



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/21/3278976

Land to rear of 14 Kingsdon Lane, Potter Street, Harlow CM17 9AB

- 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 Mrs Joyce Leigh against the decision of Harlow Council.
 - The application Ref HW/OASMR/20/00437, dated 15 September 2020, was refused by notice dated 15 January 2021.
 - The development proposed is erect three detached dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was submitted in outline with only matters relating to landscaping reserved for future consideration.

Main Issues

3. The main issues in this appeal are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect of the proposal on the living conditions of neighbouring properties.

Reasons

Character and appearance

4. No.14 Kingsdon Lane (No.14) is a detached chalet bungalow located at the end of Kingsdon Lane, a residential cul-de-sac. No.14 has a large garden extending the width of the bungalow and to Bellfield Gardens to the rear. It is proposed to build 3no. detached houses on the rear part of the garden of No.14 with a frontage to Bellfield Gardens. The houses would have an architectural style that would be in keeping with neighbouring houses, with a simple form, pitched gable to Bellfield Gardens finished in a buff colour brick, with decorative quoins.
5. The depth of the appeal site itself is relatively narrow and in order to prevent direct overlooking to houses on the opposite side of Bellfield Gardens and to accommodate the required parking, the proposed houses would be orientated at an angle to Bellfield Gardens and would have a staggered building line. Bellfield Gardens is a cul-de-sac comprising a mix of detached, link-detached and terraced two-storey housing. The housing is relatively dense and the arrangement and layout of the cul-de-sac is tight knit, with varied building lines including porch and gable projections and set-backs that add interest to the

streetscene. However, the houses are typically sited so that their front elevation is broadly square with the road giving some uniformity to the pattern of development.

6. I acknowledge that Nos. 38 and 39 Bellfield Gardens (Nos.38 and 39), to the west of the appeal site, are set at an angle to the road but that angle is more acute than proposed and comprises a pair of linked-detached houses, with No.39 tucked into the corner of the cul-de-sac on a similar front building line to its adjoined neighbour. Because of this arrangement, the orientation of Nos.38 and 39 does not jar with its neighbours or the terraced houses opposite. In contrast, the angled and staggered arrangement of the proposed houses would appear contrived and somewhat incongruous in the streetscene. I do not find that this uncharacteristic angled and staggered building line would be countered by the simple rectangular shape of the proposed houses. To the contrary, the lack of any articulation of building form would serve to exaggerate the angle to Bellfield Gardens.
7. I saw on site that there is forecourt car parking to the front of the terraced housing opposite the appeal site, but that this is not a particular characteristic of the larger linked-detached or detached houses on Bellfield Gardens. These typically have driveway parking for at least two cars, but the bays are not provided in blocks with their neighbours, rather they are broken up by gardens and/or footways. Proposed Plots 1 and 3 have been designed with tandem car parking spaces adjacent to their flank elevations, whilst Plot 2 has two spaces directly to the front (and very close to its front elevation). The effect of this arrangement is a prominent block of parking across a significant width of the appeal site frontage with little opportunity for footways, front gardens or any meaningful landscaping.
8. The existing frontage of the appeal site to Bellfield Gardens is formed by a dense row of shrubs and hedges which I found to have high visual amenity value, offering some green relief to the otherwise tight knit residential arrangement. Whilst I accept that this landscape buffer has no formal protection, it nonetheless contributes positively to the character and appearance of Bellfield Gardens. The appellant's case is that a landscaping scheme (landscaping being the only reserved matter) would provide an opportunity to enhance the street scene and improve the amenity value with sensitive planting and hard and soft landscaping. For the reasons explained above, the layout of the houses (and particularly the dominance of parking) means that there is very little scope for mitigation planting on the frontage, save at the very corners of the site. I note that the Council's Landscape Architect and Arboricultural Officer had no objection to the planning application. However, I nonetheless find that, in combination with the orientation of the houses and parking arrangement, the loss of frontage landscaping would cause significant harm to the character and appearance of Bellfield Gardens.
9. The chalet bungalow at No.14 would retain a modest private rear garden that is not dissimilar in depth to its immediate neighbours to the west on Kingsdon Lane. The mature landscaping on the eastern boundary between the bungalow and a footpath that connects Kingsdon Lane to Bellfield Gardens would be retained and therefore the size of the new garden would not be particularly visible to the public, nor would it effect the character or appearance of Kingsdon Lane itself.

10. On the first main issue, I conclude that the appeal proposal would conflict with policies PL1 and H2 of the Harlow Local Development Plan (2020)(LP) which together, amongst other things, protect local distinctiveness and character, patterns of development, and the appearance of the streetscene. It would further conflict with Principle DG28 of the Harlow Design Guide Supplementary Planning Document (2011) because the proposed infill-development does not respond positively to prevailing character, representing an overdevelopment of the plot.

Living conditions

11. The Harlow Design Guide Addendum Supplementary Planning Document (aSPD) was adopted in December 2021, providing guidance local to Harlow as opposed the county-wide guidance contained in the Essex Design Guide. The guidance in the aSPD is that directly facing habitable room windows will normally require a minimum separation distance of 18m. On the rear gable of No.14 is a first floor window with Juliette balcony. Proposed Plot 1 is sited only around 15.2m from this window, but it is at a 38 degree angle to the rear elevation of No.14. Despite falling short of the aSPD guidance, this separation distance and orientation means that there would be no direct overlooking between habitable room windows of proposed Plot 1 and No.14.
12. Similarly, the minimum separation distance between the proposed houses and those opposite on Bellfield Gardens is less than 18m (between the corner of Plot 1 and No.46 Bellfield Gardens) so below the aSPD guidance. However, the angle of the proposed houses to Bellfield Gardens means that there are no true directly facing windows and as such no overlooking, or loss of privacy.
13. No.32 Bellfield Gardens (No.32) is located to the east of the appeal site, with its principal front elevation facing west over a triangular area of landscaping formed by the split in the footpath between Bellfield Gardens and Kingsdon Lane. There would be a fairly limited separation distance (less than 12m) between the flank elevation of proposed Plot 3 and the front elevation of No.32, but Plot 3 is set on an oblique angle. The only first floor window to Plot 3 would be to a bathroom and the SPD guidance recognises that windows to side elevations may be designed to direct views in a certain way or provided with obscure glazing to avoid overlooking in other directions. As a consequence, I am satisfied that there would be no substantive harm to either the outlook or privacy of No.32.
14. The front elevation of No.33 Bellfield Gardens (No.33) is located around 15m to the south east of the rear elevation of Plot 3. It is however orientated so that the principal windows face west, south-west (so away from Plot 3) and as such there would be no overlooking between the two. Further, the outlook from No.33 would not significantly alter, remaining partly over the dense landscaping to the east of No.14 (that falls outside of the appeal site) and partly over a garden (of proposed Plot 3).
15. No.36 Bellfield Gardens (No.36) is set back from the road behind a detached double garage and driveway close to the western boundary of the appeal site. I observed on site that it already has a close relationship with No.14 and its rear garden. The front corner of proposed Plot 1 would abut the party boundary, adjacent the detached garage, and well forward of the front building line of No.36. Although the rear corner splays away, the two-storey flank elevation of Plot 1 would extend a depth of around 8m close to the boundary. This, in

combination with its siting forward of No.36, would result in proposed Plot 1 appearing overbearing from the front windows and driveway of the house. I therefore find there would be a significant loss of outlook for the occupiers of No.36 such that it would cause harm to their living conditions. No windows are proposed at first floor on the west (side) elevation of Plot 1 so there would be no loss of privacy.

16. I have been given no substantive evidence by the Council as to the effect of the appeal proposal on overshadowing. Given the siting of the proposed houses to the north or east of those closest neighbours, and the separation distances, I am not persuaded that there would be any material harm caused by overshadowing.
17. Notwithstanding this, for the reasons given, I do find the appeal proposal would cause harm to the outlook and therein living conditions of the neighbours at No.36 Bellfield Gardens. Consequently, there is a conflict with LP policies PL2 and H2 because the proposal fails to preserve the amenity of existing occupants and neighbours in the local area.

Other Matters

18. I recognise that the decision to refuse planning permission was a Member overturn at Planning Committee and that a very high number of objections were received in respect of the planning application. However, such circumstances are a normal part of the democratic process particularly where character and appearance matters relate to planning judgement. Whilst I have had regard to the concerns of the appellant in respect of an orchestrated social media campaign, this does not lead me to a different finding on the main issues above.

Conclusions

19. For the reasons given, I conclude the appeal is dismissed.

R Jones

INSPECTOR