



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: 7th July 2022

Appeal Ref: APP/N1540/D/22/3290530

12 Spencers Croft, Harlow CM18 6JX

- 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 Shemek against the decision of Harlow Council.
 - The application Ref HW/HSE/21/00544, dated 14 September 2021, was refused by notice dated 22 October 2021.
 - The development proposed is proposed single storey side extension, new garage and dropped kerb.
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Decision

1. The appeal is allowed and planning permission is granted for single storey side extension, new garage and dropped kerb at 12 Spencers Croft, Harlow CM18 6JX in accordance with the terms of the application, HW/HSE/21/00544, dated 14 September 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 plan: Plans & Elevations as Existing and Proposed ref. 2021/0115/0001 rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is a more succinct description of the proposed development before me than provided in part 4 of the planning application form. It is also the description used by the appellant in part E of the appeal form.
3. The Council have not raised any concern over the proposed single storey side extension, and from the evidence before me and my site visit I see no reason this would cause any harm to the character or appearance of the area.

Main Issue

4. The main issue in this appeal is the effect of the proposed garage and driveway access on the character and appearance of the area.

Reasons

5. No.12 Spencers Croft (No.12) is a two-storey end of terrace dwelling located on the north side of Spencers Croft. It is orientated so that its flank elevation is to Spencers Croft with access to the front from a pedestrian footway between the terrace of dwellings and a block of flats opposite. The western boundary of the terrace is formed by the rear elevation of pairs of semi-detached brick built outbuildings interspersed by hedging, timber fencing and gates providing access to the back gardens of the dwellings. This boundary is set at the back edge of the pavement alongside a cycleway that runs between Tracys Road and Nicholls Field.
6. It is proposed to replace the existing outbuilding to the rear of No.12 with a single, detached garage sited on the rear boundary, orientated north-south so that its short elevation (and garage door) fronts Spencers Croft. The garage would measure around 7m in length, 3m in width and 2.4m in height. I have not been provided with dimensions of the existing outbuilding but I observed on site that its elevation to the cycleway is over 2m in height. The height of the proposed garage (at 2.4m) would therefore extend above this but has been designed with a flat roof to minimise its height. Its overall dimensions mean the garage would appear a noticeably larger building adjacent the footway than the existing outbuilding.
7. However, I observed on site that brick built outbuildings of different heights and designs form part of the pattern, or grain, of development to the rear of the cycleway on either side of Spencers Croft. I recognise that these outbuildings are not typically used as garages, but No.5 Spencers Croft (No.5) has an existing detached garage on the opposite side of the footway to No.12. The form of development proposed would not therefore be at odds with the existing grain, or type of development.
8. The building line of the flank elevation of No.5 and its detached garage is set closer to Spencers Croft than No.12 which means that it would obscure views of the proposed garage from the east. I accept that because of the height and length of the proposed garage (around 7m) on the rear boundary of No.12 it would be prominent from the west on Spencers Croft. It would, however, be viewed in the context of the existing garage at No.5 and the terrace of dwellings behind, and would be brick finished to match the existing dwelling. Despite its proximity to the boundary with the cycleway and Spencers Croft it would not therefore appear an incongruous addition to the streetscene.
9. On either side of Spencers Croft, the building line of houses and parking bays are set off the back edge of the pavement so that there is an almost continuous length of greensward. From my site visit, this appears a mixture of public open space and private front gardens but combined they nonetheless provide some green, visual relief to the fairly dense built form of the residential estate.
10. Between the southern boundary of No.12 and the back edge of the pavement on Spencers Croft is a fairly wide grass verge that is reasonably prominent as a piece of public open space, and positively contributes to the 'pockets of green space' in the wider area. A dropped kerb to Spencers Croft is proposed to provide access to the garage over a strip of this verge on the corner of Spencers Croft and the cycleway. This would inevitably reduce the area of public open space. However, the area lost would be small in size and the grass

verge could reasonably be retained through use of a grass reinforcement mesh (or similar) as suggested by the appellant. Consequently, the driveway access to the proposed new garage would not undermine the integrity or contribution the greensward makes as an area of public open space within the streetscene.

11. In conclusion on the main issue, I find that the proposed garage and driveway access would not cause harm to the character and appearance of the area. Therefore, there would be no conflict with Policy PL1 of the Harlow Local Development Plan (2020) (LP) because it would protect local distinctiveness, taking into account local character and context including the pattern of development and landscape character. Further, there would be no conflict with LP Policy PL6 because the proposal would not compromise the landscape character or openness of the surrounding area, or remove access to open space with high public value.

Other Matters

12. The dropped kerb access to the proposed garage would result in the loss of two on-street parking spaces on Spencers Croft. Whilst I observed on my site visit that parking on Spencers Croft is very constrained, the proposed garage would accommodate one car and therefore the net loss would be only one parking space. This would not have a significant effect on the number or availability of parking spaces in the vicinity.

Conditions

13. 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. In addition, I have imposed a condition requiring the use of matching external materials to ensure that the garage integrates with the existing dwelling, and in the interests of the character and appearance of the area.

Conclusions

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

R. Jones

INSPECTOR