



Appeal Decision

Site visit made on 1 March 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 March 2022

Appeal Ref: APP/N1540/W/21/3276476

128 Herons Wood, Harlow, Essex CM20 1RU

- 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 B Foley, Barry Foley Developments Ltd against the decision of Harlow District Council.
 - The application Ref HW/FUL/21/00021, dated 19 January 2021, was refused by notice dated 15 March 2021.
 - The development proposed is 'Proposed 2 No 2 Bedroom Dwellings, Single Storey Rear Extension To Existing Dwelling & Demolition Of Existing Detached Garage'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on highway and pedestrian safety, with particular regard to on-street vehicle parking; the effect of the proposed development on the character and appearance of the area; and whether the proposed development would be capable of providing satisfactory refuse storage and collection arrangements.

Reasons

Parking

3. It is proposed to erect 2 two-bedroom dwellings on land which currently comprises part of the garden and a detached garage which serve a three-bedroom dwelling. The existing garage would be demolished, and no off-street parking would be provided.
4. Policies H2 and IN3 of the Harlow Local Development Plan (2020) (HLDP) require residential development to provide off-street parking arrangements for existing and proposed dwellings in accordance with the adopted Vehicle Parking Standards¹, amongst other things. Policy IN2 of the HLDP seeks to prevent development which would have a detrimental impact on the safety of all highway users.
5. The Vehicle Parking Standards specify a minimum of 2 off-street spaces should be provided per existing and proposed dwelling with 2+ bedrooms. Applying those standards in accordance with Policies H2 and IN3, a total of 6 off-street parking spaces would be required for the proposal to accord with those policies.

¹ Parking Standards Design and Good Practice (September 2009) by Essex County Council

The Vehicle Parking Standards state that reductions may be considered if development has good links to sustainable transport.

6. A Parking Survey Report² (PSR) carried out over two nights found an average of 45 available on-street spaces out of 171 within a 200m linear distance of the appeal site. However, I have a number of concerns with the PSR, primarily its choice to follow the standard format of The Lambeth Methodology with regard to parking space dimensions, but also its inclusion of 'partial footpath' spaces on Herons Wood Sections 2, 3 and 4 as available spaces.
7. The PSR is based on parking space lengths of 5m, but the Council's Vehicle Parking Standards specify the preferred length for parking spaces is 5.5m and spaces 5m in length should only be used in exceptional circumstances. Furthermore, it advises parallel parking spaces should be 6m in length and I note many of the spaces identified by the PSR would be accessed by parallel parking manoeuvres.
8. The examples of partial footpath parking I saw locally provided insufficient space for pedestrians on the footpath and made vehicle manoeuvres difficult. In light of this, I am not convinced safe partial footpath parking could be provided along Sections 2, 3 and 4 of Herons Wood and this would likely deter future occupants of the existing and proposed dwellings from parking in those areas.
9. At the time of my visit, I found on-street parking to be in high demand locally and I noted vehicles near to the appeal site parked in what I considered to be unsafe positions. Drawings 2 and 3 of the PSR demonstrate that on the two nights surveyed, there were significant issues with vehicles parking partially on the footpath and in unassigned or contravening 'spaces' locally, especially in Sections 1 and 6 of The Hornbeams, which I saw to be the case during my visit too.
10. The PSR demonstrates that despite the availability of parking spaces along Sections 8 and 18 of Herons Wood, there is a tendency for existing residents within the area surveyed to park partially on the footpath and in unassigned or contravening spaces. The distance of available parking spaces within Section 8 of Herons Wood from the proposed dwellings and the narrow width of Section 18 suggest to me that future occupants of the existing and proposed dwelling would be likely to follow those existing tendencies in the immediate area around the appeal site.
11. Notwithstanding the findings of the PSR, I do not consider it has been demonstrated that there is sufficient capacity in the locality to justify a significant deviation from the development plan's minimum off-street parking specifications. The appeal site is located within walking distance of Harlow Town train station, but I have not been provided with any information relating to the proximity of other sustainable modes of transport. I am not therefore convinced that the proposal would have the good links to those forms of transport referred to by the Vehicle Parking Standards as necessary to allow the consideration of a complete reduction in the minimum off-street parking standards.

² VS Traffic Data Services, Version 1 dated 10 December 2020

12. The failure to provide the minimum number of off-street parking spaces for the existing and proposed dwellings specified in the Vehicle Parking Standards would be contrary to Policies H2 and IN3 of the HLDP and would likely increase unsafe levels of parking in the locality, to the detriment of highway and pedestrian safety, which would be contrary to Policy IN2 of the HLDP. The requirements of those policies are set out above.

Character and Appearance

13. The appeal site is an end of terrace dwelling with a large side/rear garden. The surrounding area is characterised by a mix of two and three storey terraces of similar designs, closely arranged with small areas of landscaping to the front of some dwellings. There is consistency in the size and arrangement of front elevations within terraces, with regular projections at ground and first floor level.
14. The proposed dwellings would extend the terrace to the east, up to a cycleway/footpath which runs between the side boundary of the appeal site and the rear garden boundaries of neighbouring houses on The Hornbeams. They would have large flat roofed single storey rear extensions, as would the existing appeal dwelling. The side elevation of the proposal would therefore appear larger than most neighbouring buildings, but the cycleway/footpath would provide an appropriate gap between the proposed dwellings and the rear boundaries of neighbouring properties.
15. The two proposed dwellings and the existing dwelling would be served by private rear gardens measuring between 50 sqm and 87 sqm. The Council has confirmed that these meet the minimum standards set out in their Design Guide Addendum, but it is claimed they would fail to reflect the larger sizes of gardens locally. I saw garden sizes in the locality to vary, but they are generally modest in size. The proposed gardens would be modest sizes too, and commensurate to the proposed dwellings and their surroundings. In the context of closely arranged two and three storey dwellings in the surrounding area, the appeal site would not appear overdeveloped and the proposed two storey dwellings would not appear dominating or intrusive.
16. Their roof form would follow the existing terrace, but they would be smaller in width than other houses within the terrace, with first floor oriel windows on the front elevation. These differences would be appreciable from the highway, but they would not cause any harm to the established street scene or unduly disrupt the continuity of the terrace. They would appear slightly different in design, but they would be in-keeping with the general appearance of the area and complement the existing terrace, without appearing uncharacteristically narrow.
17. The proposed dwellings would not, therefore, harm the character or appearance of the area and would accord with Policies PL1 and H2 of the HLDP and Principle DG28 of the Harlow Design Guide Supplementary Planning Document (2011). These require development to be of a high standard of design which takes account of local character and context and responds positively to the prevailing character of the area, amongst other things.

Refuse Storage and Collection

18. I saw refuse bins are generally stored outside in front of dwellings in the local area, as set out in the appellant's submissions. The proposal includes a refuse store for the proposed dwellings located on the side elevation and opening onto the adjacent footpath. This would be over 15m from where refuse collection vehicles would stop, but it would be a similar distance from the highway as the positions of bins of other properties within the terrace. It would therefore be unreasonable to doubt a satisfactory arrangement could not be reached, similar to neighbouring properties, for the collection of refuse a short distance over 15m from the highway.
19. The proposed plans show gates to the refuse store would open outwards, over the highway, which would have the potential to obstruct pedestrian movement. These could be easily amended as suggested by the appellant, with sliding doors fitted, or an alternative refuse storage area designed. There would be sufficient space at the side and rear of the proposed dwellings to provide appropriate refuse storage facilities and it would be a straightforward process for future occupants to present their bins for collection in an appropriate place on the relevant day.
20. The appellant has provided photographs of refuse bins in the surrounding area located on Council owned land during collection days. This would appear to be a normal arrangement, despite the Council's insistence that refuse bins should not be presented for collection on Council owned land. There is a large area of open land in front of the appeal site which the main parties refer to as being Council owned land, and it would be a matter for the appellant to arrange any agreement with the Council to present refuse bins on this land for collection. Reference has also been made to land at the front of the existing dwelling which could potentially be used for the presentation of refuse bins on collection days.
21. On account of the space within and surrounding the appeal site and the similarities with neighbouring properties in terms of distance from the highway, I am satisfied that the proposed development would be capable of providing satisfactory refuse storage and collection arrangements. This would be subject to further details being submitted to address the Council's concerns relating to the form and opening of the refuse store, which could be reasonably controlled by condition if permission were to be granted. The proposed development would therefore be capable of complying with Policies IN2 and H2 of the HLDP. These require, amongst other things, residential development to make adequate provision for refuse storage and collection, which should not harm highway safety.

Planning Balance

22. The proposal would provide two dwellings towards local housing supply and would create economic benefits during its construction phase and beyond. Those benefits would be modest and would not outweigh the harm to highway and pedestrian safety which would likely be caused by the proposal's failure to provide off-street parking in accordance with the development plan.

Conclusion

23. The proposal would result in a net loss of off-street parking spaces and would likely harm highway and pedestrian safety in conflict with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR