



Appeal Decisions

Site visit made on 30 August 2023

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 September 2023

Appeal A Ref: APP/N1540/C/22/3300034

Appeal B Ref: APP/N1540/C/22/3300035

15 Bird Cherry Lane, Harlow, CM17 0FR

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - Appeal A is made by Miss Daniella Wiggins against an enforcement notice issued by Harlow District Council. Appeal B is made by Mr Thomas Miller.
 - The notice, referenced HW/EN/21/00104/DEV, was issued on 5 May 2022.
 - The breach of planning control as alleged in the notice is without planning permission, the erection of single storey side extension.
 - The requirements of the notice are to remove the unauthorised single storey side extension.
 - The period for compliance with the requirement is 4 months.
 - Appeals A and B are proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal C Ref: APP/N1540/W/22/3300036

15 Bird Cherry Lane, Harlow, Essex, CM17 0FR

- 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 Miss Daniella Wiggins against the decision of Harlow District Council.
 - The application Ref HW/HSE/22/00086, dated 10 March 2022, was refused by notice dated 14 April 2022.
 - The development proposed is the construction of single storey storage building to side of house with monopitch roof.
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Decisions

1. Appeals A and B - the appeals are allowed, the enforcement notice is quashed and planning permission is granted on the applications deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of single storey side extension at 15 Bird Cherry Lane, Harlow, CM17 0FR, as shown on the plan attached to the Notice.
2. Appeal C is allowed and planning permission is granted for the single storey storage building to side of house with monopitch roof at 15 Bird Cherry Lane, Harlow, CM17 0FR, in accordance with the terms of application Ref HW/HSE/22/00086, dated 10 March 2022, and the plans submitted with it.

Preliminary Matters

3. As set out above, there are 3 appeals. Following the refusal of retrospective planning application Ref. HW/HSE/22/00086, the Council served an Enforcement Notice on parties with an interest in the Land. Although there is variation in the descriptions used, the development in each appeal is the same. Furthermore, the reason given for serving the Notice is identical to the reason stated in the Council's earlier Decision Notice on the refusal of planning permission. Accordingly, I have dealt with the appeals concurrently, unless otherwise stated, to avoid repetition.
4. On 5 September 2023 the Government published a revised version of the National Planning Policy Framework (the Framework). However, the design policies that are relevant to this appeal have not changed and there was no need, therefore, to invite the parties to make further submissions in response to the revisions.

Appeals A and B: Ground (a) – the deemed applications for planning permission, and Appeal C – the refusal of planning application Ref. HW/HSE/22/00086

Main Issue

5. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

6. The site lies within a recently developed estate of modern houses, apartments and flats. The planned estate is comprehensively laid out with 2 and 2½ storey detached and semi-detached houses and larger blocks of multiple unit buildings. Whilst some house types can be observed to be clustered, others are more interspersed amongst the mixed designs, scales and arrangement of buildings. Notwithstanding, there are some cross-references between house types through external materials, features, detailing, roof pitches and spacing. Together, with predominantly open plot frontages, the buildings provide a cohesive character to the locality.
7. The appeal site is a semi-detached 2½ storey dwelling finished in brick with a concrete-tiled pitched roof. The window frames, flat roof dormer roof lights and projecting open porch are framed in various grey materials. The building is set at the end of a row of varied house types and adjacent to a landscaped pedestrian walkway linking a nearby play area to more distant parts of the estate. On the opposite side of the walkway is a crescent of identically designed buildings bordering the public open space.
8. The single storey extension is set against the side gable of the dwelling. The addition is finished in horizontal timber cladding painted grey with a tiled roof to match the dwelling. Glazed double doors are incorporated into the front and rear elevations. The doors to the frontage are frosted.
9. As a single storey addition with a mono-pitched roof, the scale of the extension is subordinate to the large gable elevation it is attached to. It is set back from the front and rear elevations of the building such that it doesn't unduly compete with the visual integrity of the building's principal and rear elevations.

10. The side elevation aligns with the rear garden's side fence line. Although the height of the eaves rises above the fence, in the context of the scale of the gable elevation of the dwelling, and despite its prominent location, the simple additive form neither dominates nor imposes on the pedestrian corridor.
11. Unlike the building on the opposite side of the pedestrian link, there are no other features on the gable of no.15. The presence of the extension assists in breaking up the large mass of the otherwise substantial plain gable elevation facing on to part of the public realm. Accordingly, it adds visual interest from the nearby pathway and reduces the visual monotony of the continuous line of panel fencing enclosing a rear parking court and flanking rear gardens. Furthermore, the generous spacing provided by the walkway retains a sense of spaciousness between the successive buildings.
12. The external elevation materials reference the use of horizontal cladding found in the immediate locality and the roof tiles match the host building. The grey colour treatment integrates with the colour palette of detailing elsewhere on no.15 and makes the extension more visually recessive than other treatments might. The mono-pitched roof form reflects examples of similar ground-floor projections prominent in the immediate vicinity.
13. The doors to the frontage, which reflect the style of openings usually reserved as rear patio doors, result in an unusual feature. However, in the context of the variety of building designs and architectural detailing both in the immediate vicinity and across the wider estate, any effect on the character and appearance of the locality is minor. The effect would not be so harmful as to warrant withholding planning permission.
14. For the above reasons, I find the development preserves the character and appearance of the locality. It aligns with the requirements in Policy PL1 of the Harlow Local Development Plan [2020] as, amongst other things, it requires development to protect local distinctiveness accounting for the local character, context and building forms, and responds to the scale, architectural detailing and materials of the surrounding area.

Conditions

15. I note that the appellant in Appeal A suggests that a screen fence could be erected and secured by planning condition. Whilst it would be open to the appellants to carry out such works, in my view, this would be a retrograde step in relation to the visual amenity of the locality. It would not therefore be a reasonable condition to impose. No other conditions have been proposed by the main parties.

Conclusion

16. For the reasons given above, I conclude that the Appeals A and B succeed on ground (a) and I shall grant planning permission for single storey side extension as described in the notice. For the same reasons, Appeal C also succeeds.

R Hitchcock INSPECTOR

Appendix 1

List of those who have appealed:

Reference	Case Reference	Appellant
Appeal A	APP/N1540/C/22/3300034	Miss Daniella Wiggins
Appeal B	APP/N1540/C/22/3300035	Mr Thomas Miller
Appeal C	APP/N1540/W/22/3300036	Miss Daniella Wiggins