



Appeal Decision

Site visit made on 13 August 2019

by Ian Harrison BA Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/N1540/W/19/3230751

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 Mr Pitt (KP Property Developments Ltd) against the decision of Harlow District Council.
 - The application Ref HW/FUL/19/00053, dated 7 February 2019, was refused by notice dated 3 May 2019.
 - The development proposed is the demolition of existing building, and the erection of a single storey dwelling with associated car parking and landscaping, with alterations to the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although access to the site was arranged, it was not possible to enter the plot of 78 Hookfield as the appellant was not present at the time of the site visit. It was however possible to adequately see the remainder of the site and its context and assess the proposal from public land.
3. The application form and appeal form have used the same description, but the decision notice of the Council uses a different description. Neither of the main parties has provided written confirmation that a revised description has been agreed. Accordingly, I have used the one given on the original application in the heading above, with minor corrections to ensure that it is adequate.
4. An amended plan has accompanied the appeal which enlarges the application site. During the appeal the appellant has served additional notice of the application on some parties, but this does not represent a complete public consultation and I am not satisfied that all interested parties would have had opportunity to view and comment on the amended plan, potentially prejudicing their ability to be involved in the appeal process. I have therefore determined the appeal on the basis of the application plans.

Main Issues

5. The main issues are:
 - The effect of the development on the character and appearance of the area;
 - The effect of the development on heritage assets; and
 - The usability of the proposed car parking.

Reasons

Character and Appearance

6. The appeal site consists of the dwelling of 78 Hookfield and its garden and outbuilding, the top part of which is visible from an adjacent area of green space. The site also includes part of the adjacent green space, part of a partially made public footpath and the access track and adjacent land that connects Jeans Yardling to Tye Green Village. The access track and the adjacent part of the public footpath are within the Tye Green Conservation Area. Jeans Yardling is a Grade II listed building that is surrounded by a complex of buildings.
7. Appeal decisions¹ at the same address found that the land was greenfield land, but not part of the Green Wedge to the west of the site that is allocated by the Adopted Replacement Harlow Local Plan (RHLP), adopted in July 2006. It was previously identified that the green space provides an important link between the Jeans Yardling complex and the Green Wedge and that 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. Based on the evidence before me, I have no reason to reach a different conclusion in respect of these matters even though the proposal is different.
8. The proposal would see the removal of the outbuilding and the erection of a bungalow in its place, orientated to face the green space. Parking to serve the dwelling would be provided on the grassed land adjacent to the access track, with pedestrian access to the house being reliant on the use of the public footpath and a newly created path. The proposed path would continue around the edge of the garden of 78 Hookfield and lead through to Hookfield, with associated alterations to the dwelling to enable this route to be created.
9. Although not part of the designated Green Wedge, the green space represents a significant visual gap between Hookfield and Tye Green. Erecting a dwelling to front onto this land would change the character of this area and create the sense of built form imposing on the relative tranquillity of this informal space.
10. A bungalow in this location, with a backdrop of the terraced dwellings, would represent an incongruous and discordant feature that would not be harmonious with the character of the dwellings of Hookfield. The dwelling is of relatively simple design that shows little regard to the scale, form or appearance of the dwellings that surround it, including the nearby bungalows of Hookfield which have a markedly different appearance. The dwelling would appear disjointed in context of the surrounding built forms and as such the conclusions of the previous appeal decisions remain applicable in this case. The limited effect of the development on the Hookfield streetscene does not compensate for the harm that has been identified from other vantage points.
11. The submitted plans show the retention of the existing hedge, but this would not mitigate the visual effect of the development as the opening leading to the entrance to the dwelling would become more prominent. It is also likely that there would be reductions to the hedge adjacent to the plot entrance and to provide an outlook from the dwelling which would reduce the mitigation it

¹ APP/N1540/W/17/3169682 and APP/N1540/W/17/3169687

would provide. The appellant's submissions also state that the only hard surfacing on the green space would be the link from the dwelling to the existing footpath and that there would be no changes to the existing footpath. The provision of a hard surfaced path would emphasise the existence of the proposed dwelling and would be likely to appear as an incongruous feature in the green space.

12. The existing outbuilding is only partially visible above the existing landscaping and boundary treatments and therefore appears as a subservient outbuilding to the dwelling beyond. This is not unlike the numerous other outbuildings at the rear of the dwellings of Hookfield. The creation of a path and erection of a dwelling would have a substantially greater impact on the character and appearance of the area than the existing building. Therefore, whilst the footprint would be similar, the visual effect of the development would be significantly different and more imposing on the green space. As such I do not give significant weight to the visual benefit arising from the removal of the existing outbuilding.
13. For the reasons given above, the proposed development would harm the character and appearance of the area. As such, the development would be contrary to Policies BE1 and H10 of the RHLF which seek that, amongst other things, all development strengthens, enhances or protects local character and that developments involving the sub-division of garden plots do not have an unacceptable effect on the character of the locality. The proposal would also 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. The proposal would also conflict with the National Planning Policy Framework which seeks to ensure that development is sympathetic to local character.

Effect on Heritage Assets

14. Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that when considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker 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. Furthermore, Section 72(1) of the same Act states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The heritage assets of relevance to this site are set out above.
15. The proposed dwelling would be a substantial distance from the listed building of Jeans Yardling and even from the few vantage points where they would be viewed simultaneously, they would appear entirely separate, separated by the buffer that exists in the form of landscaping and the intervening buildings of the Jeans Yardling complex. The building is therefore outside the setting of the listed building.
16. The previous appeal decisions identified harm to the setting of the listed building arising from the development on the green space which would have had an urbanising effect within the setting of the listed building. There is less development now proposed on this green space, with only the path created as set out above. However, the path would result in the green space appearing to

- be associated with the setting of the proposed dwelling, thereby imposing on the link between the listed building and the Green Wedge.
17. Furthermore, an important feature of the setting of Jeans Yardling is the gated courtyard and the approach to those gates from Tye Green Village. The provision of parking and a turning area in place of soft landscaping within this part of the site, remote from the dwelling it would serve, would appear contrived and clearly disjointed from any dwelling. These parts of the proposal would therefore erode the contribution that the approach makes to the setting of the listed building and as such cause harm to the setting of the listed building. I consider this harm to be less than substantial.
 18. The Jeans Yardling complex is located at the boundary of the Conservation Area. The access track and part of the footpath are the only parts of the site that lie within the Conservation Area. As a listed building, Jeans Yardling is a particularly important feature of the Conservation Area. Although the effect would be localised, the proposed parking area would be adjacent to a public footpath and as such would become a conspicuous feature of this important part of the Conservation Area. The harm that has been identified to the setting of the listed building would reduce the contribution that the listed building makes to this part of the Conservation Area, causing some harm to this heritage asset as well. This harm is also less than substantial.
 19. As less than substantial harm to heritage assets has been identified, it is necessary to weigh this harm against the public benefits of the proposal, in line with paragraph 196 of the Framework. The appellant has identified that the Council has a poor record in terms of housing delivery, but does not dispute that a 5 year housing land supply exists. I have no reason to believe that this house would not be delivered if approved but, as the proposal amounts to one dwelling, the public benefits arising from the development are commensurately limited. As such, the contribution towards housing supply from this development does not outweigh the significant weight that should be afforded to the harm that would be caused to the setting of the listed building and the contribution that it makes to the Conservation Area.
 20. For the reasons given above, the proposed development would harm the setting of the adjacent listed building and the significant contribution that the building and its setting makes to this part of the Conservation Area. Whilst this harm is less than substantial, I do not find that it is outweighed by other benefits. The proposal is therefore contrary to policies BE6 and BE10 of the RHLP which require that development does not harm the setting of the building in relation to its grounds, wider views and vistas and does not harm the character and appearance of the Conservation Area. The proposal is also contrary to the Framework which requires that great weight is afforded to the conservation of heritage assets.

Car Parking

21. The Council has identified that its adopted parking standards require a parking space to measure 2.9 metres by 5.5 metres and that the parking shown on the submitted plans does not meet this requirement. However, no case has been made to clarify why the smaller parking spaces would not be usable or what harm would arise from the failure to provide larger spaces. In this case, I see no reason why the proposed parking spaces would not be usable.

22. A concern of the Council relates to potential effects arising from providing larger spaces. However, I am required to assess the development before me and not an alternative proposal which may have different implications. Another concern also relates to the effect on the setting of heritage assets which has been addressed above.
23. The proposed provision of car parking is considered to be adequately usable and acceptable in the context of Policy T9 of the RHLP which requires that vehicle parking is provided in accordance with the Council's adopted Vehicle Parking Standards.

Planning Balance

24. There is disagreement between the main parties about the availability of a 5 year housing land supply, particularly with regard to the delivery of housing. In this case, even if the Council were unable to demonstrate a Framework compliant housing land supply, the tilted balance in favour of development would not be engaged due to the identified harm to heritage assets. As set out above, the modest public benefits arising from the erection of one dwelling do not outweigh the harm that has been identified to the setting of a Grade II listed building and the character and appearance of the application site and the surrounding area, including the Tye Green Conservation Area.

Conclusion

25. For the reasons given above, the appeal is dismissed.

Ian Harrison

INSPECTOR