



Appeal Decision

Site visit made on 12 July 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th July 2022

Appeal Ref: APP/N1540/D/21/3277392

19 Mark Hall Moors, Harlow CM20 2NE

- 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 Andriy Kovalchuk against the decision of Harlow District Council.
 - The application Ref HW/HSE/21/00052, dated 5 February 2021, was refused by notice dated 9 April 2021.
 - The development proposed is a two-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area, with particular regard to the Mark Hall North Conservation Area (CA); and
 - the living conditions of neighbouring residents, with particular regard to outlook and light.

Reasons

Character and Appearance

3. The appeal site is one half of a pair of semi-detached houses within an estate made up of buildings of similar designs, forming part of the CA. The significance of the CA is derived in part from the consistent design of neatly arranged uniform buildings in staggered positions separated by regular gaps. This is characteristic of the first planned neighbourhoods of Harlow New Town, first developed in the mid-twentieth century. As a modest semi-detached dwelling forming part of a row of similar buildings unaltered at first floor level, the appeal building makes a low-level positive contribution to the significance of the CA.
4. I saw there has been little change to the size, design and layouts of most buildings within this part of the CA, especially above ground floor level, although my attention has been drawn to examples of one and two storey side extensions nearby. Those small extensions do not significantly alter the character or appearance of the CA.
5. It is proposed to erect a 2 storey rear extension which would measure 4.3 metres in width and 3 metres in depth at first floor level and 7 metres in width

and 3.6 metres in depth at ground floor level. The single storey element of the proposal would have a flat roof and roof lantern and the second storey element would have a hipped roof stepped down in height from the main roof.

6. The 2 storey element of the proposal would significantly increase the depth and bulk of the appeal dwelling, which would be seen from neighbouring properties and from the highway to the front and side on account of the staggered layout of buildings. It would appear as a discordant and incongruous feature in the row of uniform modestly proportioned semi-detached houses along this part of Mark Hall Moors, which are typical of the CA. The proposal would not complement or respect the character or appearance of the appeal dwelling or the CA and would therefore harm the significance of the CA.
7. The single storey element of the proposal, including the roof lantern, would comprise a modest addition to the rear of the property, which would only be partly visible in views from outside the appeal site. The neatly arranged proportions of the appeal dwelling and wider row of semi-detached houses would remain intact. This part of the proposal would preserve the character of the CA.
8. The level of harm which would be caused to the significance of the CA by the 2 storey element of the proposal would be 'less than substantial', as referred to by the National Planning Policy Framework (the Framework). Paragraph 200 of the Framework advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. Paragraph 202 sets out that where development would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits.
9. I have not been referred to any public benefits associated with the proposal. The improvements to living space would be private to the appellant and would not constitute the clear and convincing justification required to allow harm to the significance of the CA.
10. The proposed development would therefore harm the character and appearance of the area, contrary to policies PL1 and PL12 of the Harlow Local Development Plan (2020). These require, amongst other things, development to comprise a high standard of design which takes account of local character and context, and which integrates sympathetically with distinctive features of the area.
11. I have also been referred to the Harlow Design Guide Supplementary Planning Document (2011) (SPD). The SPD provides design advice with regard to general principles for the design of residential extensions, amongst other things. The proposal would accord with some of the general advice, in that it would be subservient to the existing dwelling, have a hipped roof with a lower ridge than the existing building, and it would be finished with materials to match the existing dwelling. However, it would not be well integrated with the existing dwelling, taking into account the context of the dwelling and its contribution to the significance of the CA.

Living Conditions

12. The staggered layout of buildings means that the existing rear elevation of the appeal dwelling projects approximately 4 metres beyond that of 18 Mark Hall

Moors. The rear garden level of 18 Mark Hall Moors is lower than that of the appeal site.

13. The proposed side elevations would comprise blank walls finished in brickwork to match the existing dwelling. Combined with the existing south-western side elevation of the appeal building, the proposal would present a long, overbearing form of development close to the shared boundary. This would have an undue enclosing effect on the residents of 18 Mark Hall Moors, which would be experienced from their rear facing windows and within their rear garden. Existing thick planting along part of the shared boundary would be insufficient to shield views of the proposed extension or mitigate the effect of the proposal's built form close to the boundary. As such, the second floor of the proposal would significantly reduce the outlook of residents of 18 Mark Hall Moors.
14. The proposed roof lantern on the single storey element of the proposal would be located close to the boundary shared with 20 Mark Hall Moors, but its low height and hipped form would not harm the outlook of residents of that property. The 2 storey element of the proposal would be positioned 2.85 metres away from the boundary shared with 20 Mark Hall Moors, which would be sufficient to avoid any materially harmful impacts on the outlook enjoyed by residents of that neighbouring property.
15. No detailed information has been provided with regard to the impact the proposal would have on sunlight and daylight received by residents of neighbouring properties. The height, positioning and orientation of the proposal, appeal dwelling, and neighbouring properties are such that the residents of 18 and 20 Mark Hall Moors would be unlikely to experience any materially harmful loss of sunlight or daylight.
16. The proposal would not, therefore, harm the living conditions of residents of 20 Mark Hall Moors, but it would harm the living conditions of the residents of 18 Mark Hall Moors on account of the loss of outlook they would experience. This would be contrary to Policy PL2 of the Harlow Local Development Plan (2020) which requires development to preserve the amenity of neighbours, taking outlook and any overbearing impacts into account, amongst other things.

Conclusion

17. The proposal would harm the character and appearance of the area and the significance of the CA and would harm the living conditions of the residents of 18 Mark Hall Moors. It would 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