

Appeal Decision

Site visit made on 15 May 2023

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th June 2023

Appeal Ref. APP/N1540/D/23/3317674 261 Felmongers, Harlow CM20 3DR

- 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 Biju Mathew against the decision of Harlow District Council.
 - The application ref. HW/HSE/22/00519, dated 23 November 2022, was refused by notice dated 17 January 2023.
 - The development proposed is described on the application form as "*Larger front porch & rear extension with part double storey, part single storey*".
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Decision

1. The ***appeal is dismissed*** insofar as it relates to the "*Larger front porch*" and planning permission is refused for the "*Larger front porch*".
2. The ***appeal is allowed*** insofar as it relates to the "*rear extension with part double storey, part single storey*" and planning permission is granted for the "*rear extension with part double storey, part single storey*" at 261 Felmongers, Harlow CM20 3DR in accordance with the terms of the application ref. HW/HSE/22/00519, dated 23 November 2022, and the plan submitted with it so far as relevant to that part of the development hereby permitted, and 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 numbered/titled: 1008.01 PLANS ELEVATIONS & SECTION SHOWING EXISTING & PROPOSED.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Matters of clarification

3. The scheme would involve the removal of an existing single storey rear conservatory, as confirmed in the description of the proposal on the Council's decision notice. The existing front porch would also be removed.
 4. The proposal involves entirely separate operational developments to the front and rear of the dwelling. The Council took exception to both elements.
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Main issue

5. The main issue is the effect of the proposed front porch and rear extension upon the character and appearance of the host dwelling and its surroundings.

Reasons

6. No. 261 is a 2-storey detached house dating from 2002. Situated within an established residential area, its front elevation is very prominent in public views when approaching along Momples Road, the main road through the estate. In part, this is because the property occupies land that is above the level of the road and in part, because it is set on a parallel alignment to the road, whereas many nearby properties are set at a pronounced angle to the carriageway. There are also no screening features in the front garden.
7. A replacement front porch would not be objectionable in principle. The existing one has a footprint of about 2.14 sq. m. It has a limited visual impact upon the immediate surroundings. On the other hand, the proposed porch would be over 11 sq. m. It would have similar dimensions to a habitable room such as the proposed ground floor study. More akin to a front extension than a simple porch, it would cover the property's front elevation between the ground floor windows and project out 2.4 m across that width. Front extensions and porches of this depth are not prevailing features of this area.
8. Despite the use of matching materials, the mass, bulk, design and location of the proposed larger front porch would make it an obvious element that would stand out well forward of the host property's principal elevation. It would be significantly larger than the existing porch and would not be sufficiently subservient or complementary to the original building. Instead, it would be clearly visible as an incongruous, bulky and dominant addition to the front of the dwelling, significantly changing and damaging its appearance and causing harm to the visual amenities of the street scene.
9. That the proposal disregards the design guidance in the Harlow Design Guide Supplementary Planning Document 2011 (SPD2011) confirms my findings. The SPD2011 explains, amongst other things, that where permissible, porches should generally not exceed 1.5 m in depth. This is not a marginal case. The depth of the proposed front porch would be far in excess of this guideline.
10. I saw the front porch extensions near the appeal site at 256 Felmongers and 116 Momples Road (or 116 Churchfield) but both seemed to be about 1.5 m in depth, as also estimated by the appellant. The 2 other sizeable examples referred to by the appellant at 17 Kingsdon Lane and 74 Fold Croft are located far away from Felmongers. Moreover, I do not know the planning history about any of these cases and it is possible that they may pre-date the SPD2011. In any event, each application is considered on its own individual merits.
11. Insofar as the main issue relates to the proposed front porch, I find that this element of the scheme would harm the character and appearance of the host dwelling and its surroundings. As the proposed porch would not reach a high standard of urban and architectural design, fail to be visually attractive, take insufficient account of local distinctiveness, character and context and depart too far from the Council's relevant design guidance, there would be conflict with the design principles of Policy PL1 of the Harlow Local Development Plan

- 2020 (HLDP). Good design is also a cornerstone of the National Planning Policy Framework (the Framework).
12. Turning to the rear extension, I have also been referred to the Council's Harlow Design Guide Addendum Supplementary Planning Document 2021 (SPD2021). Amongst other things, when it is read with the SPD2011, rear extensions should: be considered on their merits; accord with the general design principles including being visually subservient to the original dwelling; not normally exceed 4 m in depth; not lead to more than 50% of the original external private amenity space being built on; avoid negative impacts on any street scene by giving careful consideration to scale and form; and respect the size, grain, height, materials, features and layout of the building to be extended, as well as the surrounding buildings.
 13. The 2-storey part of the rear extension would add bulk and mass to the building but it would take up slightly less than half the width of the original rear elevation, would not exceed 3 m in depth and would be set well below the main roof ridge. The simple pitched roof design would harmonize well with the roof of the existing property. This extension would not be unduly dominant or out of scale with the host dwelling and the neighbouring house at 258 Felmongers. The smaller single-storey part of the extension that would be attached to it and angled to align with the side boundary would effectively replace the existing conservatory. Matching bricks and tiles would be used.
 14. The back garden is fairly compact and triangular in shape. The far end of it comes to a point and is occupied by an outbuilding shaped to fit the plot boundaries. Still, the rear extension would not reach across the full width of the dwelling or occupy a significant proportion of the rear garden. There is no specific evidence that the rear extension, taken with the outbuilding, would result in more than 50% of the original external private amenity space being built on. The rear garden would retain hard surfaced patio areas, a raised lawn area and planted borders. I am satisfied that the rear extension would not represent an overdevelopment of the site.
 15. The rear of the host property is visible from Ladyshot Play Area and Ladyshot Sports Ground and associated car park, pavilion and access road. The pavilion seemed to me to be disused given its poor state of repair. Viewing from those areas observers are not presented with a street scene as such. The rear extension would be seen to occupy the widest part of the back garden and to respect the scale, form and design of the host dwelling. It would not be visually overpowering. The existence of the outbuilding would make no material difference to how the extension is perceived in those views as it is a very low structure that is not much higher than the boundary fence bordering the access road. When approaching along Momples Road from either direction, the bulk of the existing building would hide most of the rear extension. Only parts of its side elevations would be glimpsed in views from that road.
 16. I consider that the proposed rear extension is acceptable with regards to the matters of design, scale, form, local context and character and appearance and I can find no conflict with the relevant guidance in SPD2011 and SPD2021. Insofar as the main issue relates to the proposed rear extension, I find that this element of the scheme would not be materially harmful to the character and appearance of the dwelling and its surroundings. It would show sufficient

respect for the design principles of HLDP Policy PL1 and the Framework. The rear extension will enhance the quality of life for the occupiers of no. 261 by increasing the habitable living space including a much needed enlargement to one of the first floor bedrooms. This is a further factor that weighs in its favour. The Council, correctly in my view, did not identify an excessive loss of amenity for neighbouring dwellings for any reason.

Concluding comments

17. The Framework advises that local planning authorities should approach decision making on proposed development in a positive and creative way. As I have found that no material harm would result from the rear extension, I shall issue a split decision on this appeal: this will permit the rear extension but not the other part of the development proposed, the larger front porch.
18. For the rear extension, I see a necessity for the 3 planning conditions the Council suggested in its Questionnaire. In addition to the time period for the commencement of development, these would specify the approved plan in the interests of certainty and require the use of matching materials to protect the character and appearance of the building and the locality.
19. I have considered all the written evidence from the parties but I find no other matters to outweigh the findings that have led to my decision on this appeal.

Andrew Dale

INSPECTOR