



Appeal Decision

Site visit made on 13 February 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 March 2024

Appeal Ref: APP/N1540/W/23/3326509

11 Mill Field, Harlow, Essex CM17 0BL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Ford against the decision of Harlow District Council.
 - The application Ref HW/OUTAM/23/00146, dated 3 April 2023, was refused by notice dated 27 June 2023.
 - The development proposed is subdivision of site to create a separate plot for development as a two storey single family dwelling with gardens and off street parking for no less than two cars.
-

Decision

1. The appeal is dismissed.

Application for Costs

2. An application for an award of costs was made by the appellant against the Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was submitted in outline with all matters reserved. Access, appearance, layout, scale and landscaping being reserved for subsequent approval. I have dealt with the appeal on that basis and treated the site layout plan as illustrative.
4. Whilst access to the site is a reserved matter, I note that vehicle access to the site is an element of the first reason for refusal on the Council's decision notice. I further note that the access to the site was not explicitly annotated on the submitted plans. Nevertheless, the Design and Access Statement describes the access as is required by the Town and Country Planning (General Development Procedure) (England) Order 2015. From the Council's decision notice, the lack of other direct highway access and the illustrative location of vehicle parking; I am satisfied that there is no disagreement on the location of the access point to the site from the highway. For the avoidance of doubt, this is utilising the existing vehicle crossover and site entry that presently serves both 11 and 13 Mill Field.
5. Despite access being a reserved matter, it is clearly pertinent to my consideration of this decision as it goes to the heart of the issue in this instance as it is pivotal to the principle of the development. It therefore remains legitimate for me to deal with this as a matter which is in dispute.
6. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this

case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issues

7. The main issues are:

- a) whether the proposed development would be acceptable in highway safety terms, having regard to on and off-street parking provision, potential conflict between highway users; and
- b) the effect of the proposed development on biodiversity.

Reasons

- 8. Number 11 Mill Field presently has one parking space for a vehicle to the immediate front of the house. Two further tandem spaces exist to the side along the driveway. However, with these two tandem spaces occupied, this would prevent access to the two parking spaces at 13 Mill Field. Even though this may be protected by a private arrangement, it is not, to my knowledge, established as a planning matter. Number 11 features a wide gate that leads to an area of hardstanding to the rear and access to the garden. Parts of the garden are presently, albeit somewhat informally, used for parking further vehicles. Number 11 presently has a minimum of two parking spaces without blocking access to number 13 or using parts of the rear garden.
- 9. The proposed dwelling would utilise the existing crossover and driveway to gain access. In effect this would displace the two tandem spaces on the driveway. This would result in a single parking space being available for the existing dwelling to the front of 11 Mill Field whilst two spaces are required according to the Essex Parking Standards (EPS) which could lead to pressure for vehicles to park on the highway. Parking on the driveway to the side would not be possible at all without blocking access to 13 Mill Field or to the proposed dwelling.
- 10. The proposed development therefore results in a net loss of vehicle parking and a shortfall of one parking space for the existing dwelling at 11 Mill Field. This conflicts with policies H2(b) and IN3 of the Harlow Local Development Plan 2020 (HLDP). These policies require off-street parking and access arrangements to be provided for both existing and proposed dwellings and to accord with the EPS.
- 11. It has been noted that the current parking arrangement at number 13 is non-compliant with the EPS. This may well be the case, however as this neighbour is outside the application site, I have not considered it further in this instance.
- 12. The current access to the site is via an existing crossover with the highway that presently serves both numbers 11 and 13 Mill Field. The crossover is set to one side of a relatively narrow turning head at the end of this cul-de-sac. The remainder of the cul-de-sac is also quite narrow and allows for on-street parking on one side of the street only. This means the manoeuvring space on the public highway is tight.
- 13. There is insufficient space within the site for vehicles to turn such that they may enter or exit in a forward gear due to the site's narrow and irregular shape. Reversing into, or out of, the site may prove challenging under present

conditions due to the constrained nature of Mill Field and prevalence of on-street parking. Reversing manoeuvres into the narrow cul-de-sac would result in reduced driver visibility, while reversing vehicles coming from the direction of the appeal site would be further impeded when on-street parking is taking place along Mill Field. The increase of such manoeuvres and under difficult carriageway conditions, could likely increase the potential for collisions between vehicles and other road users.

14. The addition of one further dwelling would increase the number of movements using this access. Whilst this increase in the number of movements may not be substantial; it would nevertheless intensify the use of an existing substandard access. As proposed, three dwellings would use a single point of access for pedestrian, cycle and vehicle movements in this constrained configuration. This would present a situation of potential conflict and danger for users of the access and adjoining highway. The substandard provision of parking for number 11, as a consequence of the proposed development, would exacerbate this situation.
15. I conclude that the access arrangements, whilst only illustrative at this stage, are not sufficiently robust in order to demonstrate that there would not be any harm to the safety and convenience of users of the development and highway, as I have described above. The proposed development would not be acceptable in highway safety terms, having regard to on and off-street parking provision and potential conflict between highway users. The development therefore does not comply with policy IN2 of the HLDP. This policy requires new developments to have an acceptable impact on the safety of all highway users including pedestrians, cyclists and vehicles.
16. I have noted the alternative parking arrangement nominated by the appellant which suggests additional parking in what is presently the rear garden to number 11. This could provide policy H2(b) compliant parking provision insofar as two spaces would be available for the existing and proposed houses. This, however, does not overcome my concerns regarding the use of the access, conflict between users and difficult manoeuvring on the public highway. Moreover, in the absence of a clear resolution on parking arrangements, no condition could satisfactorily rectify any confusion on these arrangements.
17. I have had regard to the potential advantages of extending the existing crossover to the front of number 9 Mill Field and providing enhanced off-street parking for this property as part of an overall package of measures. Whilst I recognise there could be some benefits if this scenario were put together in a considered manner, it is not the scheme before me and I have no mechanism to ensure its delivery. I am therefore unable to give this any weight in reaching my conclusions here.

Biodiversity

18. Policy PL9 of the HLDP relates to biodiversity assets. The policy sets out that the potential harm caused by development on these assets and their surroundings will be assessed based on the harm caused by the development. Its intent is to conserve and enhance existing biodiversity or where this is not possible, include appropriate and effective measures to mitigate the negative effects.

19. The proposed development would be located within the existing garden to number 11 Mill Field. This is presently laid, almost exclusively, to grass or patio/hardstanding areas. A number of boundary hedges and trees exist, and these are all non-native conifers. The appellant nominates the biodiversity significance to be low to very low.
20. It is apparent that there is negligible biodiversity merit to the existing site. Given the small scale of the development proposed, a net gain in biodiversity would not be difficult to achieve given the plot's size and such gain could be secured by way of condition on any permission granted. Accordingly, whilst the development does not presently comply with policy PL9, a condition could be reasonably imposed on any permission granted to secure this. I am satisfied that such a condition could achieve the purpose and intent of policy PL9. Therefore, subject to an appropriate condition, the development would comply with policy PL9 of the HLDP.

Other Matters

21. Although not expressed as a concern by the Council, I am aware of the proximity of the site to the Harlow Garden Village Estate Conservation Area (CA) which abuts the site boundary to the rear. S72(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 places a duty on me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. In making this assessment I have had regard to paragraph 205 the Framework. In this case, the small scale and distance of the proposed dwelling from the CA would have a neutral effect and, therefore, would preserve or enhance the setting of the CA.

Conclusion

22. For the reasons given above I conclude that the proposed development would result in a substandard level of parking provision for the existing dwelling. Moreover, access arrangements have not been shown to be safe and convenient for users of the development or the public highway. However, through the imposition of a condition, the development could secure adequate biodiversity enhancements or mitigation. Nevertheless, the conflict with the policies of the development plan that I have identified means the proposal conflicts with the development plan, read as a whole, and material considerations do not indicate that the appeal should be decided other than in accordance with it. As such, the appeal should be dismissed.

Nick Bowden

INSPECTOR