



Appeal Decision

Site visit made on 11 February 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2020

Appeal Ref: APP/N1540/W/19/3238947

Garages north of 1 High Street, Station Road, Harlow, CM17 0AP

- 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 Willow Securities Ltd against the decision of Harlow District Council.
 - The application Ref: HW/FUL/19/00261, dated 26 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is the demolition of existing garage block and erection of a new three storey building consisting of 3no. two bed flats, 6no. one bed flats and a retail unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the development upon the character and appearance of the surrounding area, including the character and appearance of the Old Harlow Conservation Area (the CA) and the setting of nearby listed buildings;
 - the effect of the development upon highway safety;
 - whether the proposed development represents a suitable location for a retail unit, with particular reference to national and local planning policies; and
 - whether appropriate access to the development exists for all users of the retail unit and the ground floor residential development.

Reasons

Character and appearance

3. The appeal site consists of a low-level garage block, which backs onto Station Road. High Street is near to the side boundary of the site. The adjoining buildings are two storeys in height, with sloping roof slopes and constructed in a historic form of architecture. The site is located within the CA. The significance of which is, in part, derived, from the presence of traditional architecture with larger buildings being sited close to key points, such as junctions. The site is close to the Listed Building at the George Hotel, the Chequers Public House and 7-9 High Street. These add to the significance of

the CA and increase the distinctiveness of the wider area. Many of the older buildings pre-date the development of the wider Harlow area.

4. In respect of the effect on the nearby listed buildings, the George Hotel is of significant proportions and is located at the junction between Station Road, High Street and Fore Street. Market Street runs to the side of this building. In consequence, the hotel building represents a key landmark within the vicinity of the appeal site. It is also one of the tallest buildings within the surrounding area. This means that many of the other surrounding buildings have a subordinate relationship to this listed building.
5. The appeal proposal would have a height that is comparable to the height of the Listed Building. In consequence, the defining characteristic of buildings appearing subordinate to the listed building would be eroded. This is particularly concerning as the Listed Building is viewable from a variety of vantage points. In consequence, this level of prominence would exacerbate the harm arising from the height of the appeal proposal.
6. The Chequers Public House is characterised by being of a limited height, which is reflected in the proportions giving the immediate surroundings a degree of openness. The building is located at the junction of Market Street and Station Road, opposite the appeal site. Owing to the notable difference in height between the appeal proposal and the listed building, the general character and openness would be eroded to the detriment of the listed building's setting.
7. The building at 7-9 High Street is a notable distance from the appeal site, with some buildings and a street in between. It is also set back from the highway. As a result of these circumstances, the development would not result in harm to this particular listed building's setting. However, this does not outweigh the harm as previously identified.
8. By reason of the proportions of the buildings that immediately adjoin the appeal site, the proposed development would appear discordant. This is because the proposed building would have a bulkier mass and height than the buildings that would immediately adjoin it. Furthermore, the flat roofed elements of the building are not well related to the eaves heights of the neighbouring buildings, which adds to the discordant form.
9. In addition, the character of the surrounding area is that taller buildings are located at the end of linear forms of development. This is in contrast to the appeal proposal as the building would be located in between smaller buildings.
10. The design of the building, whilst taking some cues from historical styles of architecture does not reflect the historic type of architecture that is most prevalent within the surrounding area. This includes features such as sloping roofs, smaller windows and wooden detailing. In consequence, the proposed design would not harmonise with its surroundings.
11. In addition, the development, includes a single-storey projection, with a flat roof. This is a form of architecture largely unrepresented in the surrounding area. In consequence, this element of the scheme would emphasise the generally incongruous form of development, which is particularly concerning as the site is in a prominent location. In consequence, it would be visible from several different viewpoints.

12. Whilst I acknowledge the proposed development would result in the demolition of the garage block, these are relatively low height and orientated away from Station Road, as the garages from this vantage point has the appearance of a brick boundary wall. In consequence, it does not have the same impact on the character and appearance of the surrounding area, and the CA as the appeal proposal would have. I therefore do not find that the existing form of development allows for me to disregard my previous observations.
13. I have identified harm to the CA and the setting of the Listed Building arising from the development. This harm is less than substantial, and therefore in line with the Framework, I am obliged to balance this harm against any public benefits. Whilst I acknowledge that the proposal would remove the garages and provide additional dwellings, the benefits arising from this are relatively small and very localised in impact. Accordingly, they do not outweigh the harm as has previously been identified.
14. I therefore conclude that the proposed development would have an adverse impact upon the character and appearance of the surrounding area, including the CA and the settings of the listed buildings of the George Hotel and Chequers Public House. The development, in this regard, would fail to conform with the requirements of Policies BE1, BE6, BE10 and H10 of the Adopted Replacement Harlow Local Plan (2006) (the Local Plan). These policies, amongst other matters, seeks to ensure that new developments relate well to their setting; do not have an adverse effect on the character of the locality; do not harm the setting of listed buildings; and do not have an adverse effect on the character or appearance of conservation areas.

Highway matters

15. The appeal site is located adjacent to Station Road. This is a relatively narrow, two carriage way road. There is access to the rear, which is shared with a number of other properties including their servicing arrangements. This is reached by using a number of interlinking streets.
16. Given that Station Road is one of the main roads through this section of Harlow, there is a possibility that the road would serve as an attractive route for service vehicles attending the proposed development, particularly as the route to the rear of the site is relatively sinuous.
17. This causes concern as any parked vehicles are likely to block one side of the road. In consequence, other road users would need to manoeuvre around parked vehicles, which would be problematic as the forward visibility would be reduced. Given that this would take place in proximity to a set of traffic lights and a pedestrian crossing, this is particularly concerning.
18. The refusal reason listed on the decision notice does not state any adopted local plan policy in respect of this point, however, the Council's Statement of Case draws my attention to Policy T9 of the Local Plan. Furthermore, the National Planning Policy Framework (the Framework) is clear that developments should not have an adverse effect on highway safety. I have therefore given this point some weight in my assessment.
19. The proposed layout includes parking for the retail unit to the rear, however, any deliveries would need to be moved from the parking area to the front of the shop via a side alleyway. Whilst the type of goods sold may not be

- particularly bulky, the level of inconvenience that this would generate is likely to render parking on Station Road an attractive option.
20. It has been suggested that a condition could be imposed to require the installation of a door to the rear of the retail unit. However, I have no information before me illustrating how this would change the appearance of the building. It is therefore not possible for me to impose such a condition owing to a lack of certainty regarding the impacts of such an amendment.
 21. The appeal site features some car parking, with the remainder being accommodated on land that is controlled by the appellant. Whilst I am aware that a condition could be imposed to secure the implementation of these spaces, I note that some are a significant distance away from the appeal site. In consequence, some residents might prefer the greater convenience of parking closer to the site by utilising areas of the highway.
 22. This is concerning as the surrounding road network also features junctions, pedestrian crossings and dropped kerbs. As such, the proposed development is likely to increase the likelihood of inopportune and undesirable parking practices, such as parking near to corners and junctions, or within visibility splays. This would not be conducive to the securing of satisfactory levels of highway safety.
 23. A suitably drafted planning condition could be imposed to ensure the provision, and retention, of cycle storage. Whilst such a condition would ensure compliance with Policy T6 of the Local Plan (which seeks to ensure the provision of such storage), this would not overcome my previous concerns as residents may still require a car to undertake some journeys, particularly those over greater distances.
 24. Although the local Highway Authority did not make any representations to the Council regarding the merits of the proposed development. However, in considering the appeal, my attention has been drawn to the nature of the surrounding highways in addition to the various items of evidence, which I have considered as part of my assessment.
 25. I therefore conclude that the development would have an adverse effect on highway safety. The development, in this regard would fail to accord with the requirements of Policies H10 and T9 of the Local Plan, and the Framework. These amongst other matters seek to ensure that new developments include suitable off street car parking and access, and do not impinge on highway safety.

Suitability of the site as a location for retail development

26. The appeal site is not located within an allocated town centre, although the surrounding area contains a number of services and retail units.
27. My attention has been drawn to Policy RTCS1 of the Local Plan. This states that a sequential assessment should be taken to the locating of retail developments. It is specified that the town centre is the most preferable location for retailing, with other locations being identified on a descending basis. The policy states that a sequential assessment should be taken to all retail developments, and those attracting a significant number of people.

28. The policy does not provide a definition of what is perceived to be a large number of people, however, there is a likelihood that a retail unit close to a significantly sized residential area might attract a notable number of customers, particularly as the evidence before me is suggestive that the proposed unit might be attractive to a convenience retailer. Accordingly, this policy carries weight in my assessment.
29. Furthermore, the wording of this policy is consistent with the requirements of the Framework, which also requires a sequential approach to the location of retail developments and that town centres should be seen as the most preferable location for shops. Accordingly, as the appeal site is not located within an allocated town centre, the absence of a sequential assessment is concerning.
30. The appellant has suggested that as the proposed unit has a relatively low floor space, a sequential assessment is not required. However, given that I have found that the proposal might attract a significant number of customers, this does not overcome my concerns. Furthermore, I am mindful that the National Planning Practice Guidance is clear that the application of a sequential assessment should be proportionate and appropriate for the given proposal. This means that a sequential assessment can be tailored to the individual circumstances of a proposed development.
31. I therefore conclude that an appropriate sequential assessment regarding the suitability of the site as a location for a retail development has not been carried out. The development, in this regard, fails to accord with the requirements of Policy RTCS1, which seeks to ensure that retail developments are directed towards sequentially more preferable locations.

Access

32. The proposed development does not feature ramped access for use by all users of the retail unit and ground floor flats, including those with disabilities.
33. Given that the retail unit would be open to the public and that there is a requirement within the Framework for the planning system to provide a mixture of dwellings to meet the varying needs of all members of the community, the lack of such access is concerning.
34. The appellant has suggested that such access ramps would be installed in order to comply with the relevant Building Regulations. However, if I were minded to allow the appeal, I would need, in the interests of precision, to impose a condition requiring that the development be carried out in accordance with the submitted plans. In consequence, such a condition would preclude the implementation of amendments post decision to address this matter.
35. In addition, I do not have certainty regarding their appearance which means that I cannot be certain that the proposed works would have an adverse effect upon the character and appearance of the CA, or the setting of the nearby Listed Buildings. Therefore, I do not believe that such a condition can be imposed owing to the lack of certainty regarding the impacts of the works that would need to be carried out.
36. I therefore conclude that the development does not provide suitable access for all users of the retail unit and the ground floor flats. The development, in this regard, would fail to accord with Policy BE20 of the Local Plan, and the

Framework. These, amongst other matters, seek to ensure that shop front designs are accessible, and that a mixture of dwelling types are provided.

Other Matters

37. I am aware that planning permission was previously granted for a three-storey building on this site. Notwithstanding the fact that the design of this scheme is very different to the proposal before me, the submitted evidence indicates that this permission has expired. Furthermore, permission was granted before the publication of the Local Plan and the Framework. Accordingly, I do not find that this permission overcomes my previous concerns.
38. I acknowledge efforts made by the appellant in seeking to design a scheme that responded to concerns raised by the Council prior to submitting a planning application. However, this does not outweigh the previously identified harm.

Conclusion

39. Therefore, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR