

Appeal Decision

Site visit made on 7 August 2024

by L Reid BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2024

Appeal Ref: APP/N1540/W/23/3330902

5A Hare Street Springs, Harlow, Essex CM19 4AJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Salam against the decision of Harlow District Council.
 - The application Ref is HW/FUL/23/00208.
 - The development proposed is conversion of existing house into two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development on the decision notice is different to that on the planning application form and whilst there is no formal agreement to the change, it is more succinct. I have therefore used that for my decision.
3. Whilst the address refers to 5A Hare Street Springs (No 5A), the application boundary also includes 5 Hare Street Springs (No 5).

Main Issues

4. The main issues are:
 - whether the living conditions for future occupiers would be acceptable with specific regard to internal living space and private external amenity space, and;
 - whether the proposal would provide acceptable parking provision.

Reasons

Living conditions for future occupiers

5. The submitted proposed floor plans demonstrate that the doorway to one of the existing first-floor rooms at No 5 would be removed and replaced with a partition wall to become part of No 5A. A new staircase would be installed to create access from this room to No 5A. Although the rooms shown on the proposed floor plans within No 5A are not labelled, the planning application form indicates that this would be a one-bedroom unit.

6. No details regarding whether the remaining bedrooms within No 5 would be single or double occupancy have been provided. The Council assessed No 5 as a three-bedroom four-person house, and as the appellant has not disputed this, I shall do the same.
7. The Nationally Described Space Standards (the NDSS)¹ do not appear to be adopted by the Council in their development plan as I have not been provided with details of the relevant development plan policy. Whilst they cannot be applied fully, these standards are a material consideration and assist in assessing the suitability of the proposed internal living space.
8. Based on the measurements set out in the Council Delegated Report, the size of the internal living space at No 5A and No 5 would not meet the NDSS. This demonstrates that the proposal would be likely to provide a cramped living environment for the future occupiers. Given the size of the internal floor area of 5A, it is also not clear if there would be sufficient space for a kitchen, bed and other furniture as the floor plans do not show these details.
9. The appellant asserts that the property has a floor area in excess of 60 square meters on account of an attic. However, this attic is not shown on the existing or proposed floor plans and can therefore not be considered as part of my assessment.
10. The Harlow Design Guide Addendum Supplementary Planning Document 2021 sets out the minimum acceptable standards for the size of external private amenity space. A one-bedroom dwelling is required to have at least 50 square meters of external private amenity space. The submitted proposed plans do not show the private amenity space for No 5A. The appellant asserts that the existing garden could be altered, however, this is not shown on the submitted plans. Without these details, I cannot but conclude that no private external amenity space would be provided for No 5A.
11. For these reasons, I conclude that the living conditions for future occupiers would not be acceptable with specific regards to internal living space and private external amenity space. The proposal would therefore conflict with Policy PL2 of the Harlow Local Development Plan 2020 (the Development Plan) and the guidance in the Harlow Design Guide Addendum Supplementary Planning Document 2021. This policy and guidance, amongst other things, requires development to preserve or enhance the level of amenity of existing and future occupants and provide access to high quality and useable amenity space.
12. The proposal would also conflict with the provisions of the National Planning Policy Framework which expects development to have a high standard of amenity for existing and future users.

Parking

13. Policy IN3 of the Development Plan sets out that vehicle parking must be provided in accordance with the adopted Essex Vehicle Parking Standards (the parking standards), unless otherwise indicated elsewhere in the Local Plan and/or supporting documents. These standards would require No 5A to be provided with one vehicle parking space as a minimum. However, no details regarding the parking provision for No 5A have been provided.

¹ Technical housing standards – nationally described space standard March 2015

14. Even if the appellant and the neighbours in the area have not had any parking issues, these claims have not been supported by robust evidence for example in the form of a parking survey to establish that there is capacity for on-street parking. The appellant refers to how other housing developments deal with parking, however, each proposal must be judged on its individual merits.
15. I therefore conclude that insufficient details have been provided to demonstrate that the proposal would provide acceptable parking provision. This conflicts with Policy IN3 of the Development Plan and the parking standards.

Other Matters

16. The appeal site is adjacent to The Hare Public House which is a Grade II listed building. Section 66(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Notwithstanding the appeal site's proximity to this listed building and that there is some intervisibility between the two, as the proposal does not include any external alterations, the setting of The Hare would be preserved, and its significance would not be harmed. The Council also raised no objections in this regard.
17. The appellant raises concerns regarding how the Council handled the planning application, however, this would not alter my conclusions on the planning merits of the proposal. It is also not within my role in determining this appeal to advise on whether there are solutions to overcome the reasons for refusal.

Planning Balance

18. The proposal would not provide acceptable living conditions for future occupiers and would not provide acceptable parking provision. It therefore conflicts with the development plan taken as a whole.
19. Whilst the proposal would increase the living space within No 5A, it would reduce the living space within No 5, and neither property would be acceptable in terms of the size of the internal living space. This therefore weighs against the proposal.
20. The proposal would make a very minor contribution to the overall supply of housing across the Council area. There would also be some social and economic benefits arising from the construction works to facilitate the proposal and occupiers would bring some trade to nearby shops and services. However, these benefits attract limited weight in the overall balance, given the scale of development under consideration, and would not outweigh the harm I have identified including the conflict with the development plan.

Conclusion

21. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

L Reid INSPECTOR