



Appeal Decision

Site Visit made on 20 July 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 2nd August 2021

Appeal Ref: APP/N1540/D/21/3272283

9 Goldcrest Way, Newhall, Harlow CM17 9GR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Luetchford against the decision of Harlow District Council.
 - The application Ref: HW/HSE/21/00041, dated 2 February 2021, was refused by notice dated 25 March 2021.
 - The development proposed is rear facing box dormer loft conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the Council's decision, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new Framework echoes and reinforces policy relevant to the main issues in this case. I shall determine the appeal on this basis.

Main Issues

3. The main issues in this case are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of future neighbouring occupiers to the rear of the property, with particular regard to privacy.

Reasons

Character and appearance

4. The appeal site is a two-storey semi-detached dwelling located within a row of four 'urban mews' style houses towards the eastern end of Goldcrest Way, within the substantial contemporary Newhall housing estate.
5. The removal of permitted development rights in previous planning permission¹ for residential development in the area indicates the intention to retain the distinctive design ethic of various areas of Newhall.
6. This design ethic includes housing groups with distinct characters. Uniformity of character within housing groups is distinctive of the Newhall neighbourhood.

¹ As per Condition No.6, Reserved Matters Approval Ref: HW/PL/13/00098, 12 June 2013.

The materials palette of the host group and its vicinity includes predominantly buff brick walls and pitched slate roofs. Furthermore, uncluttered roofscape, free from the visual interruption of dormers, is a strongly noticeable prevailing characteristic of much of the area delineated by Goldcrest Way, Crossbill Way and Barnsley Wood Rise, including the host group of houses in which the appeal property is situated.

7. Consequently, the host group and other houses in the locality read on the ground as a modern interpretation of traditional housing forms, with a disciplined architectural approach resulting in a harmonious townscape. This is part of the design ethic at Newhall, to which the uncluttered roofscape makes an important contribution.
8. The proposal would entail addition of a dormer that would cover most of the dwelling's rear roof slope. Give its proportionately substantial bulk, it would read from beyond the site as virtually a third storey. This would appear over dominant and visually unbalance the host row of houses
9. Furthermore, the proposal would result in the addition of rear dormer bulk with substantial fenestration in the form of a window and glass double doors, and a juliet balcony to the otherwise interrupted roofscape in the locality. The above together would draw attention to the dormer, and its jarring disruption of the distinctive architectural character and rhythm of the host group and locality.
10. The above adverse impacts would be noticeable from the following combination of viewpoints: from rear gardens of the host row of dwellings; from the northern approach on Magpie Road; and from land to the north which is an open field with views from Round House Way and, should Sector V Phase 2B of Newhall which has planning permission² be built, would in future comprise the south-eastern part of that phase of new housing.
11. As such, the proposal would conflict with guidance in the Harlow Design Guide Supplementary Planning Document (SPD) which seeks to ensure that development respects local character and architectural rhythm.
12. A rear dormer extension of similar proportions, with less extensive fenestration, is located on the rear roof slope of a dwelling on Barnsley Wood Rise. This other dormer differs from the appeal proposal in being on a different road several streets away. Furthermore, this relatively isolated example of a dormer in the area disrupts the predominant architectural character of the locality. As such, the other dormer does not constitute a compelling precedent for the appeal proposal.
13. In conclusion, the proposal would harm the character and the appearance of the area. As such it would conflict with Policy PL1 of the Harlow Local Development Plan (2020) (LDP), which seeks to ensure that development complements local character.

Living conditions of neighbouring occupiers

14. The proposal would introduce a substantial dormer with fenestration comprising a bathroom window and glass double doors with juliet balcony to a bedroom. The proposal would introduce views from the elevated position of the bedroom in the dormer over the rear gardens of approved future properties located

² As per Reserved Matters Approval Ref: HW/REM/19/00323, 6 July 2020.

around 8.5m to 9m away, that are part of the scheme with planning permission for Sector V, Phase 2B of Newhall. The glass doors would also provide views to rear residential windows of two anticipated future dwellings between around 16 and 17m away.

15. The compact grain of the area of Newhall in the vicinity of the appeal site includes some relatively shorter gardens, which may to some degree lessen future expectations of privacy in that part of Newhall. Nevertheless, the elevated position and extent of fenestration of the proposed dormer, together with its proximity to likely future neighbouring gardens and houses would amount to an intensification of overlooking in that locality, which would harm the privacy of neighbouring occupiers.
16. The moderate obliqueness of view to the affected future rear elevations would be insufficient to negate this harm. Nor would a suggested alternative opaque finish to the proposed double doors³ be an appropriate treatment for the proposed habitable room.
17. As such, the proposal would conflict with guidance in the Harlow Design Guide Supplementary Planning Document (SPD) which seeks to ensure that development avoids harm to residents' privacy.
18. The Barnsley Wood Rise property cited by the appellant has a different rear aspect, backing onto a parking area, which limits the extent to which it is analogous to the appeal proposal. Moreover, the proposal has its own setting and circumstances and, as such, I assess it on its own merits.
19. I therefore conclude that the proposal would harm the living conditions of future neighbouring occupiers to the rear of the property in terms of privacy. As such, it would conflict with Policy PL2 of the LDP, which seeks to ensure that development preserves or enhances residents' living conditions.

Other Matters

20. The proposal would provide additional living accommodation in the form of a fourth bedroom with en-suite, with associated socio-economic benefit during and after construction. I do not underestimate the importance of the resultant additional family living space to those concerned. However, the scale of benefit does not outweigh the significant totality of harm identified.

Conclusion

21. The proposed development would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR

³ As suggested in the appellant's appeal statement.