



Appeal Decision

Site Visit made on 8 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th November 2021

Appeal Ref: APP/N1540/W/21/3272524

Hillcrest, Harberts Road, HARLOW, CM19 4EU

- 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 LW Developments Ltd against the decision of Harlow District Council.
 - The application Ref HW/FUL/20/00543, dated 13 November 2020, was refused by notice dated 19 February 2021.
 - The development proposed is 2 x two bed chalet bungalows with a study, car parking, amenity space and soft landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for 2 x two bed chalet bungalows with a study, car parking, amenity space and soft landscaping at Hillcrest, Harberts Road, HARLOW, CM19 4EU in accordance with the terms of the application, Ref HW/FUL/20/00543, dated 13 November 2020, and the plans submitted with it, subject to the attached schedule of conditions.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.
3. The proposal before me follows the dismissal of a related appeal on the same site, APP/N1540/W/20/3246222. Whilst each case must be determined on its own merits, I have had regard to this decision in the determination of the appeal.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site comprises the garden to the side and rear of the existing detached bungalow, Hillcrest. Directly adjacent to the site are the residential properties known as St Lawrence and in the former rear garden of that dwelling, a more modern bungalow known as Foxwood. Beyond the appeal site is the more compact and dense development of Collins Meadow and Toddbrook.
6. The appeal site is part of a small group of six detached residential properties accessed from Harberts Road. These are sited to the front of the plots with side

accesses, with large rear gardens containing mature landscaping along the boundaries and internally. This group of properties are on the periphery of the settlement and are bordered by the open space of Collins Meadow Field and Canons Brook beyond and are distinctly modest in comparison to the neighbouring developments of Collins Meadow and Toddbrook.

7. In considering the previous appeal the Inspector noted that the appeal site in conjunction with the neighbouring gardens of this small enclave of properties provided a transition from the built environment in this part of the settlement to the open space beyond. However, in this appeal the appellant has drawn my attention to the wider context of the site which includes the denser development of Collins Meadows.
8. I share the view that the wider locality is more mixed in its character and appearance. I have also viewed the site from the open space, Collins Meadow Field and from there the dwelling Foxwood, which is located to the rear of St Lawrence, is visible and contributes to the existing enclave being viewed in conjunction with the wider built environment.
9. The proposed dwellings would have their frontage and vehicular access onto the access road which runs along the side boundary of Hillcrest. In this regard the development would continue the pattern of built form that has been established by the presence of Foxwood.
10. The plot is of sufficient size to provide an appropriate level of parking and amenity space and the proposed dwellings would not appear cramped within the plot with spacing available to the side and rear. The proposed dwellings, by virtue of their chalet style would reflect the other dwellings within the immediate locality and would contribute positively to the character and appearance of the area. Furthermore, as a result of their modest scale, the proposed dwellings would not detract from views experienced from the adjoining open space of Collins Meadow Field.
11. I accept that the immediate area is characterised by detached dwellings and the introduction of a semi-detached pair would be at odds with those immediate neighbouring dwellings. However, to the rear of the appeal site is terraced developments and therefore the introduction of semi-detached dwellings would add to the diverse range of house types and designs which are evident surrounding the appeal site.
12. As I have set out above the proposed development is compatible with its surroundings and I conclude that the proposed dwellings would not result in harm to the character and appearance of the area. Therefore, the development would comply with Policies PL1 and H2(a) of the Harlow Local Development Plan 2020 (LP) which require high standards of design for all development and that there is no unacceptable effect on the character of the locality as a result of infill development.

Other Matters

13. I have also taken into account the matters raised in the representations received including issues such as storage and collection of waste, the effect on existing landscaping, overlooking, noise and disturbance, loss of trees and the impact on wildlife.

14. However, the development would not cause an unacceptable loss of privacy or a material increase in noise and disturbance in comparison to the existing situation. Furthermore, a condition requiring the submission of a construction management plan can ensure appropriate mitigation in terms of construction hours are agreed prior to work commencing on site. The site has adequate space for the storage of waste, and collection arrangements would be acceptable, with refuse bins wheeled to a defined collection point.
15. In respect of concerns regarding the potential effect on landscaping and trees, this is adequately controlled by condition. Concern has also been raised relating to the impact on wildlife, local fauna and flora, however there is no evidence before me that there would be harm in respect of these matters, and no objection has been raised by the Council.
16. Therefore, none of the matters raised provide a compelling reason why planning permission should not be granted.

Conditions

17. The Council has suggested 10 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. In addition to the standard implementation condition it is necessary, for the avoidance of doubt, to define the plans with which the scheme should accord.
18. In the interests of the character and appearance of the area a condition requiring the submission of proposed levels is necessary and reasonable. I consider that a condition to agree a scheme of hard and soft landscaping, including the implementation of the agreed measures for the protection of existing trees would also be necessary in this case given the protected status of the trees.
19. Given the proximity to other residential properties, I have imposed a condition requiring the submission of a construction management plan, including the need to agree the hours of construction, in order to protect existing occupiers from noise and disturbance at times when they may expect to enjoy respite from such activities.
20. I have not been provided with a copy of policies P11 and H5 of the LP which the Council references in connection with its suggested conditions relating to water efficiency and accessible and adaptable dwellings. However, noting that the LP is recently adopted so would have taken into account the requirements of the Optional Technical Housing Standards, and that the appellant has raised no objection to them, I have imposed the relevant conditions.
21. Furthermore, in order to support the government's objective of increasing sustainable development I have imposed a condition requiring details of the decentralised, renewable or low-carbon sources of energy which are provided for the development
22. I have not imposed a condition removing permitted development rights as these require there to be clear justification to do so and I do not consider they would pass the test of reasonableness in this instance. I have not been provided with adequate justification to suggest that there are exceptional circumstances for such a restriction and therefore do not consider it is necessary in this instance.

Conclusion

23. For the reasons given I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

-SCHEDULE OF 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: NWA-19-027-LOC_E; NWA-19-027-LOC_P rev C; NWA-19-027-10 rev B; NWA-19-027-11; NWA-19-027-12 rev A; Tree Protection Plan Rev 2; NWA-19-027-VOL; Aboricultural report: Rev 2 dated 7th December 2020.
3. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of hard and soft landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) loading and unloading of plant and materials;
 - ii) storage of plant and materials used in constructing the development;
 - iii) wheel washing facilities;
 - iv) measures to control the emission of dust and dirt during construction;
 - v) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - vi) delivery, demolition and construction working hours.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
6. The scheme for the protection of trees, as set out within Aboricultural report: Rev 2 Prepared by Andrew Day HND Arb. M.Arbor.A, Cenv dated 7th December 2020 shall be carried out as approved.
7. The dwellings shall not be occupied until the Building Regulations Optional requirement Part M4(2) has been complied with.
8. The dwellings shall not be occupied until the Building Regulations Optional requirement for water efficiency of no more than 110 litres per person per day has been complied with.

9. No development shall take place until the following information shall have been submitted to and approved in writing by the local planning authority:
- a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings;
 - full details of the proposed finished floor levels of all buildings and hard landscaped surfaces.

The development shall be carried out in accordance with the approved details.

10. No development shall take place until a scheme (including a timetable for implementation) to secure an agreed percentage in the reduction of carbon dioxide emissions, through the energy supply of the development from decentralised and renewable or low carbon energy sources and through the design, massing, layout and construction of the hereby approved dwellings. The scheme shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented prior to the occupation of the dwelling to which it relates and thereafter retained in operation.

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