence indicates that that appeal is yet to be determined.
4. In the context of an appeal made under section 78 of the Town and Country Planning Act 1990, it is not my role to determine the lawfulness of any development that may or may not have taken place at the appeal site. Nonetheless, the current, or some past lawful, appearance and use of the site is material to my decision in terms of establishing the baseline against which an assessment can be made of any change that the appeal development would bring about, including in terms of any effect on the character and appearance of the site and the surrounding area. Accordingly, I have used the site's appearance and use as I observed it during my site visit as the baseline.
5. This is not to say that the site's current appearance / use are lawful or not; I have come to no conclusion and make no comment on that matter. I have adopted this

approach purely as a means to help inform my decision in the absence of certainty in respect to this aspect of the evidence.

Main Issues

6. In view of the matters outlined above, the main issues are the effect that the proposed development would have on the character and appearance of the site and surrounding area, and whether or not there are any other matters, including housing land supply, that would outweigh any harm.

Reasons

Character and Appearance

7. The appeal site is located to the south of a roundabout at the junction of Philips Road, Markwell Wood and Parsloe Road. The majority of its frontage adjoins the latter of these roads to the west. Although the site also adjoins houses to the east, those houses - like the dwellings to the west on the opposite side of the road - front on to other surrounding streets such that they appear to be orientated away from Parsloe Road.
8. The appearance that these properties have a limited relationship with the street scene of Parsloe Road is heightened to the east of the road by the boundary treatment that has been erected within the appeal site and to the west by the reasonably mature and dense planting opposite the site. To the south of the site there is a run of three detached houses of varying design, beyond which there is a field which appears to be in agricultural use.
9. Given the pattern of development described above, the appeal site has a much stronger visual relationship with the nearby street scene of Parsloe Road, particularly the three houses to the south and the verdant land to the west, than to the development in Markwell Wood. This would become more so if the appeal development were to proceed given that the proposed built form would filter and screen views from Parsloe Road of some of the existing development to the east.
10. The proposed development would sit awkwardly within this context to the detriment of the nearby street scene. There are a number of reasons for this. The footprint of the proposed staggered row of four houses is very much at odds with the built form of the three detached houses to the south. Unlike those houses, which are set back from the highway in large plots, the proposed row would be positioned side-on to the street and would also appear relatively cramped.
11. This latter point is further illustrated by the proximity that the proposed building would have to Parsloe Road, not only in comparison with the houses to the south but also with those to the north on Markwell Wood. The detailed design of the proposed houses also appears to take little reference from the houses to the south. While there remains some scope for landscaping, including the two Ash trees that are proposed to be planted to the north of the site, the remaining undeveloped space would be limited such that the potential to help integrate the development into the nearby verdant street scene would also be limited.
12. For these reasons, therefore, the appeal development would harm the current character and appearance of the site and the surrounding area. Consequently, in that regard, it would conflict with Policies BE1 (Character and Identity), NE7 (Internal Open Spaces) and H10 (Existing Housing Areas) of the Adopted Replacement Harlow Local Plan, July 2006, as well as with the Harlow Design Guide SPD, October 2011. However, as there are now no mature trees or hedgerows within the site, I have found no conflict with that Plan's Policy NE11.

Other Considerations and the Planning Balance

13. The evidence includes the Council's 2012/13 Annual Monitoring Report (AMR). That AMR concludes that at that point in time the Council could only demonstrate a 3.7 to 4.4 years' supply of housing land. Although it seems likely that there will have been AMRs produced for subsequent years, the appellant's evidence that the Council cannot demonstrate a National Planning Policy Framework (the Framework) compliant supply of housing land is unchallenged. Accordingly, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework taken as a whole, planning permission should be granted for the appeal development.
14. Parts of the social role of sustainable development as defined by the Framework would be achieved, for instance through the delivery of new homes within the settlement boundary reasonably close to local services and facilities, including alternative transport options. The scheme would also make a contribution to the economic dimension of sustainable development during the construction phase as well as through additional spending associated with the residents of the houses.
15. Nonetheless, good design is a key aspect of sustainable development as recognised by the Framework. Accordingly, given my findings outlined above concerning the resultant harm to the character and appearance of the area, the proposal would fail to meet the environmental dimension of the Framework. The harm arising would significantly and demonstrably outweigh the positive social and economic dimensions of the proposal as identified by the appellant, including the modest contribution offered by four houses to meeting housing need (even on the assumption that housing land supply is as low as 3.7 years) and any associated reduction in pressure to build in the countryside or on open space. Consequently, the appeal scheme is not the sustainable development for which there is a presumption in favour.

Other Matters

16. While I have taken into account the other matters raised by interested parties these have not altered my overall decision. I also note that the Council considered it necessary to re-consult neighbours in light of the revised layout. Normally I would agree, however, given my findings, as set out above, in the particular circumstances of the case I have found no overriding need to delay the determination of the appeal.

Conclusion

17. For all of the reasons given above, I conclude that the appeal should be dismissed.

G D Jones

INSPECTOR