



Appeal Decision

Site visit made on 15 December 2020

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2020

Appeal Ref: APP/N1540/D/20/3260540

2-3 East Park View, East Park, Harlow, Essex CM17 0SG

- 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 Paul Anthony against the decision of Harlow District Council.
 - The application Ref HW/HSE/20/00310, dated 25 June 2020, was refused by notice dated 21 August 2020.
 - The development proposed is the existing roof ridge of No 3 and neighbour (No 2) raised by 175 mm to allow loft conversion to No 3 (incorporating rear flat roof dormer) and rear upper floor extension (over existing single storey utility extension) and installation of PV panels.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the appeal site address from the Council's refusal notice, rather than from the planning application form, as this address reflects that shown on the red edged site location plan and the fact that the proposal relates to both No 2 and No 3 East Park View.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a pair of semi-detached modern dwellings falling within a residential cul-de-sac. The proposal includes the raising of the ridge height of both semi-detached dwellings by about 175mm thereby ensuring that there is roofscape symmetry across the two properties. Whilst this would represent a departure from the existing common ridgeline that exists in this street, I agree with the Council that this change would not be so significant as to cause any material harm to the character and appearance of the street-scene as a whole.
5. Furthermore, I have no reason to doubt the Council's comment that the proposed PV panels to the front roof slope of No 3 East park View would be permitted development. In view of the undisputed permitted development fall back position, I do not consider that it would be reasonable to withhold

planning permission on the basis of the effect of such development on the otherwise mainly simple and flush roof slopes that are apparent within the vicinity of the site.

6. The point of dispute between the main parties relates to the proposed development at the rear of No 3 East Park View. I was able to see on my site visit that the property was very visible from public open space land to the rear of the site. Indeed, and notwithstanding a scattering of mainly deciduous trees, it was possible to see with ease the rear of the properties on East Park View and in particular the upper floors and roofs which were simple and essentially without alteration.
7. The proposed flat roof rear dormer would occupy a significant proportion of the roof slope and when seen in conjunction with the upper floor flat roofed extension over the existing single storey utility, with its eaves higher than that of the existing dwelling, the rear development would collectively appear discordant, top heavy and bulky on this semi-detached dwelling.
8. Overall, the rear development would appear dominant and out of place and owing to its position, scale and massing would have an unacceptably disrupting impact on the existing design balance and symmetry to the pair of semi-detached dwellings when viewed from the public open space land and from neighbouring gardens. It would fail to appear subservient in scale and hence there would be direct conflict with the Harlow Design Guide SPD 2011 (SPD) which states that *"proposals for the extension of properties should respect the size, grain, height, materials, features and layout of the building to be extended, as well as the surrounding buildings"*.
9. Whilst the appellant has referred me to examples of other extensions and dormers in the area, I do not know the exact circumstances which led to these developments being constructed. In any event, I have determined this appeal on its individual planning merits taking into account the character and appearance of the immediate surrounding area where there is a notable absence of dormers and first floor extensions.
10. I do acknowledge the reason why the appellant requires the additional space. In particular, I accept that one of the existing bedrooms is relatively small and hence the desire to have more floorspace for a child. In addition, I note that the neighbouring property is owned by a family member who needs care and assistance given existing health conditions. It is for this reason that the appellant says that they have not been able to move to a new house to achieve the required floorspace.
11. Notwithstanding the above, the evidence before me is such that the occupier of the neighbouring property occupies the dwelling on a single occupancy basis. I am not persuaded that the Council's suggestion of internally remodelling both properties so that the occupiers of No 3 East Park View utilise some of the space at No 2 East Park View has been fully explored. In any event, and notwithstanding the identified need to offer care for a family member next door, or indeed the requirement for additional floorspace, I find that in this case a refusal of planning permission is a proportionate approach to the legitimate aim of ensuring that the character and appearance of the area is protected.

12. I therefore conclude that the personal circumstances outlined by the appellant are not sufficient to outweigh the significantly adverse impact of the development as a whole on the character and appearance of the area. Therefore, the proposal would not accord with the design requirements of policy BE1 of the adopted Replacement Harlow Local Plan 2006 and the SPD. Whilst I afford only limited weight to policy PL1 of the Harlow Local Development plan Pre-Submission Publication 2018 as a material planning consideration, as the evidence before me is that this is not yet adopted, the proposal nonetheless does not accord with its design aims for the same reasons outlined above.

Other Matters

13. The appellant has referred me to e-mail discussions which took place with the planning case officer as part of the determination of the planning application. The evidence suggests that there was a change of manager part way through the determination of the planning application and that the advice given from officers was not always consistent. Whilst I note what the appellant has said about this matter, this is not in itself relevant to the determination of this appeal which I have considered only on its planning merits.

Conclusion

14. For the reasons outlined above, I conclude that the appeal should be dismissed.

D Hartley

INSPECTOR