



Appeal Decision

Site visit made on 17 January 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st February 2024

Appeal Ref: APP/N1540/W/23/3326006

72 Finchmoor, Harlow, Essex CM18 6UB

- 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 A Lukaj against the decision of Harlow District Council.
 - The application Ref HW/FUL/23/00184, dated 2 May 2023, was refused by notice dated 5 July 2023.
 - The development proposed is construction of 2bed dwelling in land adjacent to 72 Finchmoor CM18 6UB.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the comments made and the Framework in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the host building and the area;
 - The living conditions of future residents in respect of living space;
 - Parking provision and highway safety; and
 - Biodiversity.

Reasons

Character and Appearance

5. The appeal site is located in a pleasant suburban area which includes a mixture of designs of dwelling, including semi-detached and terraced properties. The proposal would be attached to one of a pair of semi-detached dwellings which have retained a significant degree of symmetry on their main elevations.
6. The proposed dwelling would be noticeably narrower than the host dwelling, which would contrast uncomfortably with the host building and would disrupt the symmetry of the existing pair of semi-detached dwellings. The proposal would also appear as a cramped and contrived addition within the constraints of the site. The differing design of the windows and main entrance from those of the host dwelling would add to this unfortunate appearance.
7. Due to the sloping topography, a parking space would be excavated into the front garden. The excavation, retaining wall and extent of hard surfacing would be a stark and jarring feature to the front of the proposal which would not be consistent with neighbouring properties.
8. The harm arising from the incongruous appearance of the proposal would be exacerbated due to the appeal site's prominent position adjacent to the junction between Finchmoor and Woodcroft, and the sloping topography of the area.
9. Reference is made to better and innovative materials contrasting with the existing elevation, but rather than mitigating the effect of the proposal this would add to its awkward and contrived appearance. The retention of a strip of landscaping between the side of the proposed dwelling and the edge of the highway would also do little to negate the harm arising to the host building and the wider streetscape.
10. The appellant submits that the proposed dwelling would respect the building line along the streetscape of Woodcroft. However, while that may be the case, this would not be sufficient to mitigate for the obtrusive location and incongruous design of the proposal.
11. I therefore conclude that, due to its design, scale and siting, the proposal would lead to significant harm to the character and appearance of the host building and the area. The proposal would therefore be contrary to Policies PL1 and H2 of the Harlow Local Development Plan 2020 (the Local Plan) in respect of the design requirements for residential development. The proposal would also be contrary to the advice of the Council's Design Guide¹ in respect of small scale residential infill development.

Living Conditions

12. The appellant submits that the proposal would be compliant with the space standards of the Council's Design Guide.
13. However, the Council's Officer Report sets out that the internal floorspace of the proposal is below the minimum required by the Design Guide. The supporting text of Policy PL2 of the Local Plan refers to the Design Guide when

¹ The Harlow Design Guide Supplementary Planning Document 2011 and the Harlow Design Guide Addendum 2021.

assessing matters of amenity. The appellant has provided no substantive evidence to contradict the Council's stance.

14. The Council highlights the Nationally Described Space Standard (NDSS), but this is not referred to in the development plan policy included in the Council's reason for refusal on this issue.
15. Notwithstanding my comment in respect of the NDSS, the proposal would not make suitable provision for internal floorspace having regard to the specifications of the Council's Design Guide, with subsequent harm to the living conditions of future residents with regards to living space. The proposal would therefore conflict with Policy PL2 of the Local Plan in respect of the amenity of future occupants. The proposal would also be contrary to the Framework which seeks to provide a high standard of amenity for future users of development.

Parking and Highway Safety

16. The proposal includes a parking space to the front of the dwelling. The Council states that this space would not meet the minimum dimensions required by the Essex County Council Parking Standards 2009, which would result in vehicles overhanging the footway. The submitted plans indicate a car parked on the driveway to the front. But the car is set at an angle, and even then it has not been demonstrated that this parking space meets appropriate standards. This arrangement would lead to awkward and convoluted manoeuvres into and out of this parking space. Due to the location close to a junction these manoeuvres would increase the risk of collisions between vehicles.
17. The awkward and constrained arrangement would also be likely to lead to vehicles overhanging the footway, with the result that pedestrians may be deflected onto the carriageway, particularly wheelchair users or those pushing prams. As well as inhibiting the movement of pedestrians and other users of the footway, the deflection of those users into the carriageway would increase the risk of collisions with vehicles to the further detriment of road safety.
18. There is an existing parking space in the rear garden which would be utilised for the proposed dwelling. However, this would result in the loss of off-street parking provision for the host dwelling, thereby increasing the demand for on-street parking. The availability of on-street parking spaces in the surrounding area was limited at the time of my visit, and I am mindful that I visited the site during the day whereas the peak demand for parking in this residential area would be during the evening and at weekends. The proposal would therefore lead to an increase in parking pressure in the area and would be likely to result in inconsiderate parking to the detriment of highway safety, and reduce access to parking that residents could reasonably expect.
19. In conclusion on this main issue, the proposal would not make suitable provision for the parking of vehicles and would have an unacceptable impact on highway safety and parking provision in the area. The proposal would therefore conflict with Policies H2, IN2 and IN3 of the Local Plan with regards to parking and access arrangements and the impact on the highway network.

Biodiversity

20. Policy PL9 of the Local Plan states that development should contribute to and enhance biodiversity assets to ensure a net gain. This policy goes on to refer to

the greater the significance of the asset, the greater the weight that is given to the asset's protection.

21. The appeal proposal would result in the loss of an area of garden and planting to the side of the host dwelling. However, this would be of a limited scale and the Council has not indicated whether the site is of any particular significance as a biodiversity asset. Despite the lack of a biodiversity metric as referred to by the Council, given the scale and nature of the appeal site I consider that any effects on biodiversity could be addressed by a condition in respect of landscaping or planting.
22. Based on what I have seen and read, and subject to an appropriate condition, the proposal would not lead to harm to biodiversity. The proposal would therefore not conflict with Policy PL9 of the Local Plan in respect of biodiversity assets.

Conclusion

23. Notwithstanding my conclusion in respect of biodiversity, the proposal would lead to significant harm in respect of character and appearance, living conditions, and parking and highway safety.
24. I am mindful that the proposal may add to the supply of family housing in the area, but the benefits from a single dwelling would be very limited and would not outweigh the significant harm I have identified.
25. The proposal would therefore conflict with the development plan and the Framework when read as a whole in respect of achieving well-designed and beautiful places and promoting sustainable transport.
26. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR