
Appeal Decision

Site visit made on 12 March 2018

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th March 2018

Appeal Ref: APP/W1525/W/17/3179493

34 Moss Path, Galleywood, Chelmsford, Essex CM2 8YG

- 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 Mrs Lodge against the decision of Chelmsford City Council.
 - The application Ref 17/00406/FUL, dated 13 July 2016, was refused by notice dated 30 May 2017.
 - The development proposed is described as 'extension of existing terrace to provide an additional dwelling'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.
3. The appeal site is positioned within a residential estate where semi-detached and terraced house types are repeated and roads and pavements are broadly of a uniform width. The properties are generally positioned away from the back edge of the pavement and behind front and side gardens. This composition provides a buffer with the road, visual relief, a suburban feel to the street scene and opportunities for landscaping.
4. The appeal property is a typical example of one of the prevailing house types in the estate, but the terrace in which it is located goes against the grain of development in Ketleys, as it is side on to the road whereas the other dwellings face it. Thus, the appeal property is prominent within the street scene as the front, rear and side elevations are visible. Nevertheless, the position of the house behind its side garden provides a response to the grain of the street scene as other properties are also off-set from the pavement behind front gardens and driveways.
5. The proposal is for the erection of a new dwelling in the side garden of the appeal property. It would effectively replicate the dimensions and appearance of the other properties in the terrace. However, it would bring built form very close to the back edge of the pavement and thus harmfully breach the grain of development evident in the street scene. It would look particularly stark and discordant in views looking north and south along Ketleys. A new dwelling in the broadly undeveloped side garden of the appeal property would also erode the sense of space and visual relief currently evident at this corner plot.

6. There are a number of side extensions and new dwellings elsewhere in the estate. It is unclear when most of these schemes were approved and the circumstances that led to the grant of planning permission. Nevertheless, I have not been directed to a scheme elsewhere in the estate where the precise circumstances of the appeal site and the appeal scheme are replicated. Moreover, there are no similar examples in Ketleys, as the appeal property is the only dwelling positioned side on to the road in this street. The nearest approval is a side extension at 28 Moss Path but this is not as prominent as the appeal site. Thus, my findings are not inconsistent with other decisions.
7. Within her submissions the appellant has referred to the proposed development as a 'granny annexe', but having considered the proposal in detail it is evident that it would be a separate planning unit and thus a new dwelling. The proposal is described as such in the description of development and the Council considered it on this basis. So have I. In any event, the intention to leave the rear gardens undivided would not address the inherent harm that would arise from positioning a dwelling in the side garden of the appeal property. Similarly, the use of weatherboard cladding, which has no local precedent, and the reinstatement of a hedge following construction works, which would take time to mature, would not address the inherent harm either.
8. I therefore conclude that the proposal would harm the character and appearance of the area and this places it in conflict with Policies CP20 and DC45 of the Core Strategy and Development Control Policies - Our Planning Strategy for the Future 2001-2021 (adopted 2008 and updated 2013). These policies seek to secure developments that are well designed, sensitive to context and appropriately sited in a way that respects the character and appearance of surrounding development.

Other Matters

9. The appeal scheme could support the delivery of housing, housing choice and the local economy. However, as only a single dwelling is proposed the benefits, as material considerations, would be modest and would not be of sufficient force to outweigh the harm I have identified and the subsequent conflict with the development plan. Similarly, the appellant's desire to live close to her son is not determinative as this could be achieved through other means or at other properties.
10. The Council have accepted that the proposal would provide sufficient off road parking and would safeguard the living conditions of the occupants of neighbouring properties. Nevertheless, even if I were to agree, my overall conclusion would remain unaltered as the absence of harm is not a benefit. Various concerns have been raised by interested parties but given my findings on the main issue it has not been necessary for me to address these further.

Conclusion

11. The appeal scheme would be contrary to the development plan as a whole and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, the appeal is dismissed.

Graham Chamberlain
INSPECTOR