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# Appeal Decision

Site Visit made on 27 September 2021

**by JP Sargent BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 November 2021**

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**Appeal Ref: APP/N1540/W/21/3267464**

**Land south of Roydon Road, Harlow CM19 5DT**

- 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 T Shimmen against the decision of Harlow District Council.
  - The application Ref HW/FUL/20/00093, dated 17 February 2020, was refused by notice dated 13 November 2020.
  - The development proposed is the erection of 3 new build residential dwellings.
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## Decision

1. The appeal is allowed and planning permission is granted for the erection of 3 new build residential dwellings on land south of Roydon Road, Harlow CM19 5DT in accordance with the terms of application Ref HW/FUL/20/00093, dated 17 February 2020, subject to the conditions in the Conditions Schedule below.

## Main Issue

2. The main issue is whether the proposal would harm the significance of the adjacent listed buildings and non-designated heritage assets, by reason of its effect on their settings.

## Reasons

### *The effect on Eastend Farmhouse*

3. The Grade II listed Eastend Farmhouse is on the south side of Roydon Road and dates from the 17<sup>th</sup> Century and earlier. Externally it still appears to retain much of its original detailing, and its main, west-facing elevation relates strongly to the buildings that now form the farmyard. As a result, its detail, appearance and layout assist in understanding the asset, and so contribute to its special architectural and historic interest and inform its significance.
4. The fields on the opposite side of the road add positively to its setting, reflecting the rural location that, originally, the farmhouse would no doubt have enjoyed. However, on the south side of the road, intermittent and sporadic housing means there is now little sense of the listed building being away from other properties in an open agricultural landscape. Rather, it sits in a loose and broken linear pattern of development.
5. The appeal site is immediately to the east of Eastend Farmhouse. As it is substantially grassed, albeit with a central block of trees, allows the listed building to have a degree of openness when travelling westwards, and to be appreciated to a certain extent through the boundary planting. However, the

appeal site is of limited size within the ribbon of development, with a terrace of houses immediately to its east. Furthermore, the principal elevation of Eastend Farmhouse faces in the opposite direction, so it is the rear of the house, standing behind a simple outbuilding, that can be perceived from this direction through substantial boundary planting. The farmhouse therefore has a weak relationship with the appeal site. As a result, although the site subject of this appeal makes some contribution to the sense of space around the farmhouse, its effect on the significance of the listed building is limited.

6. The proposal would be a low-density scheme comprising a detached house (Plot 3) on the west side of the site, and a pair of semi-detached houses (Plots 1 & 2) to the east. However, Plot 3 would be away from the boundary with the listed building, and the 3 new houses would be set back from the road. Consequently, when travelling from the east, Eastend Farmhouse would still be seen in relatively spacious surroundings, and any rural undeveloped context it currently enjoyed would not be harmed. Furthermore, although the design of Plot 3 is markedly different to that of the other 2 houses proposed, its scale, its form and its rendered gable mean it nonetheless respects the appearance of Eastend Farmhouse. As a consequence, and taking into account the separation, this dwelling would have a comfortable relationship with the listed building and the development as a whole would not harm how this designated asset was experienced. Accordingly, it would not adversely affect its setting.

*The effect on adjacent cottages*

7. Two rows of terraced cottages stand immediately to the east of the appeal site, and I am told they were workers' dwellings from possibly the 19<sup>th</sup> Century. The Council identified these as non-designated heritage assets. Over time the terraces have undergone numerous alterations and changes to their appearance, while there have also been significant works to the front garden areas to accommodate parked vehicles and allow for differences in levels. Therefore, whilst I accept the terraces are non-designated heritage assets, these changes serve to conceal their historic origins when viewed externally and reduce their significance.
8. The openness of the appeal site contributes little to their significance, as the cottages are not now in a particularly open, rural location on the south side of the road. If they did have a functional relationship with Eastend Farmhouse (and there is no substantive evidence before me to show that), the layout and separation mean it is not now readily apparent. Indeed, such a relationship would not offer a fundamental reason why buildings could not be introduced in between.
9. The semi-detached houses on Plots 1 & 2 would be of a greater scale than the individual cottages. However, they would be at a lower level, would be set back from the road a comparable distance and again there would be a degree of separation. Mindful of this and noting the limited contribution the appeal site makes to their setting, I conclude the significance of these terraces would not be harmed or diminished by the development.

*Other listed buildings in the vicinity*

10. To the east of the site, beyond the terraces of cottages, is the cluster of Grade II\* and Grade II listed buildings around Skins Farm. These date from the 16<sup>th</sup> and 17<sup>th</sup> Centuries and, as with Eastend Farmhouse, they appear to

retain much of their original detailing, and their original scale and form can be perceived. As a result, again their significance and their special architectural and historic interest are informed by their detail, appearance and layout.

11. However, all these listed buildings are a significant distance from the development with planting and other buildings in between. Furthermore, I was told of no strong functional relationship that they enjoyed with the appeal site or any other way in which the appeal site contributed to how they were experienced. As such, the development would not harm their settings.

#### *Conclusions on this issue*

12. Accordingly, I conclude the proposal would not cause harm to the significance or to the special architectural or historic interest of Eastend Farmhouse or the cluster of buildings round Skins Farm by reason of its effect on their settings. Furthermore, it would not harm to the significance of the adjacent terraces by reason of its effect on their settings. As such it would not conflict with Policy PL12 in the *Harlow Local Development Plan* (2020), which says developments affecting the settings of heritage assets will be considered against national policy, or guidance in the *National Planning Policy Framework*.

#### **Other Matters**

13. The scheme would consolidate the ribbon of development along the south side of the road. However, given the road's existing character I see no harm arising from this.

#### **Conditions**

14. The scheme should be in accordance with the approved drawings for the avoidance of doubt. In order to protect the historic significance of the surroundings and the character and appearance of the area, materials, slab levels and landscaping should all be agreed, while the development should be undertaken in line with the submitted arboricultural report. Having regard to contamination issues a condition requiring an intrusive investigation is justified, though I see no need for it to spell out the detail of such an investigation to the degree found in the Council's suggested condition. Mindful of highway safety the access and parking should be provided in accordance with the approved plans before first occupation, any gates should be set back from the road and the drive should not be surfaced in an unbound material for its first 6m. I see no reason for the prohibition of unbound material within 6m of the highway though, and consider 6m from the carriageway to be sufficient. Finally, to safeguard the ecology of the area a condition relating to bio-diversity enhancements is also necessary.
15. Of the above conditions, the only ones that need to be agreed before the commencement of development are the intended slab levels and the contamination investigation, as these could inform how the development is undertaken from the outset.
16. I am not satisfied that the nature of the road, the size of the site or the proximity to neighbouring properties mean a Construction Management Plan is justified. Given the size of the curtilages, I see no specific need for refuse and recycling details to be agreed.

**Conclusion**

17. Accordingly, I conclude the appeal should be allowed.

*JP Sargent*

INSPECTOR

### **Conditions Schedule**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) Unless otherwise amended by the conditions below, the development hereby permitted shall be carried out in accordance with the following approved plans: 543.101, 102, 103 Rev A, 104, 105, 106 Rev A and 107 (Visibility splay).
- 3) No development shall commence until details of the slab levels of the proposed buildings and the existing and proposed ground levels have been submitted to and approved in writing by the local planning authority. The development shall then be undertaken in accordance with the approved slab level details.
- 4) No development shall commence until an intrusive investigation and risk assessment to assess the nature of contamination, together with details of any remediation measures that may be necessary and a timescale for their implementation, has been submitted to and approved in writing by the local planning authority. Any remediation works that may be necessary shall then be undertaken in accordance with the approved details and timescale and thereafter retained.
- 5) No development above slab level shall commence until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 6) No development above slab level shall commence until details of the hard and soft landscape works (including boundary treatments), together with a programme of maintenance for a period of 5 years, have been submitted to and approved in writing by the local planning authority. The landscaping works shall be carried out in accordance with the approved details in the first planting season following completion of the development, and thereafter maintained in accordance with the approved programme of maintenance.
- 7) No development above slab level shall commence until a scheme of bio-enhancement features has been submitted to and approved in writing by the local planning authority. The approved scheme shall then be installed prior to the first occupation of the development and thereafter retained.
- 8) The development hereby permitted shall be implemented in accordance with the Arboricultural Report dated 28 November 2019.
- 9) Prior to the first occupation of the development the access shown on the approved drawings shall be provided and thereafter retained. No unbound material shall at any time be used on the surface of the access within 6m of the carriageway boundary, and any gate shall be at least 6m from the edge of the carriageway and inward opening.
- 10) Prior to the first occupation of the development the on-site parking and turning provision shown on the approved drawings shall be provided and thereafter retained for that purpose.