



Appeal Decision

Site visit made on 9 June 2022

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date 4th July 2022

Appeal Ref: APP/N1540/W/21/3286493
39 Ladyshot, Harlow CM20 3EL

- 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 Iain Pillinger against the decision of Harlow Council.
 - The application Ref HW/FUL/21/00480, dated 17 August 2021, was refused by notice dated 7 October 2021.
 - The development proposed is change of use from public to private land in order to provide access to front garden parking.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from public to private land in order to provide access to front garden parking at 39 Ladyshot, Harlow CM20 3EL in accordance with the terms of the application, HW/FUL/21/00480, dated 17 August 2021, and the plans submitted with it, 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: Location Plan; Site Plan; and Proposed Driveway Drawing Plan all dated 21 August 2021.
 - 3) The proposed access route across the site shall be laid using grasscrete or a similar grass reinforcement grid/mat product and it shall be permanently retained as such.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as this provides a more succinct, accurate description of the development before me than provided in part 5 of the planning application form.

Main Issue

3. The main issue is the effect of the proposed change of use on the character and appearance of the area.

Reasons

4. No.39 Ladyshot (No.39) is a two-storey end of terrace house located at right angles to Ladyshot set behind a small front garden with pedestrian access from a footpath to the front. Adjoining the footpath and between the front garden and back edge of the pavement is a small rectangular parcel of public open space that is currently laid to lawn. It is proposed to change the use of this land from public to private to provide access to front garden parking.
5. Ladyshot is a dense residential area with short rows of terraces set at different angles relative to the road. Because of this arrangement, there are a series of narrow grass verges or hedges between the flank elevations of the end terrace and the back edge of the pavement. Together, these provide some visual, green relief along either side of Ladyshot contributing positively to the character and appearance of an otherwise very built up area.
6. Although the appeal site would be used for vehicle access to the front garden, the parking bay itself is shown on the submitted *Proposed Driveway Drawing Plan* as to the front of No.39 (within the existing garden) and outside the appeal site edged red on the *Location Plan* and *Site Plan*. The appeal site itself will therefore remain open in character. It is also proposed that part of the width of the appeal site (around 2.9m) is laid with a grass reinforcement grid, which would provide ground stabilisation for vehicles whilst still allowing a lawn to be laid and maintained. The combination of use and finish means that the open, green character and appearance of the appeal site would not particularly change and the almost continuous strip of grass verge or hedgerow along either side of Ladyshot would be retained.
7. Given the fairly uniform layout of Ladyshot, there are other small parcels of land that could be used in a similar way to that proposed by this appeal. I also saw that on-street parking is at a premium along the length of Ladyshot. However, on plot parking, or parking on grass verges, is already part of the established character and appearance of the area and I am mindful that each proposal for any subsequent change of use of public open space would be considered on its individual merits and site characteristics. I am not therefore persuaded that the appeal would set an undesirable precedent as suggested by the Council.
8. Consequently, I find that the proposed change of use from public to private land, would not cause material harm to the character and appearance of this part of Ladyshot. There is therefore no conflict with policies PL1 and PL6 of the Harlow Local Development Plan (2020) because the proposal takes into account the pattern of development, urban form and landscape value, and would not remove open space of high quality or public value.

Conditions

9. In addition to the standard implementation condition, for the avoidance of doubt, it is necessary to define the plans with which the scheme should accord. The Council have suggested a condition that the site shall be laid using grasscrete and it shall be permanently retained as grasscrete. This is necessary interests of the character and appearance of the area, but I have amended the condition to also allow grass reinforcement grids or mats to give some flexibility in the exact brand of product used.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR