

Appeal Decision

Site visit made on 7 November 2017

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 November 2017

Appeal Ref: APP/W1525/D/17/3180975

3 Woolards Way, South Woodham Ferrers, Chelmsford CM3 5NW

- 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 & Mrs Ruck against the decision of Chelmsford City Council.
 - The application Ref 17/00927/FUL, dated 17 May 2017, was refused by notice dated 17 July 2017.
 - The development proposed is two storey rear and side extensions over existing and front porch.
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Preliminary Matter

1. At the time of the site inspection the two storey rear extension shown on the submitted plans had been undertaken. I am unaware whether this was built as a result of a separate application. Therefore, for the purposes of this appeal and for the avoidance of doubt, I have dealt with this part of the overall proposal applied for as retrospective.

Decision

2. The appeal is dismissed insofar as it relates to the side extension, but is allowed insofar as it relates to the two storey rear extension and front porch. Accordingly, planning permission is granted for two storey rear extension (retrospective) and front porch at 3 Woolards Way, South Woodham Ferrers, Chelmsford CM3 5NW. The permission is granted in accordance with the terms of the application, Ref 17/00927/FUL, dated 17 May 2017, subject to the following conditions:
 - 1) The front porch hereby permitted shall begin not later than three years from the date of this decision.
 - 2) Development shall be carried out in accordance with the following approved plans, so far as relevant to the front porch hereby permitted: proposed block/roof plan; and proposed elevations and floor plans.
 - 3) The materials to be used in the front porch hereby permitted shall match those used in the existing building.
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Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal property is a two storey dwelling located on a residential estate in the South Woodham Ferrers urban area. No 3 is positioned within a row of link-terraced dwellings that run from No 29 Marklay Drive to No 11 Woolards Way. These properties are of a highly uniform design and appearance, with single storey garages creating the link between the dwellings. Consequently, gaps at upper storey level above the garages are a characteristic feature of this row of properties, with this feature as part of the overall uniformity and spaciousness making a positive contribution to the street scene.
5. The proposed side extension would largely infill the existing gap above the garage and would have the same roof height as the main part of the house with a limited set back from the dwelling's front elevation. As a result it, it would bring development much closer to the neighbouring property and would due to its scale and position be prominent from the public realm. As the only example of this type of development in this row of properties it would be particularly incongruous and would upset the characteristic uniformity of this part of the street scene.
6. I have had regard to the examples of other extended properties referred to by the appellants. The properties in Champions Way and Longfield Road do not form part of the immediate street scene within Woolards Way and Marklay Drive and cannot, therefore, be considered comparable in their effects to the proposed side extension to the appeal property. No 2 is on the opposite side of Woolards Way and is an end-of-terrace dwelling unlike No 3. As such, it retains a significant gap between its extended side and its nearest neighbour. Similarly, No 6 does not form part of the same row of properties and the extension retains a larger gap and greater setback than would be the case with the current proposal. While No 11 is part of the same row of dwellings, it is the last property in the row and therefore has a different relationship with its neighbour than others in the row. Moreover, its extension also retains a larger gap and greater setback than the proposed extension to No 3. Therefore, for these reasons, I give limited weight to these other examples of development and they do not lead me to reach a different conclusion.
7. I agree with the Council that the proposed front porch and the two storey rear extension would be proportionate and appropriate additions to the existing dwelling that would not harm the character or appearance of the street scene.
8. Accordingly, for the above reasons, I conclude that the proposed side extension would have an unacceptably harmful effect on the character and appearance of the street scene; but that there would be no such harm with regard to the rear extension and front porch. Consequently, the side extension is contrary to Policies DC45 and DC47(A) of the Council's Core Strategy and Development Control Policies document which, amongst other matters, require development including extensions to be appropriate to, and not adversely affect, the character and appearance of the surrounding area. These policies are

consistent with the National Planning Policy Framework, particularly section seven concerning good design.

9. As the rear extension has been built and the front porch is physically separate and capable of independent implementation, it is possible in this case to make a split decision with regard to the different elements of the overall proposal. Therefore, for the above reasons, the appeal succeeds with regard to the rear extension and front porch, but fails with regard to the side extension.

Other Matters

10. I have had regard to the appellants' personal circumstances and acknowledge that additional space is required to address their son's specific needs. While I give this matter weight it is unclear that the proposed side extension is the only manner in which this matter can be addressed and this matter must in any case be balanced with the harm that has been found. Therefore, taking my findings as a whole and on balance, this matter does not overcome the harm and conflict with development plan policies that would result from this element of the proposal.
11. I note also the appellants' concerns about the basis of the Council's decision. However, any such concerns are properly for the Council to consider and are outside the scope of this appeal. Therefore, while I have had full regard to this matter, it does not have a direct bearing on the outcome of the appeal.

Conditions

12. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of the front porch, one requiring development to be carried out in accordance with the relevant approved plans. I agree also that a condition requiring the materials used for the porch to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.

Conclusion

13. For the reasons given above, the appeal succeeds in respect of the rear two storey extension and the front porch, but fails in respect of the proposed side extension.

J Bell-Williamson

INSPECTOR