



Appeal Decision

Site visit made on 7 January 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd April 2020

Appeal Ref: APP/N1540/W/19/3240582

Land to the rear of 20 Rye Hill Road, Rye Hill Road, Harlow CM18 7JF

- 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 & Mrs Graham & Sandra Coleman against the decision of Harlow District Council.
 - The application Ref HW/FUL/19/00239, dated 19 June 2019, was refused by notice dated 16 September 2019.
 - The development proposed is construction of a new 1.5 storey bungalow with a new garage and a new vehicular access gate.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. A small part of the site is within the Green Belt. However, this forms part of an area designated under a Woodland Tree Preservation Order and therefore would remain undeveloped. The Council has not considered that the proposal would be inappropriate development in the Green Belt and as no built development is proposed within the designated part of the site, I also find that the development would not constitute inappropriate development.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal site and of its surrounding area.

Reasons

Character and appearance

4. 20 Rye Hill Road is a detached bungalow set in a large plot in a street characterised by detached properties also in spacious plots and screened from the road by mature vegetation and trees. No 20 is sited closer to the road than the other dwellings. This has enabled its plot to be sub-divided creating the appeal site from part of its rear garden.
5. Planning permission has been granted for the erection of a 3-bedroom bungalow with an attached double garage, Ref: HW/FUL/19/00088. It would be accessed by a new drive alongside the site's northern boundary. The appeal scheme seeks permission for a larger dwelling with 5 bedrooms, 3 of which would be within the roof space and a detached double garage.
6. The appeal proposal would have a footprint of 219sqm, which would be significantly larger than the 182sqm of the extant scheme. Although it would

not be any taller than the approved bungalow or No 20, its design would be very different. It would include two large gables which would project to the front and the rear of the property with their ridge heights almost comparable with the main ridge. Consequently, the dwelling would appear significantly bulkier than No 20, which has diminutive gables that sit within the main roofslope. It would also be bulkier than the extant scheme.

7. I consider that the design of the dwelling with the numerous gables results in a cluttered appearance, this is exacerbated by the inclusion of an overhanging canopy. As a result the overall design and detailing fails to respond positively to the massing and design of the existing bungalow on the site.
8. In addition, the dwelling is orientated at right angles to No 20, which results in the frontage of the dwelling facing towards the side boundary which is at odds with the general pattern of development within the area, which is characterised by dwellings fronting Rye Hill Road. I consider that the orientation of the dwelling, in combination with its overall design and bulk fails to respond positively to the existing pattern of development and the character and appearance of No 20.
9. The site is located at the end of the row of development within Rye Hill Road and is adjacent to an open field which is within the designated Special Landscape Area and Metropolitan Green Belt. Whilst the existing landscaping along the southern boundary would provide a degree of screening of the proposed development, the extent of this is likely to vary throughout the year. In any event, limited public visibility would not obviate the need for the development to be of high-quality design.
10. I therefore conclude that the proposed development would harm the character and appearance of the area. It would conflict with Policies H10 and BE1 of the Adopted Replacement Harlow Local Plan 2006 (LP) which allows for residential infill development which relates to its setting and protects local character.
11. The development would conflict with the Harlow Design Guide Supplementary Planning Document 2011 (SPD). Principle DG28 of the SPD advises that development should positively respond to the prevailing character of the area by being appropriately designed.

Other matters

Tree Preservation Order

12. The site is covered by a Woodland Tree Preservation Order (TPO/35/91) which covers 1-20 Rye Hill Road. There is an area of woodland to the north of the site and a mature Oak tree within the curtilage of 20 Rye Hill Road which are protected by the order. The proposed driveway would run adjacent to the woodland and the Oak tree, however I agree with the Council's Tree Officer that any impact on the protected trees during construction could be mitigated through appropriate protection measures which can be secured by condition.

Epping Forest Special Area of Conservation

13. The Epping Forest Special Area of Conservation (SAC) is protected as a European Site of Nature Conservation Importance and is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017. The Regulations impose a duty on the competent authority, to consider

whether any proposal may have a significant effect on such a protected area either alone, or in combination with other plans and projects. This responsibility now falls on me in respect of the appeal proposal.

14. The SAC was designated due to the presence of three qualifying habitats and one species, namely Atlantic beech forest, European dry heaths, Northern Atlantic wet heaths and the Stag beetle. The conservation objectives are to achieve the favourable conservation status of these features by maintaining or restoring the extent, distribution, structure and function of the habitats, the population and distribution of the species and the supporting processes on which it relies. The habitats and species may be adversely affected as a result of additional recreational pressure from visitors and a deterioration of air quality arising from increased traffic volumes through the protected area.
15. Natural England (NE) is currently working with all the affected local authorities to develop a strategy to mitigate these potentially harmful effects, thereby allowing development to proceed. This large-scale strategic project, involving a number of local authorities, will address both recreational pressures and air quality impacts. The strategy, which is likely to be based on the provision of a series of Suitable Alternative Natural Green Spaces (SANGs) alongside Strategic Access Management and Monitoring (SAMMs), is still being prepared and the tariffs that are being developed may be changed as measures to address air quality impacts have yet to be agreed.
16. The emerging strategy has defined two recreational zones of influence around the SAC. The southern tip of the District of Harlow falls towards the outer part of the 3-6.2Km zone and the appeal site is within this area. NE's initial advice (September 2018) was to require all small-scale development to make a financial contribution towards the emerging mitigation strategy. However, notwithstanding the uncertainties that remain about the emerging strategy and how it is to be implemented, in March 2019 NE amended its advice to the affected local authorities. It now suggests that where proposed developments in the outer zone are less than 99 dwellings, no mitigation is required.
17. However, NE's interim advice did not explain why developments of less than 99 dwellings no longer required mitigation. Neither did it provide any clear reason for withdrawing the requirement for contributions towards identified mitigation from small-scale developments. I am therefore unable to undertake an Appropriate Assessment in respect of this site and conclude that the integrity of the SAC would not be adversely affected. However, as I am intending to dismiss the appeal for other reasons, it has not been necessary for me to pursue this matter further.

Conclusion

18. Therefore, for the reasons set out above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR