



Appeal Decision

Site visit made on 10 July 2023

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2023

Appeal Ref: APP/N1540/W/22/3309409

260 Ladyshot, Harlow CM20 3EY

- 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 Victoria Lesco against the decision of Harlow District Council.
 - The application Ref HW/FUL/22/00012, dated 18 November 2021, was refused by notice dated 9 August 2022.
 - The development proposed is an extension to create a new 2 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on i) the character and appearance of the area; ii) on-street parking conditions; and iii) the health of protected trees.

Reasons

Character and appearance

3. This part of Ladyshot comprises a small cul-de-sac, with two-storey terraced houses along either side of the road, which are set back behind the pavement and small front gardens. There is a turning head and a block of single storey garages at the head of the cul-de-sac, which provide a low-level transition between the houses and the woodland area beyond.
4. The plans do not accurately reflect the appearance of the existing dwelling to be extended and do not clearly identify the position of the proposed dwelling in relation to the public highway, parking and turning areas or the garages. The plans also include contradictory areas of hatching, with no key, that are assumed to be intended to show how the garden areas of the existing and proposed dwellings would be sub-divided. The roof pitch of the proposed dwelling also appears flat in comparison to the mono-pitch slope of the adjoining terrace, which is not shown on the drawings.
5. Based upon the size and shape of the plot and the proposed dwelling, and the plan included within the Arboricultural Report, it is apparent that the proposal would include the partial demolition of the garage block, and that the proposed dwelling would extend alongside the remaining garages, ending roughly in line with the rear of these. The remaining garages are outside of the red line boundary.
6. Whilst I note that No.261, opposite the site, has a two-storey side extension, this is set back from the garage block and does not extend beyond the front of

- it. Space is retained between the front of that extension and the garage block, allowing for parking without obstructing access to the garages or the turning head area.
7. The proposed extension would be slightly stepped back from the front of the adjoining dwelling, with its front elevation being in a similar position to the existing garden boundary wall. However, unlike other dwellings in this area, there would be no front garden and insufficient space for any meaningful landscaping to the front. There would also be ground floor windows directly facing onto the side of the remaining garages and the parking and turning head areas. The proposal therefore fails to demonstrate high quality design.
 8. Despite its location at the end of the cul-de-sac, and its slight set back from the adjoining terrace of houses, the proposal would be visually prominent in the street scene. The introduction of two-storey development, into an area of low rise buildings that are currently separated from the terraced houses, would result in the loss of an open garden space with woodland backdrop, which makes a positive contribution to the appearance of the area and provides visual relief between the existing blocks of houses and garages.
 9. The development would appear cramped and would fail to integrate with its surroundings to the detriment of the character and appearance of the area. As such it would be contrary to Policies PL1 and H2 of the Harlow Local Development Plan (December 2020) (HLDP), which seek amongst other things, to achieve high standards of design and to ensure that residential development on garden plots would not have an unacceptable adverse effect on the character of the locality and appearance of the street scene.

Parking

10. The site is accessed via a narrow road serving Nos. 256 to 266 Ladyshot. Three of these dwellings have integral garages and there is a block of six terraced garages at the head of the cul-de-sac. On street vehicle parking is limited and unrestricted. Some residents park on their front gardens and I noted at the time of my visit that vehicles also park in front of the garages and the appeal site, restricting access to these and obstructing the turning area.
11. I have not been provided with a copy of the adopted parking standards referred to by the Council and in Policy IN3 of the HLDP, but I am advised that these state that a minimum of 2 spaces per dwelling should be provided. The appellant does not dispute this but points out that reductions may be considered in urban areas with good links to public transport.
12. The garage and parking to serve the existing dwelling are not identified on the submitted drawings or shown as being retained. It is proposed to provide a small carport, measuring approximately 3500mm x 4072mm, to serve the new dwelling. This would provide 1 car parking space. However, any additional parking to the front of the dwelling would be likely to obstruct the turning area and access to the adjacent garages.
13. Notwithstanding the fact that the local highway authority raised no objection to the proposal and that public transport is available, based upon my own observations of the site, together with the lack of information regarding the ownership of the garages and parking areas, the extent of the adopted public highway and turning head, and the representations made by local residents, it

is my view that the proposal would increase parking stress, which would be detrimental to highway safety and to the general amenity of the area.

14. The proposal is therefore contrary to Policies IN3 and H2 of the HLDP, which seek to ensure amongst other things that new residential development on garden plots have appropriate off-street parking and access arrangements for both existing and proposed dwellings and to ensure that new development accords with adopted vehicle parking standards.

Protected trees

15. The site is bound to the south and east by Mark Hall Woods, a substantial area of mature woodland, which is protected by a Tree Preservation Order (TPO).
16. The submitted Arboricultural Impact Assessment and Method Statement confirms that 80% of the footprint of the proposed dwelling would be located within the root protection area of a mature Oak Tree. This tree has been assessed as Category A, which means it is a tree of high quality with an estimated remaining life expectancy of at least 40 years. There are also numerous other smaller trees adjacent to the site boundary, that form part of the protected woodland area and which make a positive group contribution to the character of the area. The Arboricultural report confirms that tree works would be required to both the Oak tree and the group of smaller trees. Although the report identifies mitigation measures to minimise the impacts of the development on these protected trees, it also recognises that the proposal would be detrimental to the root protection area of the Oak tree. Moreover, the tree protection measures identified would potentially impact upon the height of the new dwelling and this has not been reflected in the submitted plans.
17. Given the height and density of the adjacent trees, together with their proximity to the site boundary and positioning to the south and east of the site, the trees would overshadow the proposed dwelling and its garden area for much of the day. There is also a high probability of the trees dropping debris onto the roof and into the gutters and garden, and a fear of falling trees and branches. This would result in pressure for further tree works and/or tree felling, to be undertaken in the future.
18. Consequently, the proposal would be detrimental to the long term future of the adjacent protected woodland trees, particularly the category A Oak tree. As such it would be contrary to Policies PL1 and PL7 of the HLDP, which seek to ensure that existing trees and hedges are protected and enhanced and that the design of new development takes account of trees and landscaping.

Other Matters

19. I acknowledge that the proposal would make a modest contribution to the council's housing land supply, in a location that is reasonably well served by public services and facilities. There would also be some limited short term employment benefits created during its construction phase. However, these modest benefits do not outweigh the significant harms that I have identified.
20. Although the HLDP was adopted prior to the 2021 version of the Framework, the policies that are the most relevant to the determination of this proposal are consistent with it. It is undisputed that some elements of the proposal are acceptable and policy compliant and that conditions could be imposed to ensure suitable materials are used and biodiversity enhancements incorporated.

However, these are neutral matters that do not outweigh the conflicts identified. I do not agree that the site is underutilised. It is a very modest area of garden land that in addition to providing valuable outdoor space for residents of the existing dwelling, is beneficial in terms of providing visual relief between buildings and safeguarding the adjoining area of protected trees and woodland. I am also mindful of the fact that gardens in built up areas are specifically excluded from the definition of previously developed land in the Framework.

Conclusion

21. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR