



Appeal Decision

Site visit made on 6 June 2023

by C Carpenter BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2023

Appeal Ref: APP/N1540/W/22/3310784

27 Morningtons, Harlow, Essex CM19 4QH

- 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 Mohammed Choudhury against the decision of Harlow District Council.
 - The application Ref HW/FUL/22/00310, dated 7 July 2022, was refused by notice dated 13 October 2022.
 - The development proposed is described as "Double storey New 3 Bedroom dwelling to side of existing property".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. The effect of the proposed development on the character and appearance of the existing group of houses and surrounding area.
 - ii. Whether the proposed development would provide adequate living conditions for future occupiers, with particular reference to internal living space.
 - iii. Whether the proposed development would provide a net gain in biodiversity value.

Reasons

Character and appearance

3. The appeal site is at the end of a cul-de-sac which, because of the topography and street layout, is prominent from nearby roads and public spaces. The site is adjacent to the last in a row of linked detached houses, which have a generally consistent appearance, very similar plot widths, and front building and roof lines that stagger at regular intervals. These features give the group a distinctive rhythm. This is one of many, similarly cohesive groups of houses in the surrounding area, and they make a positive contribution to its character and appearance.
4. The proposed house would share a number of features with its immediate neighbour, including its roof form, window type, frontage design and external materials. However, both the house and the plot would be narrower than No 27 Morningtons and the others in the row. The house would have the same depth

as its neighbour but, because it would be fully aligned with the host dwelling, it would fail to replicate the staggered front building and roof lines of the group. These deviations from the prevailing pattern would disrupt the distinctive rhythm of the linked detached row, which would harm the character and appearance of the group. This would in turn detract from the prevailing character of cohesive groups of houses in the surrounding area.

5. The house would be sited within the existing boundary of No 27 Morningtons. However, aligning front and rear building lines with the host dwelling would accentuate the deviation from the rest of the group rather than diminish the prominence of the new dwelling in the street. The site's visibility from beyond the cul-de-sac would add further to the harm I have identified.
6. For these reasons, I conclude the proposed development would have a harmful effect on the character and appearance of the existing group of houses and surrounding area. This is contrary to Policies PL1 and H2 of the Harlow Local Development Plan (HLDP), which require development to protect, enhance or improve local distinctiveness with no unacceptable adverse effect on the character of the locality. It is also contrary to the National Planning Policy Framework (the Framework) where it seeks good design and requires development to be sympathetic to local character; and to the Harlow Design Guide Supplementary Planning Document (HDG SPD), which advises the design of infill development should follow the prevailing character of the area.

Living conditions

7. The proposed house is intended to accommodate up to five people in three bedrooms. Some of the proposed rooms would be of a similar size or larger than their counterparts in the host dwelling. However, bedroom three which is a proposed single room, would be significantly smaller and would have very limited space for furniture other than a single bed. It would also provide little space for movement other than getting in and out of the bed. Therefore, it would not provide adequate living conditions for its occupant.
8. For this reason, I conclude the proposed development would not provide adequate living conditions for future occupiers, with particular reference to internal space standards. This is contrary to Policy PL2 of the HLDP, which seeks good amenity for future occupants, and to the Framework where it seeks a high standard of amenity for future users. It is also contrary to guidance on internal space standards in the Technical housing standards – nationally described space standards and in the HDG SPD.

Biodiversity net gain

9. Policy PL9 of the HLDP requires development to contribute to and enhance biodiversity to ensure a net gain. The Framework states decisions should contribute to and enhance the natural and local environment by providing net gains in biodiversity. Therefore, biodiversity net gain needs to be demonstrated for this development, even if the Council did not request it of the appellant.
10. From the evidence before me, I cannot be sure the proposal would provide the necessary net gain, so I am not able to conclude the proposed development would provide a net gain in biodiversity value. This is contrary to Policy PL9 of the HLDP and the Framework.

Conclusion

11. The conflicts with the policies of the development plan set out above lead me to conclude there is conflict with the development plan as a whole. There are no other material considerations, including the Framework, to outweigh that conflict. For these reasons, I conclude the appeal should be dismissed.

C Carpenter

INSPECTOR