

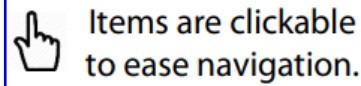


Mark Hall North Conservation Area Management Plan and Guidance Adopted September 2023



Harlow Local Development Plan

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¹ www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance

1. Introduction

- 1.1 The Article 4 Direction in the Mark Hall North Conservation Area protects houses from changes which could cause them to lose their original features and designs.
- 1.2 The Direction removes permitted development rights, set out in legislation (the GPDO²), for certain changes. This means that from 28 October 2023, when the Direction is confirmed and comes into force, planning permission will need to be obtained for the changes covered by the Direction.
- 1.3 This document contains advice on ensuring such changes are more likely to receive planning permission.
- 1.4 **It is essential that you read Chapters 2 and 3**, as well as the chapter relating to the changes you wish to make to your house.

~~1.5 In addition, Appendix 1 contains a 'plain English' summary of the relevant parts of the legislation containing the permitted development rights, which also indicates where restrictions already apply in all Conservation Areas.~~

Note: To ensure this appendix does not become out of date arising from any changes to the GPDO, it has been removed. Instead please visit the [Government website](#)³ for up-to-date Technical Guidance on the GPDO.

- 1.6 The *Mark Hall North Character Appraisal and Management Proposals* document, available on the [Council's website](#)⁴, should be consulted when using this Guidance. It includes:
- information on the history of Mark Hall North;
 - explanations of why an Article 4 Direction is necessary;
 - details of the original features of the houses; and
 - photographic records of examples of changes to houses which have already taken place.
- 1.7 The Harlow Design Guide and its Addendum, and any subsequent replacement documents, should also be consulted. Where this is particularly important for certain types of changes or development, it is referenced in this Guidance.
- 1.8 The Harlow Design Guide and Addendum was adopted by Harlow Council to provide bespoke design guidance for Harlow. However, it may also be helpful to consult Essex County Council's [Essex Design Guide](#)⁵ and the Harlow and Gilston Garden Town's [Design Guide](#)⁶ for information on broader design principles in the wider area.

2. Article 4 Direction

- 2.1 The effect of the Article 4 Direction in Mark Hall North is to remove certain permitted development rights. Proposed development/changes listed in the Direction which are started or made on or after 28 October 2023, when the Direction is confirmed and comes into force, will need planning permission. These are the subject of the guidance in the later sections of this document and are summarised in Fig. 2.1 overleaf.

² The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

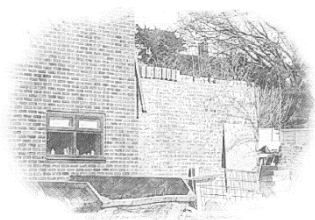
³ www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance

⁴ www.harlow.gov.uk/conservation-areas

⁵ www.essexdesignguide.co.uk

⁶ www.hggt.co.uk/portfolio/design-guide

Fig. 2.1: Parts of house where planning permission is needed for changes/development¹



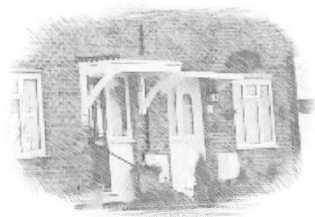
Rear extensions
visible from a highway²
(inc. conservatories)



Roof alterations
on a roof slope at the front of a house (inc. rooflights)



Porches
visible from a highway²



Canopies
visible from a highway²



Rear outbuildings
(and enclosures, pools and certain containers)
visible from a highway²



Hardstandings
in a front garden or to a side of a house³ (e.g. changing a garden to a hard surface)



Chimneys



Gates, fences & walls
fronting a highway²



Other exterior alterations⁴
visible from a highway²

¹ other restrictions also apply as Mark Hall North is a Conservation Area – see below

² “highway” includes a road, pavement, public footpath, bridleway, unadopted street or private way (unless otherwise stated), in accordance with legislation and guidance

³ where that side fronts a highway

⁴ including windows, window frames, doors and painting the exterior of a house

2.2 The Article 4 Direction can be viewed on the [Council's website⁷](#).

2.3 Improvements, replacements or alterations which match original features – and are therefore not material alterations – **may** not need planning permission. This includes maintenance to original fences, walls and gates.

2.4 The permanent removal of an **original** feature of a house which is covered by the Direction – such as a porch visible from a highway, or a chimney – is considered to be an alteration and would require planning permission.

⁷ www.harlow.gov.uk/planning-and-building-control/planning-permission/article-4-directions/mark-hall-north

- 2.5 National legislation restricting permitted development rights in Conservation Areas mean the following changes already need, and continue to need, planning permission:
- front and side extensions;
 - rear extensions of more than one storey;
 - major roof alterations on any part of the roof (including adding dormer windows and additional storeys);
 - outbuildings, enclosures, pools and oil/gas containers at the front or side of a house;
 - chimneys, flues and soil & vent pipes on a wall or roof at the front or side of a house if the front or side fronts a highway;
 - aerals and satellite dishes on a chimney, wall or roof facing onto and visible from a highway;
 - solar panels and solar thermal equipment on a wall fronting a highway.

3. General Principles

- 3.1 It is important to remember that all planning applications will be considered on their individual merits, on a case-by-case basis.
- 3.2 In accordance with the Harlow Design Guide and Addendum, any change to a house should:
- a. be in-keeping with the original features and styles of the house and other houses in the vicinity;
 - b. ensure the house remains well-proportioned (meaning an extension or porch should be a relatively subtle addition); and
 - c. use building materials which are durable, attractive and match materials used on the house, including matching the colour as much as possible.
- 3.3 Photographic examples in the following guidance are from houses in Mark Hall North, unless otherwise stated.

4. Rear Extensions

- 4.1 National restrictions mean extensions in a Conservation Area already need planning permission if they are at the front or side, or are at the rear and more than one storey. Due to the Article 4 Direction, planning permission will also need to be obtained for extensions to the rear which are single-storey, including conservatories, and are visible from a highway.
- 4.2 A planning application for a single-storey extension to the rear of a house is more likely to be approved if it:
- a. has a maximum height of 3m with a flat roof, or 4m at the highest point for any other roof;
 - b. does not extend beyond the rear wall of the original house by more than 4m;
 - c. has a similar exterior appearance to the house (this point does not apply to conservatories);
 - d. does not cause more than 50% of the land within the plot to be covered by buildings (existing extensions and outbuildings must be included when calculating this);
 - e. is designed to be in accordance with the Harlow Design Guide and Addendum in relation to roof type, window positions and impacts on adjacent houses (in terms of privacy, loss of daylight and sunlight and visual impact).

- 4.3 The rears of some houses are more visible from a highway than others, particularly in the case of semi-detached or detached houses which are staggered along the street, a house at or near the end of a terraced row, or a house on a corner plot.
- 4.4 In these cases, a single-storey rear extension is more likely to be acceptable if the extension is designed to be as inobtrusive as possible, with solutions such as vegetative, evergreen screening to obscure the view of the extension from a highway.
- 4.5 The Harlow Design Guide and Addendum should also be consulted when applying for planning permission for other types of extensions. As explained previously, these already require planning permission in Mark Hall North due to it being a Conservation Area.
- 4.6 Permitted development rights for extensions are covered by Schedule 2, Part 1, Class A of the GDPO.

Fig. 4.1



- 4.7 Fig 4.1 shows a side extension, rather than a rear extension, but it is a good example of how an extended part of a house should use materials, styles and colours which match the house's original features.

5. Roof Alterations

- 5.1 National restrictions mean that for a house in a Conservation Area, planning permission must be obtained for major alterations such as adding dormers or additional storeys to a roof. Due to the Article 4 Direction, planning permission must also be obtained for any other alteration to a roof which is at the front of a house (i.e. the principal elevation).
- 5.2 A planning application for a roof alteration is more likely to be approved in the case of:
- a. adding a roof light (e.g. a Velux window) if:
 - i. the frame matches, or is similar to, existing windows on the house;
 - ii. the frame protrudes by no more than 0.15m from the roof slope;
 - iii. it has obscure glazing if it is on a roof slope at the side of the house;
 - b. an other roof alteration¹ if:
 - i. it is no higher than the existing roof;
 - ii. it does not alter the existing ridge unless the house;
 - iii. it does not detract from the original style and shape of the roof, or impact on the continuity of the street scene (e.g. a row of terraced properties with the same roof shape)

¹except dormers and adding storeys – see paragraph 5.4 below

- 5.3 The section of this Guide relating to chimneys is also relevant.
- 5.4 The Harlow Design Guide and Addendum should be consulted when applying for planning permission for adding dormers or additional storeys. As explained previously, these already require planning permission in Mark Hall North due to it being a Conservation Area.
- 5.5 Permitted development rights for roof alterations, including adding storeys, are covered by Schedule 2, Part 1, Classes AA, B and C of the GDPO.

6. Porches and Canopies

- 6.1 Porches are not a prevailing feature on houses across Harlow and, as evidenced in the *Character Appraisal and Management Proposals* document, they are not an original feature in most cases in Mark Hall North.
- 6.2 The addition of a porch can have a notable impact on the original design of a house and the look of a street or group of houses, particularly where a porch is disproportionately large or uses out-of-keeping materials.
- 6.3 Original canopies are often found on houses in Mark Hall North, but the evidence shows that a number have been altered in a way that is out-of-keeping, either due to being replaced in an inappropriately large size or using inappropriate material. This can have a similar impact to porches which are out-of-keeping.
- 6.4 It is, therefore, particularly important that the Planning process positively manages the addition or replacement of porches and canopies in Mark Hall North.
- 6.5 Where porches or canopies have been modified which deviate from any originals, the Article 4 Direction being in place means the Council can positively manage any replacements to ensure they are appropriate. Over time, therefore, the original look of the housing would be restored and preserved.

Porches

- 6.6 Due to the Article 4 Direction, constructing a porch will require planning permission if it would be visible from a highway. This includes replacing a porch and enclosing a canopy to form a porch.
- 6.7 A planning application for a porch is more likely to be approved if the porch:
- has a depth less than 1.5m;
 - has a floor area less than 3sqm;
 - has a width of less than 40% of the width of the front¹ of the original house;
 - does not have windows which are disproportionate in size to windows on the house;
 - does not have a total amount of glazing which is disproportionate to the size of the porch;
 - has a front entrance (rather than a door on the side of the porch);
 - has a roof matching, or similar to, the roof of the house^{1,2} (with the gable end at the front if the porch has a gabled roof);
 - is built using materials which are the same type and colour as those used on the house (including window frames);
 - incorporates original features which would otherwise be lost (such as a tiled panel);

j. is on a house at the end of a terraced row (if the house is in a terraced row).

¹ a greater width may be acceptable if the porch is on the side rather than the front of the house

² a flat roof on the porch may be appropriate, regardless of the house's roof type, if the porch is of a sufficiently small size

6.8 The Harlow Design Guide and its Addendum should be consulted when designing the porch, to ensure impacts on adjacent houses are considered in the design, in terms of privacy, overlooking, overshadowing, loss of daylight and sunlight, visual impact and loss of visual amenity.

6.9 A porch is not likely to be acceptable if:

- a. it would result in the loss of notable original features, such as an arch above the front door or a tiled panel;
- b. it is on a house in a row of terraced houses and would disrupt the uniform look of the housing, particularly if the row of houses is staggered.

6.10 The permanent removal of a porch is likely to be acceptable if the house did not originally have one.

6.11 Permitted development rights for porches are covered by Schedule 2, Part 1, Class D of the GDPO.

Canopies

6.12 Due to the Article 4 Direction, constructing a canopy will require planning permission if it would be visible from a highway. This includes replacing a canopy.

6.13 A planning application for a canopy is more likely to be approved if:

- a. the canopy (and preferably any fixings to the house) are of a similar colour to the existing front door;
- b. the overall style of the canopy – including its angle, thickness, width, depth and how it is attached to the house – matches any existing original canopies on nearby houses;
- c. where nearby houses do not have original canopies, the width of the canopy is no more than 0.8m wider than the door (or no more than 0.8m wider than the width of the door and a window immediately adjacent to the door), and the depth is no more than half its width¹.

¹larger canopies may be considered appropriate on houses which have a side entrance.

6.14 The permanent removal of a canopy is likely to be acceptable if the house did not originally have one.

6.15 Permitted development rights for canopies are covered by Schedule 2, Part 1, Class A of the GDPO.

Examples

Fig. 6.1



Fig. 6.2



6.16 While the porch built on the house in Fig. 6.1 does not have a roof matching the style of the house's roof, its small size and use of colours which match the house mean it does not look out-of-keeping.

6.17 The porch constructed on the house on the left of Fig. 6.2 has a roof matching the main roof. However, it has an amount of glazing which is disproportionate for the size of the porch, the front door has been moved to open to the side, and the original arch above the door (for example on the house to the right) has been lost.

Fig. 6.3



Fig. 6.4



6.18 The porch in Fig. 6.3 has a roof similar to the main roof and has a suitable window. However, it is overall disproportionately large and is clad in a grey plastic material which does not match the house.

6.19 The canopies shown in Fig. 6.3, above the front doors on the houses on the left and right, are of a suitable width but are too thick. One also has an out-of-keeping 'mock' gable end and the other has notable supports.

6.20 The original canopies along this terraced row – for example on the house in the right of Fig. 6.4 – are more subtle due to being thinner and having smaller supports. The canopy on the house in the left of Fig. 6.4 is a replacement and isn't identical to the original, but retains the original proportions. It conforms, therefore, with the original design principles of the houses whilst also continuing to provide shelter.

Fig. 6.5



Fig. 6.6



6.21 Fig. 6.5 shows a canopy which, while matching the roof of the house, is disproportionate as it is too steep and too wide.

6.22 Similarly, the canopy on the house in the left of Fig. 6.6 is too deep. The canopy on the house on the right is more acceptable because it is to the side and is more proportional to the house. It also has cladding which matches the house. While the cladding on the house is not an original feature, it is appropriate that the porch has the cladding to match the rest of the house.

Fig. 6.7



6.23 Fig. 6.7 shows an example of where porches have been constructed of a size proportionate to the house, with suitable windows and matching roof types and overall materials. The porch on the right, however, has unfortunately not retained a white-coloured front door.

7. Rear Outbuildings, etc.

7.1 National restrictions mean that for a house in a Conservation Area, planning permission must be obtained for the following at the front or side of a house:

- a. constructing, maintaining, improving or altering a building, enclosure or pool;
- b. constructing a container used for storing oil or gas for heating.

7.2 Due to the Article 4 Direction, permission will also need to be obtained for these at the rear of a house where the change/development would be visible from a highway.

- 7.3 The definition of a 'building, enclosure or pool' for this purpose includes sheds, playhouses, greenhouses, garages, swimming pools, sauna cabins and other enclosures (including tennis courts).
- 7.4 A planning application for this is more likely to be approved if the rear building, enclosure or pool:
- a. is discretely sited;
 - b. is single-storey;
 - c. has a maximum height of 3m with a flat roof, or 4m at the highest point for any other roof;
 - d. does not cause more than 50% of the land within the plot to be covered by buildings (existing extensions must be included when calculating this).
- 7.5 Permitted development rights for outbuildings are covered by Schedule 2, Part 1, Class E of the GDPO.

8. Hardstandings

- 8.1 Due to the Article 4 Direction, planning permission needs to be applied for and obtained for the provision or part/whole replacement of a hardstanding within the plot boundary, if it is in a front garden (i.e. forward of the house's principal elevation), or is to a side of a house (i.e. forward of a side elevation) if that side fronts a highway.
- 8.2 Such a planning application is more likely to be acceptable if the hardstanding is:
- a. required due to exceptional circumstances, such as creating a wider path to be used by people with mobility issues;
 - b. porous (or non-porous but with run-off water directed to a permeable or porous surface);
- 8.3 Permitted development rights for hardstandings are covered by Schedule 2, Part 1, Class F of the GDPO.

9. Chimneys

- 9.1 National restrictions mean that for a house in a Conservation Area, planning permission must be obtained to install, alter or replace a chimney, flue or soil & vent pipe on a roof or wall at the front of a house, or at a side if that side fronts a highway.
- 9.2 Due to the Article 4 Direction, planning permission also needs to be obtained for installing, altering or replacing a chimney on all parts of a house, whether fronting a highway or not. The Article 4 Direction does not relate to flues or soil & vent pipes.
- 9.3 Such a planning application is more likely to be acceptable if the chimney:
- a. does not exceed the highest part of the roof by 1m or more
 - b. is designed using materials which match the features of the house
 - c. is not on a roof slope which fronts a highway
- 9.4 It is considered that the permanent removal of a chimney is classed as an alteration. Such chimney removals will not normally be acceptable, unless it is considered dangerous and needs removing, or if it was not an original feature of the house.

9.5 Permitted development rights for chimneys, flues and soil & vent pipes are covered by Schedule 2, Part 1, Class G of the GDPO.

10. Gates, Fences and Walls

10.1 Due to the Article 4 Direction, planning permission must be obtained for erecting, maintaining, improving or altering a gate, fence or wall if it fronts a highway.

10.2 Such a planning application is more likely to be approved if the gate, fence or wall:

- a. in the case of a new one, has a maximum height of 2m (1m if next to a road or 0.5m if next to a path or pavement);
- b. in the case of replacing an existing one, is no higher than the original fence ;
- c. has an appearance and style similar to existing ones (preferably original ones) in the vicinity;
- d. is open-boarded if in a front garden.

10.3 Permitted development rights for gates, fences and walls are covered by Schedule 2, Part 2, Class A of the GDPO.

Examples

Fig. 10.1



Fig. 10.2



Fig. 10.3



10.4 Figs. 11.1 to 11.3 show examples of appropriate fencing in a front garden. While the example in Fig. 11.3 is not open-boarded, it is of a suitable size and appropriately follows the contour of the land.

11. Other Changes to the Exterior of a House

11.1 Due to the Article 4 Direction, planning permission must be obtained for altering the exterior of a house, where the alteration would be visible from a highway. Alterations include repainting walls, and altering windows or doors (including adding windows, converting a window to a bay window, or changing window frames or door frames).

11.2 A planning application is more likely to be approved in the case of:

- a. painting an exterior wall, if:
 - i. the colour is a pastel colour (e.g. not a bright, dark or otherwise striking colour);

- ii. the colour of the wall does not contrast with houses in the vicinity which already have a pastel colour;
- iii. it does not cover exposed brick;
- iv. it does not include cladding, unless cladding was a feature of the original house.

- b. replacing a single window frame or door frame, if:
 - i. the replacement matches the predominant current style and colour of the frames already on the house;
- c. replacing the majority of frames, if:
 - i. the replacements are in a style and colour which, as far as possible, matches those which would have been originally installed on the house.

11.3 Deviations from the above may be acceptable for alterations at the back of a house.

11.4 The houses in Mark Hall North were almost exclusively designed with white doors and window frames. Most of the houses still have white doors and window frames, despite often being replaced over time, so white remains the predominant colour for these features.

11.5 Most of the original houses in Mark Hall North now have thicker window frames where windows have been replaced with more energy-efficient ones over time. It is not expected that replacement windows are replaced with ones matching the originals (i.e. thin-framed ones) if they are less energy-efficient.

11.6 Adding or permanently removing a window or door is not likely to be acceptable, especially at the front of a house, unless part of a wider redevelopment.

11.7 Bay windows should be designed in a subtle way, using materials which match the other windows on the house.

11.8 Permitted development rights for the other changes to the exterior of a house detailed in this section are covered by Schedule 2, Part 1, Class A and Part 2, Class C of the GDPO.

Fig. 11.1

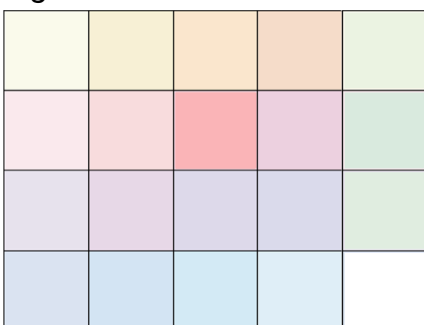
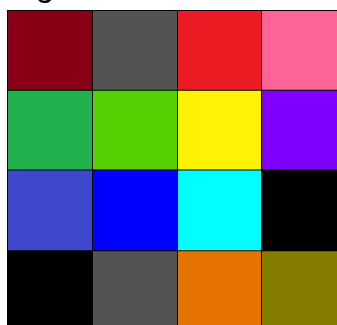


Fig. 11.2



11.9 Fig. 11.1 shows a palette of example pastel colours which would be suitable for exterior painting, while Fig. 11.2 shows a palette of inappropriate colours.

Examples

Fig. 11.2



Fig. 11.3



11.10 The houses in the left of Fig. 11.2 and the right of Fig. 11.3 have been repainted in colours which contrast with the more original pastel colours of the houses in the vicinity.

Fig. 11.4



Fig. 11.3



11.11 The houses in Figs. 11.4 and 11.5 have been painted in different colours and therefore have individuality, but they are appropriate as they are pastel colours which do not contrast with each other. Two have been repainted in colours which contrast with the more original colouring of the houses in the vicinity.

Fig. 11.5



Fig. 11.6



Fig. 11.7



Fig. 11.8



11.12 The houses on the right in Figs. 11.5 and 11.6, in the middle in Fig. 11.7 and on the left in Fig. 11.8 have window frames and/or doors which are not in white and, therefore, are out-of-keeping with the original white colour which has been retained on the surrounding houses.

Fig. 11.9



11.13 The houses in Fig. 11.9 have had the ground floor windows converted to bay windows. They have retained the original size of the windows and the white frames. Care should be taken, however, to ensure any decorations and fixings above and below the bay window also matches, as far as possible, existing window frames on the house.

11.14 The house on the right of Fig. 11.6 has a bay window which is not a subtle change and is not the traditional shape of a bay window.

Fig. 11.10



Fig. 11.11



11.15 The houses in Fig. 11.10 have retained the original pastel-coloured tiling beside the front doors. On the houses in Fig. 11.11, the original tiling has unfortunately been lost; on the

house on the left they have been replaced by a form of white cladding, while on the house on the right they have been painted over in a darker colour.

12. Making a Planning Application

- 12.1 As detailed in the previous chapters, you will now need to obtain planning permission before making changes to your house which are covered by the Article 4 Direction. This will need to be done by submitting a planning application which, in most cases, would be a householder application.
- 12.2 The [Council website](#)⁸ provides more information on how to make a planning application, including information on fees, applying using the Planning Portal, and using the 'Householder applications validation checklist' to ensure the application is valid.
- 12.3 The requirements for an application to be deemed valid include completing an application form and land ownership certificate, and providing a site location plan and appropriate plans. A heritage statement is also required as Mark Hall North is a Conservation Area. More details about this can be found in Appendix 2 of this document. Full requirements for planning applications are provided in the Householder Applications Validation Checklist on the [Council website](#)⁸.
- 12.4 It may also be useful to have an informal discussion with your neighbours about your proposals before you make an application.
- 12.5 Once you submit your application, it becomes publicly available, including on the Council's website, so people can comment on it. Most applications will be decided within an 8-week timeframe. When a decision has been made, a decision notice is produced which specifies the decision, the approved plans and any conditions attached to the planning permission (and reasons for any conditions).
- 12.6 While receiving planning permission allows you to carry out the development or change you applied for, you may also need to receive [Covenant Control](#)⁹ consent and/or [Building Control](#)¹⁰ approval. Details of these can be found on the Council's website.
- 12.7 Changes which are covered by the Direction and are made without planning permission would technically be a breach of planning control. Such breaches could harm the character of the Conservation Area, especially if there are a number concentrated in a small area.
- 12.8 The Council has the ability to serve an enforcement notice in such a case, but would first work with the homeowner to encourage a retrospective planning application to be submitted.

⁸ www.harlow.gov.uk/planning-and-building-control/planning-permission/make-planning-application

⁹ www.harlow.gov.uk/planning-and-building-control/covenant-control

¹⁰ www.harlow.gov.uk/planning-and-building-control/building-control

~~Appendix 1: ‘Plain-English’ summary of the relevant parts of the GPDO¹¹~~

Note: To ensure this appendix does not become out of date arising from any changes to the GPDO, it has been removed. Instead please visit the [Government website¹²](#) for up-to-date Technical Guidance on the GPDO.

¹¹ Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

¹² www.gov.uk/government/publications/permitted-development-rights-for-householders-technical-guidance

Appendix 2: Householder Planning Application Requirements for Conservation Areas

Note: Please refer to the checklist on the [Council website¹³](#) for the full requirements when submitting a householder planning application.

Heritage Statement

When required

- Required for all developments within conservation areas or relating to listed buildings, locally listed buildings, archaeological remains and Scheduled Ancient Monuments.
- This includes householder applications.

Minimum requirements

- Applications must be accompanied by a description of the significance of the heritage asset affected, the contribution of the setting to that significance, the impact of the proposals on the significance.
- Where there are major works and/or a number of alterations proposed to a listed building (including repairs), a full schedule of the works will need to accompany the heritage statement and shall include a method statement explaining the principles for the works.
- The amount of detail provided should be proportionate to the importance of the asset.
- Applications, where the extent of the proposal's impact on the significance of any heritage assets affected cannot be adequately understood from the application and supporting documents, will not be validated.
- Photographs may be helpful in support of applications affecting conservation areas and listed buildings.

¹³ www.harlow.gov.uk/planning-and-building-control/planning-permission/make-planning-application