



Appeal Decision

Site visit made on 17 September 2021

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/N1540/D/21/3276260

3 East End Cottages, Roydon Road, Harlow CM19 5DS

- 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 Mr Benjamin Lynch against the decision of Harlow District Council.
 - The application Ref HW/HSE/21/00003, dated 6 January 2021, was refused by notice dated 19 March 2021.
 - The development proposed is the excavation of front garden embankment and erection of masonry retaining walls to form area for the movement and parking of vehicles visiting the existing residential premises.
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Decision

1. The appeal is allowed and planning permission is granted for the excavation of front garden embankment and erection of masonry retaining walls to form area for the movement and parking of vehicles visiting the existing residential premises at 3 East End Cottages, Roydon Road, Harlow CM19 5DS in accordance with the terms of the application, Ref HW/HSE/21/00003, dated 6 January 2021, subject to the following conditions
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1263/TP/01 Rev C; 1263/TP/10 Rev C; 1263/TP/11 Rev C and 1263/TP/12 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall accord with those identified by the approved plans.

Main Issue

2. It is considered that the main issue is the effect of the proposed development on the character and appearance of the surrounding area, in particular the streetscene.

Reasons

3. The proposed development includes alterations to the front garden of a dwelling to provide off-street parking. These works have substantially been completed but the appeal scheme remains referred to as a proposed development.

4. The appeal scheme includes the creation of the parking spaces and the erection of retaining walls. There is similar off-street parking in-front of 1 and 2 East End Cottages, including a retaining wall at No. 2. Further, the proposed stairs accessing the host dwelling from the Roydon Road would reflect those at No. 2. Accordingly, the appeal scheme would reflect the treatment of the front gardens of these neighbouring dwellings and, as such, it would not appear an incongruous form of development within the character and appearance of the surrounding area, including the streetscene along Roydon Road.
5. The vegetation which may have existed within the property's front garden no longer exists, including the boundary hedge referred to by the Council. It is understood that what has been removed was not the subject of any specific designation, such as a Tree Preservation Order, and could have been removed in any event. For these reasons, a conflict with Policy PL7 of the Harlow Local Development Plan (LDP) would not arise. Further, the submitted drawings indicate the potential for planning to occur within the tiered garden area which would improve the visual appearance of the retaining walls.
6. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the character and appearance of the surrounding area, in particular the streetscene, and, as such, it would not conflict with LDP Policies H2, PL1 and PL7. Amongst other matters these policies expect a high standard of urban and architectural design, including responding to the front boundary treatments of the surrounding area and the character or the locality.

Other Matters

7. There are Listed Buildings close to the appeal site but the Council has identified that the proposed development would not cause harm to the significance of these designated heritage assets and would preserve their setting. There are no reasons to adopt a contrary assessment to the Council.
8. Although the concerns of local residents have been carefully considered, no objections have been raised by the Highway Authority to the principle of an access to the proposed off-street parking spaces from the existing lay-by, including by reason of the loss of on-street parking provision or highway safety. Although off-street parking spaces would be lost they would be replaced by the proposed spaces and no specific conflict has been identified with any residential parking standards as referred to in LDP Policy H2. Accordingly, and based upon the observations made during the site visit, there are no reasons to disagree with the Highway Authority's assessment on access and highway safety matters.
9. Whether or not the proposed stairs would interfere with the access rights of the occupiers of No. 4 is a matter for other legislation.

Conditions

10. The Council has suggested several conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. A condition is necessary to secure the erection of the appeal scheme in accordance with the submitted plans. The Council has identified that the proposed development should be erected in external materials which match the existing property but this is

inappropriate because the materials should be those identified on the submitted plans.

11. Accordingly, and for the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR