



Appeal Decision

Site visit made on 3 February 2020

by R Lankshear BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 February 2020

Appeal Ref: APP/W1525/W/19/3238911
69 Torquay Road, Chelmsford CM1 7NX

- 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 S Oldroyd against the decision of Chelmsford City Council.
 - The application Ref 19/00314/FUL, dated 21 February 2019, was refused by notice dated 20 June 2019.
 - The development proposed is described as 'application for construction of two dwellings'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development that appears in the banner heading above is taken from the planning application form. The Council's decision notice refers to the description of development as 'part single, part two storey rear extension to existing house. Construction of two new dwellings and one detached garage. Widening of the dropped kerb to provide new access.' This more accurately describes the proposal and I have therefore determined the appeal on this basis.
3. The Council's appeal statement and reasons for refusal make reference to a number of policies within the emerging Chelmsford Local Plan (CLP). From the details before me, following examination hearings in late 2018, the appointed Inspector advised in a post hearing advice note that the plan could be found sound, subject to main modifications and further consultation. At the time of consideration of this appeal the CLP has still not been adopted and therefore may be subject to change. As such, having regard to paragraph 48 of the National Planning Policy Framework (the Framework), the CLP policies quoted within the reason for refusal can be afforded limited weight.

Main Issue

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

Reasons

5. The appeal site sits in a corner location at the end of a cul-de-sac within a predominantly residential area. The site comprises of a detached dwelling and a

- large garden to the side and rear, which provides a degree of visual relief and spaciousness in this corner location. The street scene consists of two storey properties of varied design, including ancillary front projections of differing form.
6. The appeal development proposes the erection of two detached dwellings and a detached garage to the front. The dwellings would be in a staggered arrangement with the dwelling on plot 1 setback from the frontage of the existing dwelling and in turn plot 2 setback from plot 1. The dwellings would both have asymmetric roofs with predominantly lower eaves to the front. The dwelling at plot 1 would have single storey eaves to the front with a single storey integral garage. The front elevation of plot 2 would be part two storey with a catslide roof, a hipped roof to its southern elevation and a detached garage to the front.
 7. Whilst I acknowledge that the surrounding area includes a degree of variety in the form particularly in terms of forward projections, principal elements of dwellings within the immediate street scene have two storey eaves and are predominantly gable ended. Despite the proposed use of similar materials to those found within the road, I consider that the design of the appeal development would relate poorly to the immediately neighbouring buildings fronting onto Torquay Road. This is particularly due to the low eaves height of plot 1 and exaggerated asymmetric and partially hipped roof design to plot 2, that would fail to respond to their context. Furthermore, whilst the side and rear garden is not formally designated as being important, it provides a degree of visual relief within an otherwise predominantly built up frontage and to my mind the appeal development would diminish such a contribution to a significant degree.
 8. Although the properties would sit in a corner location, I am not persuaded that they would not be readily visible from the public domain. To my mind, the introduction of such form would impact negatively on the character of the area owing to the proposed dwellings contrived and anomalous form in relation to the grain and appearance of development within the street scene. For these reasons therefore, I consider that the proposal would amount to a discordant form of development, causing significant harm to the character and appearance of the area.
 9. I acknowledge the analysis of plot width and size provided by the appellant and that gaps would be maintained between properties. The dwelling at plot 2 would however sit at the lower end of frontage widths identified for detached properties and the dwellings at Nos 50 and 52 are a semi-detached pair and as such are materially different. Whilst gaps may be maintained from boundaries and plot size and coverage may be comparable with neighbouring properties, for the above reasons I am not persuaded that the proposal would assimilate effectively within the street scene.
 10. Having regard to all of the above, I conclude that the proposal would not accord with Policy DC45 of the adopted Chelmsford Core Strategy and Development Control Policies Development Plan Document 2008, that seeks, amongst other things, that buildings are well designed in themselves and that the siting, scale, form and detail would have an appropriate visual relationship with the character and appearance of development in the surrounding area.

The proposal would also fail to accord with the design requirements of Chapter 12 of the Framework.

11. It would also conflict with Policy MP1 of the CLP that seeks high quality design that responds to its context and is compatible with the character and appearance of the area. Policy MP4 of the CLP is also quoted within the reason for refusal although this appears to primarily relate to living conditions and I do not consider this to be of direct relevance in this instance. However, due to the stage of the plan I give conflict with these policies limited weight.

Other Matters

12. Although not included as a reason for refusal, it is indicated that the site falls within a Zone of Influence for European designated sites. From the details before me it appears that the appellant has agreed to make a financial contribution towards mitigation through a Unilateral Undertaking, and a signed copy has been provided. However, as I have found harm in relation to the main issue there is no need for me to consider this further.
13. I acknowledge that the provision of 2 additional dwellings proposed in a suitable location would have social and economic benefits. However, I do not find that this outweighs the significant harm I have identified above in terms of character and appearance.
14. The application as submitted included the provision of a part single, part two storey rear extension to the existing house. The Council do not raise any concern with regard to this element of the proposal. Having considered this, I find no reason to disagree with this assessment and consider that the extension of the existing dwelling would be acceptable including its impact upon character and appearance and living conditions of occupiers of neighbouring dwellings.
15. The appellant has raised concern with regard to the manner in which the Council determined the application subject of this appeal, previous applications and related pre-application discussions. This is not directly relevant to my assessment of the merits of the appeal proposal and I have only had regard to the planning merits of the case.
16. None of the other matters raised outweigh or alter my conclusions on the main issue.

Conclusion

17. For the reasons given above, whilst I find the extension to the existing house to be acceptable, I conclude that the harmful effect on character and appearance from the proposed dwellings indicate that the appeal should be dismissed.

Robert Lankshear

INSPECTOR