
Appeal Decision

Site visit made on 3 January 2022

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12th January 2022

Appeal Ref: APP/N1540/D/21/3280311

34 Red Lion Crescent, Harlow CM17 9BN

- 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 Agnieszka Karazniewicz against the decision Harlow Council.
 - The application Ref: HW/HSE/21/00299 dated 21 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is described as a two-storey rear extension.
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Decision

1. The appeal is dismissed insofar as it relates to the removal of the canopied entrance, the inclusion of wooden cladding to the front elevation and the change to the colour of the window frames from white at 34, Red Lion Crescent, Harlow CM17 9BN in accordance with the terms of application HW/HSE/21/00299, dated 21 May 2021. The appeal is allowed insofar as it relates to the demolition of an existing garage and a new two-storey side and rear extension in accordance with the above application details and subject to the following conditions: -
 - i. The development hereby permitted shall begin no later than three years from the date of this decision.
 - ii. The development hereby permitted shall be carried out in accordance with the following approved plans: 050;051 and 100 to 106 inclusive.

Procedural Matter

2. While the application forms describe the proposed development as a two-storey rear extension, the submitted plans include other alterations including the removal of the original canopied entrance, different coloured window frames and cedar cladding to part of the front and other elevations of the property, matters to which the local planning authority(LPA) has considered in its officer report. I have given the parties an opportunity to clarify the exact content and nature of the appeal. In the light of the correspondence, I shall determine the application based on the proposed rear extension and the proposed other

alterations to the property as shown on the submitted plans.

Main Issues

3. The main issues are the effect of the proposed development upon (i) the character and appearance of the host property and area and (ii) the living conditions of the occupants of 36 Red Lion Crescent in respect of outlook, sunlight and daylight.

Reasons

Character and appearance

4. The appeal property is a two-storey semi-detached dwelling house situated in a residential area of other similar properties, including terraced houses, where there are consistent design characteristics including painted external rendered surfaces (mainly white or pastel coloured), single storey side extensions and canopied main entrances (though in the case of the appeal property the latter is bricked up and the entrance has been moved to the single-storey side extension).
5. The proposed two-storey rear extension would cover the whole of the rear elevation under a two-storey gable. While it would add significantly to the bulk and size of the existing building, it would hardly be seen, if at all, from the public realm. Furthermore, while the extension would be relatively large in comparison to the existing building, it would nevertheless not appear as a dominant or out of character addition.
6. Therefore, I conclude that the rear extension would accord with policy PL1 of the Harlow Local Plan 2020 (LP) and with the Harlow Supplementary Design Guide 2011 (SPD), both of which aim to ensure that development is of a good design which is reflective of local context.
7. So far as the other proposed development is concerned, namely the removal of the original canopied front entrance, the wooden cladding and changes to the colour of the window frames, I consider that these would significantly change the appearance of the dwellinghouse, especially to its front elevation, and in such a way as to detract from the character and appearance of the area where there is currently an attractive uniformity of design provided by the colour of the render, the white window frames, the absence of cladding and the inclusion of canopied entrances.
8. For these reasons I conclude that the proposed removal of the original canopied entrance, the introduction of wooden cladding to the front and side elevations and the changes to the window colour, would not accord with policy PL1 of the LP or with the SPD which aim, amongst other things, to promote local distinctiveness.

Living conditions - 36 Red Lion Crescent.

9. While the LPA considers that the proposed development would not accord with the '45-degree rule', designed to protect adjoining occupants from a significant loss of sunlight and daylight, 36 Red Lion Crescent is located on the South side of the appeal property, such that there would be minimal loss of sunlight or daylight to it.

10. The proposed extension would have a depth of 4 metres, and while it would be two storeys high, its impact upon the occupants of 36 Red Lion Crescent would be reduced by the sloping roof to the gable leading to its ridge further away from the boundary when viewed from both the building and the rear garden.
11. Therefore, I conclude that by its limited depth and its overall design, the proposed extension would not have a materially overbearing impact upon the occupants of 36 Red Lion Crescent and hence an acceptable level of outlook would be maintained. For these reasons, the proposed development would accord with policy PL2 of the LP and the SPD which aim to protect the living conditions of the occupiers of adjoining properties in terms of overlooking, sunlighting and daylighting.

Conditions

12. So far as the rear extension is concerned, I have imposed the standard time condition and a condition to ensure the development is in accordance with the approved plans in the interests of certainty.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed regarding the proposed rear extension but should be dismissed with regard to the other elements of the proposed development.

Steven Hartley

INSPECTOR