



---

## Appeal Decision

Site visit made on 22 October 2019

**by Paul Jackson B Arch (Hons) RIBA**

**an Inspector appointed by the Secretary of State**

**Decision date: 01 November 2019**

---

**Appeal Ref: APP/N1540/W/19/3232152**

**Kingsmoor House, Paringdon Road, Harlow CM19 4QT**

- 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 Jigsaw Retirement Solutions Limited against the decision of Harlow District Council.
  - The application Ref HW/FUL/18/00193, dated 24 April 2018, was refused by notice dated 17 May 2019.
  - The development proposed is construction of 4 new dwellings with associated parking and amenity space.
- 

### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the proposed development on the setting and historic interest of Kingsmoor House, which is a Grade II\* listed building, and the former coach house east of Kingsmoor House, which is listed at Grade II: and whether parking provision would be adequate.

### Reasons

3. Kingsmoor House is a 19<sup>th</sup> century rebuild of an 18<sup>th</sup> century house, subsequently extended and altered. Originally a family house with an estate, it has now been converted into apartments. Its heritage significance derives from its architectural quality and historic interest, surrounded, as it is now, by the expansion of Harlow New Town. Whilst the estate has been reduced in size, the remaining large garden and grounds, including some attractive large trees, provide a generous setting which allows the building to be appreciated and understood from all angles.
4. The proposed site for the dwellings would be within a large walled enclosure north of the house and adjoining the coach house. This would have at one time contained a sheltered garden, but it has been used since for other purposes including, most recently, car parking. However, the surrounding brick walls mostly retain their height and heritage interest in terms of age, coursing and materials. The coach house adjoins and is perceived as part of the walled enclosure. There is no dispute that the walled garden forms part of the curtilage of the listed buildings. The southern wall is constructed as a retaining wall which allows views over into the enclosure from the garden of the main house. The interrelationship between the prominent Kingsmoor House, the

adjoining coach house and walled enclosure is important in appreciating the architecture and historic interest of the whole.

5. The proposed dwellings would have no relationship with the walled garden in terms of plan form. The proposed vehicle access and dominant circular cul-de-sac layout would overwhelm any appreciation of the original shape of the walled enclosure and its contribution to the development of the estate. The detached dwellings themselves would be distinctly anachronistic in the setting of a 19<sup>th</sup> century house. Their design would be unrelated and more akin to a contemporary estate type of development which can be found in many parts of the country. Their upper floors would be clearly visible from Kingsmoor House, its garden and from further afield, depending on the level of leaf cover on surrounding trees. Their close siting would noticeably diminish the spacious setting the house currently enjoys. As such, the proposal would distract from and significantly diminish the heritage significance of Kingsmoor House and the coach house.
6. No alterations are proposed to fabric and the harm would be 'less than substantial' in the terms used in the National Planning Policy Framework (NPPF). Paragraph 196 indicates that such harm should be weighed against the public benefits of the proposal. The provision of 4 additional dwellings would be a helpful addition to the existing stock in Harlow, but this does not begin to outweigh the level of 'less than substantial harm' that would occur to the setting and heritage significance of Kingsmoor House and the coach house.
7. The appellant has restored Kingsmoor House and rescued it from a long period of decay. This is laudable and a material consideration, but the work has been carried out and completed independently. The benefit does not weigh significantly in consideration of this proposal. Whilst the appellant may have been encouraged to consider development within the walled garden, the proposed scheme signally fails to take the opportunity to draw on the contribution made by Kingsmoor House and the coach house to the character of the area.
8. I conclude on heritage matters that the proposed development would conflict with the heritage protection aims of policies BE1, BE6, BE7 and H10 of the Adopted Replacement Harlow Local Plan of 2006 (LP) and the NPPF.
9. Turning to parking provision, the provision of 2 car parking spaces for each house complies with the 2009 Essex County Council Parking Standards *Design and Good Practice* of 2009 except that for 4 dwellings, 1 visitor parking space should be provided. However, the document also advises that visitor parking can be located elsewhere, specifically on or near the road frontage. There is space at the front of Kingsmoor House for additional occasional parking. Moreover, the layout of the walled enclosure demonstrates that there would be sufficient space for one additional vehicle to park, subject to appropriate and sympathetic surface treatment being used. If I was otherwise minded to allow the appeal, this matter could be dealt with by imposing a suitable condition. I do not find that parking provision constitutes a reason to refuse planning permission. The scheme would not conflict with the aims of policy T9 of the LP.
10. The Council suggests that the arrangement of the proposed dwellings and the lack of a parking space, together with the failure to submit a swept path tracking plan for refuse vehicles, is indicative of overdevelopment. The proposed layout would be unacceptably cramped because the design and layout

of the detached dwellings fails to take account of the particular constraints of the site, leading to awkward angled spaces and shallow rear gardens. The development would not successfully optimise the potential of the site to accommodate an appropriate amount of development, contrary to the design quality aims of the NPPF. Accordingly, the scheme would fail to comply with the character and appearance protection aims of policies BE1 and H10 of the LP.

11. Whilst I have found no harm in terms of parking provision, the effect of the proposed development on heritage interest is decisive. I have taken account of all the other matters raised but nothing put forward indicates other than that the appeal should fail.

*Paul Jackson*

INSPECTOR