



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: 16th August 2021

Appeal Ref: APP/N1540/W/20/3250011

Courtyard rear of 34-36 High Street, Harlow CM17 0DW

- 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 Ramco Limited against the decision of Harlow District Council.
 - The application Ref: HW/FUL/19/00407, dated 27 September 2019, was refused by notice dated 22 November 2019.
 - The development proposed is described as existing back addition to be converted to form a residential studio flat and extended over to form additional flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I agree with the Council's finding of no harm to the historic significance of the Grade II listed building, '34, High Street'¹, on the basis that the historic merits of the listed building, including the architectural authority of its front elevation on High Street would endure. Thus this is not a main issue in this case.
3. The granting of listed building consent² for the proposed works at the site does not automatically mean that the proposal meets the requirements necessary to achieve planning permission.
4. Since the Council's decision, a new Harlow Local Development Plan (LDP) was adopted in December 2020, which replaces the previous Local Plan as the local development plan for the purposes of this appeal. Also, a new version of the National Planning Policy Framework (the Framework) was published in July 2021. The new LDP and Framework echo and reinforce policy relevant to the main issues in this case. I shall determine the appeal on this basis.

Main Issues

5. The main issues in this case are:
 - The effect of the proposed development on the character and appearance of the area, including its effect on protected trees;
 - The proposal's effect on the living conditions of residents at the rear of Nos 34-36 High Street, with particular regard to light, outlook and privacy; and
 - Whether proposed parking provision would be sufficient.

¹ Ref: 1111716.

² Listed Building Consent Ref: HW/LBC/19/00408.

Reasons

Character and appearance, including trees

6. The appeal site comprises a building containing Nos 34 and 36 High Street, and its rear yard. There is a relatively recent two storey residential outrigger extension to the rear of No 34. To the rear of No 36 is a shallower, single storey outrigger that contains staff facilities and storage space. The listed building fronts onto the historic High Street at the heart of the Old Harlow Conservation Area (CA). The main two storey core of the host building is rendered, with a pitched tile roof and, the listing description indicates, it dates from the seventeenth century. A takeaway and a coffee shop are located on the ground floor.
7. From what I saw during my site visit, the western part of High Street, in which the appeal site is located is characterised by traditional market town architecture that illustrates the CA's evolution through the seventeenth and eighteenth centuries. Herein lies the CA's significance, insofar as it relates to this appeal.
8. The proposal would entail addition of a first floor storey with pitched roof, on top of the majority of the existing single storey, flat roof outrigger. This would result in a substantial proportionate increase in building height and bulk to the rear of the main part of the building. It would also result in two substantial two storey outriggers facing each other across a relatively narrow gap of approximately 4m.
9. The traditional market town urban grain has a compact and in parts intimate feel. That said, the lack of vehicles on the pedestrianised High Street, and the absence of built form in the Wayre Street carpark which adjoins the CA together provide spaciousness in the vicinity of the appeal site. This adds to the variety of the CA's character and how it is experienced. Given the variety of character within the CA, the proposal would have a neutral effect on, and thus not harm the historic significance of the CA.
10. However, within the context described above, the relationship of the proposed eastern main habitable elevation to the neighbouring outrigger's western main habitable elevation would be atypically extreme for the locality, in terms of proximity and cumulative bulk of the existing and proposed built mass. This would result in a visually and spatially oppressive 'tunnel effect' between the two outriggers, and an overly cramped feel and appearance to the rear of the main part of the building. The above would be noticeable from various viewpoints within the yard and residential accommodation towards the rear of the appeal site, and public land to the south. I therefore cannot agree that the proposal would appropriately reflect the local urban grain.
11. The proposal's pitched roof form, and lower ridge height than the main part of the building would not negate these adverse impacts.
12. The southern gable end of the proposed enlarged building with its new residential accommodation would be located hard up against the trunks of two yew trees which are covered by Tree Preservation Order³. The established size of the trees and their visibility from various viewpoints in the locality helps provide relief from built up elements in the townscape, which contributes to the

³ Ref: TPO/18/00020.

trees' amenity value. It is undisputed that they are B grade trees⁴, capable of making a significant contribution to the area for 20 or more years.

13. Given the location and bulk of the trees, it is likely that there would be substantial pressure for disfiguring pruning to provide access to the southern gable end of the proposed extension during construction, even if, as suggested in the AR⁵, the flank wall were lifted in. Furthermore, the provision of two storeys of new residential accommodation so close to the trees is likely to lead to pressure for unfettered access to the gable end and roof for maintenance purposes. This would invite pressure for major reduction and possibly even removal of the trees.
14. Therefore, the scale and proximity of the proposed flats to the trees would result in excessive risk to the trees during and after construction, which would harm the character and appearance of the area. Consequently, planning conditions relating to the construction phase would not overcome the identified harm.
15. As such, the proposal would conflict with Design Principle DG47 of the Harlow Design Guide Supplementary Planning Document (SPD) which seeks to ensure that development respects local character.
16. In conclusion, the proposal would harm the character and appearance of the area, including protected trees. As such it would conflict with Policies PL1 and PL7 of the LDP and the Framework, which together seek to ensure that development complements local character including valued trees.

Living conditions

17. The northern gable end of the proposed first floor extension with a pitched roof would be approximately 3m from residential windows on the first floor level of the main part of the building. The close proximity of this additional bulk, together with the orientation of the proposal to the south of the main part of the building would result in an overly shaded, gloomy and oppressive outlook for occupiers of this other accommodation at the rear of Nos 34-36 High Street.
18. Furthermore, the proposal would lead to overlooking at ground floor and first floor level between the northernmost residential windows in the western elevation of the proposed new residential accommodation and the eastern elevation of the existing residential outrigger to the rear of No 34 High Street. This would occur across a relatively small gap of around 4m. The above together would unacceptably impair the privacy of residents of No 34's outrigger. Diminution of the privacy of future occupiers of the proposed dwelling would further exacerbate the harm to living conditions on the appeal site.
19. Given the importance of privacy, light and outlook to residents' quality of life and health, it is unlikely that the convenience of the town centre setting would make these adverse impacts tolerable to occupiers of the affected dwellings.
20. Therefore, the proposal would conflict with Design Principles DG30 and DG47 of the SPD, which together seek to ensure that development maintains privacy, light and visual amenity.

⁴ As per the Arboricultural Report (AR) by the appellant's Consultant Arboriculturist.

⁵ Page 7.

21. In conclusion, the proposal would harm the living conditions of residents at the rear of Nos 34-36 High Street, with particular regard to light, outlook and privacy. As such, it would conflict with Policy PL2 of the LDP, and the Framework which together seek to ensure that development provides good quality living conditions for residents.

Parking

22. Section 3.2 of the guidance in the Essex Parking Standards (EPS) sets out a preferred parking bay size of 5.5m x 2.9m to ensure that occupants can get in and out of 'an average sized family car'. At around 4.9m x 2.4m, the proposed on-site parking space would be less than this. Also, from what I saw during my site visit, albeit a snapshot in time, there is the possibility of vehicles pulling into the yard to service local businesses.
23. That said, given the one-bedroom size of the two proposed flats, they are unlikely to attract larger family occupation. In the light of the above, the proposal would provide on-site parking space for a less than average family sized vehicle in a tightly configured rear yard. This would limit its usability to some drivers but make some provision for a smaller vehicle.
24. A range of shops and facilities including a Co-op food store, cafes and health centre are within convenient walking distance. Also, the nearby public carpark provides some overspill parking capacity, albeit it is not certain that this would amount to affordable long stay provision for future residents. Furthermore, the site is accessible by regular bus and train services to Harlow town centre and beyond. The Highway Authority's view that the proposal would be acceptable in highway terms, subject to a residential travel information pack planning condition, reflects this. Also, the proposal would provide a secure cycle rack.
25. Taking the above together, I find that there is realistic prospect of future occupiers substantially using alternative transport methods to the private car. Given these alternatives and the 'entry level' size of the flats, I conclude that exceptional circumstances exist to justify the proposed parking provision as sufficient. As the EPS allows for the possibility of smaller parking bay size in exceptional circumstances, I find that the proposal would not conflict with the EPS, and so would not conflict with Policy IN3 of the LDP.

Other Matters

26. The absence of harm in terms of parking provision is a neutral factor that does not weigh in favour of the proposal.
27. The proposed development would contribute to local housing supply on brownfield urban land, in the form of two one-bedroom 'entry level' flats, with associated socio-economic benefit during and after construction. However, the scale of benefit is limited and does not outweigh the totality of harm identified.

Conclusion

28. The proposal 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