



Appeal Decision

Site visit made on 23 November 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th February 2021

Appeal Ref: APP/N1540/W/20/3253865

Acre Wood & Hedges, Commonsides Road, Harlow CM18 7EY

- 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 Linley and Mr & Mrs Ray against the decision of Harlow District Council.
 - The application Ref HW/FUL/19/00443, dated 25 October 2019, was refused by notice dated 26 May 2020.
 - The development proposed is the erection of two new detached dwellings with revised vehicular access and crossover.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Harlow Local Development Plan (HLDP) (2020) was adopted by the Council in December 2020. Therefore, as I am required to make my decision based on the policy in place at the current time, my determination on this appeal has been made with reference with this plan. Both parties have provided comment on the HLDP.

Main Issues

3. The main issues are a) the effect of the proposal on the character, appearance and openness of the area and b) whether the proposal would make adequate provision for refuse collection.

Reasons

Character, appearance and openness

4. The two dwellings would be situated at the bottom end of each of the substantial rear gardens of both Acre Wood and Hedges which are residential properties fronting towards Commonsides Road. The access to the proposed dwelling would be provided in between these two properties, straddling the existing boundary between the two sites.
5. The site is located within a designated Green Wedge. As stated within the supporting text to Policy PL5 of the HLDP, Green Wedges are fundamental to the character of Harlow. That within which the appeal site sits, runs for a substantial distance, extending through the town from the countryside to the south east to the centre.

6. Policy WE2 states that amongst other roles, one of the roles of Green Wedges are to protect existing uses which have an open character. Although forming parts of the large gardens of Acre Wood and Hedges, the largely open and undeveloped character of the application site plays a positive role within the Green Wedge designation. While set well away from, and having very limited visibility from Commonside Road, the application site is visible from public vantage points along the bridleway to the rear of properties on Latton Green.
7. While acknowledging the dormer bungalow design, the diminishment of the Green Wedge that would result from the erection of two substantial dwellings would be notable and publicly visible. The proposal would therefore have an adverse effect on the identified roles of the Green Wedge which would harm the character, appearance and openness of the area. The proposal would therefore conflict with Policies PL5 and WE2 of the HLDP which amongst other things seek to protect Green Wedges.
8. The majority of trees which are proposed for removal are internal to the site. Given the large amount of planting on the boundaries, it is unlikely that the trees proposed for removal, which are mainly low category would be discernible from public viewpoints.
9. The trees that would be lost are not therefore of any significant public amenity value. There is nothing within the evidence, which includes an arboricultural report, to suggest that the Poplar Trees adjacent to the Bridleway and close to unit A, could not be suitably protected were I minded to allow the appeal. The proposal would not therefore conflict with Policy PL7 of the HLDP which amongst other things seeks the protection of trees and hedgerows.

Refuse collection

10. SPD¹ guidance advises that Refuse and recycling storage and collection facilities for residential development should be designed to be convenient and easily accessible. The site plan shows bin collection points on the access drive towards Commonside Road, although the Council has concerns over this positioning.
11. This is a large site and there should be scope for a suitable location for refuse storage to be located to suit all parties. If I were minded to allow the appeal this could be a matter that could be appropriately addressed through a condition. Therefore, the appeal proposal would not need conflict with Policy H2 of the HLDP nor SPD guidance.

Other Matters

12. The appellant asserts that there are permitted development rights available that could result in significant development within the gardens. However, no details are provided as to any such development and I do not consider there anything other than a theoretical possibility that such development might take place. I do not therefore consider there to be a fallback position which would justify the proposal and I afford this matter limited weight.
13. The parties disagree as to whether the proposal should be categorised as 'small-scale development' identified within part (a) of Policy PL5 of the HLDP. The supporting text to the policy does not exclude residential dwellings from

¹ Harlow Design Guide Supplementary Planning Document Adopted October 2011

the definition of such development. However, in any event, the proposal would compromise one of the roles of the Green Wedge, rendering this debate somewhat secondary in nature.

Conclusion

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

T J Burnham

INSPECTOR