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# Appeal Decision

Site visit made on 1 August 2023

**by J Smith MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 05 September 2023**

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**Appeal Ref: APP/N1540/W/23/3317517**  
**Ebenezer Harberts Road, Harlow CM19 4EU**

- 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 Stratton Homes Ltd against the decision of Harlow District Council.
  - The application Ref HW/FUL/22/00337, dated 26 July 2022, was refused by notice dated 15 December 2022.
  - The development proposed is Erection of 2 semi-detached three-bedroom houses with associated vehicle parking and access.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Dom Fairmann of Stratton Homes Ltd against Harlow Council. The application is the subject of a separate Decision.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the locality.
  - The effect of the proposed development on the living conditions of the neighbouring property Balaton, with particular regard to noise and disturbance.
  - The siting of a refuse storage and collection arrangement.

## Reasons

### *Character and Appearance*

4. The application site is to the rear of Ebenezer, a dwelling which forms part of a row of six detached residential dwellings. These dwellings all have a variation in their design, but are a variation of bungalows and chalet bungalows. Ebenezer is a large property with a substantially large rear plot which creates a sense of openness and tranquillity. Not all of the six dwellings in this row have the same size of garden by width but generally have the same depth. These gardens contribute to a sense of openness due to their large space. This allows for a transition between the six detached bungalows and the terraced dwellings at Collins Meadow.

5. Collins Meadow borders the rear of the site. Properties on Collins Meadow have a continuous style, with smaller rear gardens than the appeal site. There is a clear distinction between the host property (Ebenezer), the row of six that it belongs to and the properties found on Collins Meadow. I note that both parties have both cited a previous planning appeal determined at Hillcrest<sup>1</sup>. I have had regard to this decision. The appeal at Hillcrest proposed two semi detached dwellings in the rear garden space of the host dwelling. These were designed as chalet style bungalows. The granting of this appeal has introduced a new form of dwelling type into this local area as these are semi-detached dwellings amongst detached bungalows.
6. The appeal site has also been subject to a previous appeal decision<sup>2</sup>. This appeal was dismissed due to the impact the proposal would have on the character and appearance of the area, as the two semi-detached dwellings would have had a visually cramped built form. This is due to their different form, scale and type of housing. I have also had regard to this decision.
7. Policy PL1 of the Harlow Local Development Plan 2020 (HLP) states that development must take into account the local character and context, which includes patterns of development and urban form. Development must also respond to the scale, massing and height of the surrounding area, amongst other considerations. The Harlow Design Guide Supplementary Planning Document states that infill residential development must positively respond to the character of the area. This states that proposals must be similar in scale, massing, height and design to the surrounding buildings.
8. The proposal would introduce another pair of semi-detached dwellings into this mixture. It is considered that this form of development would follow the pattern of rear garden land development set at Hillcrest. However, this proposal would introduce a significant contemporary development which would fail to relate to the bungalow designed properties along Harberts Road or found in the rear garden space of Hillcrest. This is due to the elevation of the proposal which utilises a tiled hung façade that blends in with the roof and the bulky shape of the proposal when viewed in contrast to the surrounding bungalows in the immediate vicinity.
9. The proposal would be similar to the nearby development of Collins Meadow by reason of its height and massing. However, I consider that the proposal would have a stronger relationship with the properties on Harberts Road due to the location of the sites access and rear garden development at Hillcrest.
10. The design of the proposal is the key difference of the situation found here. This would create a pair of dwellings with a contemporary design amongst traditional style dwellings. This design would further cause detriment to the character of the area by nature of its contrasting modern image through the use of modern materials and the modern design of dwelling proposed. This is also due to the height and massing of the proposed development when viewed within the locality. Therefore, I determine that the proposal would have an unacceptable adverse effect on the character of the locality. The proposal would not comply with Policy PL1 of the HLP which seeks, amongst other things, to protect, enhance or improve local distinctiveness, whilst taking into

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<sup>1</sup> Appeal Ref: APP/N1540/W/21/3272524

<sup>2</sup> Appeal Ref: APP/N1540/W/20/3246827

account the local character and context including patterns of development and urban form.

### *Living Conditions*

11. The contention between the Council and appellant is the creation of an access road running along the boundary, within a close proximity to Balaton. The impacts considered to be harmful by the Council relate to the effects of noise and light.
12. The access to the proposed dwellings would be located between the two properties of Ebenezer and Balaton. The permitted scheme at Hillcrest utilises a similar access arrangement as the one proposed here in terms of its width and distance to the neighbouring dwelling.
13. Balaton has a blank side wall facing the access point. There are windows positioned in the front and rear elevation which are within a close proximity to the appeal site boundary. I note that at present, Balaton experiences little, if no vehicular movements along the boundary to the appeal site.
14. The provision of two dwellings in the rear of the site would result in the introduction of such movements by future occupiers and any visitors associated with the dwellings. It is possible, that cars moving along this access track may be heard and Balaton will be able to view increased light from their windows. Light may enter directly through these windows from headlights.
15. The development would introduce vehicular movements in close proximity to the side and rear of Balaton. However, the scale of development and limited parking spaces means that these are unlikely to result in excessive noise or disturbance. Moreover, suitable boundary treatments would ensure that car lights would not shine into the rear windows.
16. Furthermore, the Council did not consider that the siting of the proposed dwellings would have an unacceptable impact upon Balaton, or any other neighbouring dwellings located at Collins Meadow with regard to the impacts associated with overbearing, overlooking or overshadowing. As a result of the distance between Balaton and the dwellings on Collins Meadow, I also consider that this proposal would not have an unacceptable effect in relation to the impacts of overbearing, overlooking or overshadowing.
17. Therefore, whilst there will be an increase of movements along this boundary, I do not consider that this would be so detrimental that it would result in an unacceptable harm on the neighbouring dwelling of Balaton. The proposal would therefore comply with Policy PL2 which requires development to preserve the level of amenity for neighbouring dwellings and future occupants.

### *Refuse Collection*

18. Policy H2 of the HLP states that adequate provision for refuse storage and collection should be made by developments. Policy IN2 is concerned for the impact of development on servicing. In particular, development must provide adequate, safe and convenient loading and servicing arrangements, access points and drop off areas. Specific reference is made to refuse and emergency service vehicles.

19. From the evidence before me, I do not note of any distance requirements set out in local planning policy or in Supplementary Planning Guidance. The council have referred to British Standards BS5906 in their decision and, there is contention between both parties as to its requirements. However, as I have not been provided this British Standard by either party, in determining this main issue, I have had regard to the policies contained within the HLP only.
20. I note that the Proposed Site Plan includes provision for refuse storage within close proximity to each dwelling and a bin collection point adjacent to the access road. Future occupiers of these proposed dwellings would therefore have to move their waste a considerable distance to be collected at Harberts Road.
21. However, Policies H2 and IN2 do not stipulate a maximum distance in relation to refuse movements. Rather, they require developments to provide adequate provision for refuse storage and safe and convenient loading and servicing arrangements. In my view, the proposal would provide adequate provision for storage within an adequate distance to the proposed dwellings and a collection point which I consider would be safe, convenient and not too dissimilar from the current situation at Ebenezer. Furthermore, given the minimal change in levels between the proposed dwellings and the storage point near the highway be an acceptable solution. Therefore, I consider the proposal would meet the requirements of Policies H2 and IN2 and would therefore comply with the HLP.

### **Other Matters**

22. The development would contribute in helping to meet housing need and would be located in a sustainable location. However, the social and economic benefits of two additional dwellings is limited and would not outweigh the harm I have identified above.

### **Conclusion**

23. Notwithstanding my conclusions on living conditions and refuse storage/collection, the development would cause unacceptable harm to the character and appearance of the area. This results in conflict with the development plan as a whole. No material considerations have been shown to have sufficient weight to indicate a decision should be taken otherwise. Therefore, the appeal should be dismissed.

*J Smith MRTPI*

INSPECTOR