



Appeal Decision

Site visit made on 1 October 2019

by P Mileham BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: APP/W1525/W/19/3233297

35 Vicarage Lane, Great Baddow, Chelmsford, Essex CM2 8HY

- 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 C Martin against the decision of Chelmsford City Council.
 - The application Ref 19/00522/FUL, dated 15 March 2019, was refused by notice dated 28 May 2019.
 - The development proposed is described as the severance of part of garden and erection of a single storey dwelling following demolition of detached garage (amended proposal to that granted planning permission 18/02001/FUL).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is the side garden land of No 35 Vicarage Lane which is a 2 storey semi-detached dwelling with a pitched roof. No 35 is the corner dwelling between Vicarage Lane and Park View Crescent, and currently contains a detached single garage. Park View Crescent has a predominantly regular pattern of 2 storey dwellings, including short terraces and semi-detached properties with wide separation distances in between. The plot is bounded by an approximately 2 metres high hedge which provides screening from the adjoining roads. The appeal proposal's location to the southern side of No 35 would result in it having a closer relationship to the dwellings in Park View Crescent than Vicarage Lane.
4. My attention has been drawn to a fallback position which has been established as a result of an extant planning permission on the site for a linked single storey dwelling¹. At the time of my visit the site had been separated from No 35 with a low fence and some clearance work had been undertaken, suggestive that the fallback would be likely to be implemented. The design of this fallback was informed by an earlier planning permission for a single storey side extension to No 35², and its footprint broadly reflects the approved extension in

¹ Ref. 18/02001/FUL.

² Ref. 18/01466/FUL.

terms of scale, siting and attachment to the flank wall of No 35. The fallback approved is for a single storey attached dwelling with a separation to the front boundary that is broadly reflective of dwellings opposite the site in Park View Crescent.

5. The appeal proposal differs from the fallback in that it would result in a detached single storey dwelling sited closer to the southern boundary of the site. The side building line of No 35 has already been breached by the approved scheme, however, the fallback retains a sense of subservience to No 35 by minimising the extent of its projections beyond its building line. In contrast, the appeal proposal would increase the projections to the side and rear of No 35 by a further distance due to the access footway to the rear of the property. This would result in the further erosion of the already limited separation distance to the site's southern boundary. It would also exacerbate its projection beyond the front building line of the properties on Park View Crescent. I consider this would result in a dwelling that would be incongruous and out of keeping with the predominant pattern of development in the area
6. In light of the above, I consider that the proposed development would result in harm to the character and appearance of the area. This would be contrary to Policies DC42 and DC45 of the Chelmsford City Council Core Strategy and Development Control Policies Development Plan Document (2008) which state that permission will only be granted where the site planning and design results in a spatially coherent and attractive manner, and where the siting, scale, form massing and details would have an appropriate visual relationship with the character and appearance of the surrounding area.
7. The proposal would also be contrary to paragraph 130 of the National Planning Policy Framework which indicates permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

8. The appellant has indicated the proposal would not result in any changes to the siting and number of parking spaces or access points when compared to the fallback. I consider the proposed development would have a neutral effect on the site access and availability of parking spaces. However, having regard to my findings on the main issue, this does not alter my overall conclusions.

Conclusion

9. In light of the above I conclude that the appeal is dismissed.

P Mileham

INSPECTOR