
Appeal Decision

Site visit made on 1 September 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th September 2020

Appeal Ref: APP/W1525/D/20/3253233

Hazeleigh, Riffhams Lane, Danbury, Chelmsford CM3 4DS

- 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 M Dorsett against the decision of Chelmsford City Council.
 - The application Ref 20/00427/FUL, dated 11 March 2020, was refused by notice dated 5 May 2020 .
 - The development proposed is single storey rear extension. First floor extension. Loft accommodation including 3 no. rear dormers and roof windows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the time of the original decision, the Council has adopted a new Local Plan – the Chelmsford Local Plan 2020 (LP). The Council has confirmed which new policies correspond with and replace the policies which the application was determined against. In accordance with planning law, I have determined the appeal on the basis of the current development plan.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of Ramor, Skerries, 12-14 Mildmays and 23-24 Parkdale, with regard to privacy and outlook and loss of light.

Reasons

Character and appearance

4. The appeal property is a detached single storey dwelling, which due to the varied levels across the site has a garage on the lower ground floor. The property is located on Riffhams Lane, a narrow residential lane which is characterised by detached and semi detached dwellings. The dwellings vary in their appearance and design and heights range from two storey to single storey chalet bungalows.
5. The area is of mixed character and includes both modern and older more traditional properties, however there is no clear pattern of development along

Riffhams Lane. In particular the differing size and scale of properties creates a varied street scene.

6. The development includes the construction of two additional floors, the second storey of which would provide accommodation within the hipped roof. The large footprint of the existing dwelling, together with the increased height would result in a roof, despite its hipped design, with a significant bulk and massing compared to the scale of the surrounding properties. I consider that the proposed development would appear overbearing and dominant within the street scene.
7. Even having regard to the presence of other taller properties in the vicinity, overall the proposed development would represent an unduly dominant and highly discordant addition to the host property, and would have a significant adverse effect on the character and appearance of the appeal site and its surroundings. The development would therefore conflict with Policy DM23 of the LP which requires development to be compatible to the character and appearance of the area, and to the host building in terms of scale, form and massing.

Living Conditions

8. The proposed development would extend beyond the rear elevation of both Ramor and Skerries, as a result of Hazeleigh being set further back into the appeal site from the road, than its neighbours. It has been put to me that the development would be a dominant addition that would result in a loss of outlook for both properties.
9. I consider that the increased height of the building and its overall depth would in combination, due to the proximity to the rear elevation of Ramor, result in loss of outlook to their rear windows. The existing dwelling projects beyond the flank wall of Ramor and Skerries and given the extent of that projection and the proximity of the neighbouring property, I find that the increased height resulting from the proposal would have an overbearing impact when viewed from within both dwellings and the gardens immediately to the rear.
10. Moreover, given the scale and height of the proposed first floor extension, in conjunction with the orientation of the proposed development and its proximity to the modest rear garden of Skerries, I consider that it would also affect sunlight reaching the neighbouring property's garden.
11. The boundary of the appeal site adjoins the estates of Mildmays and Parkdale and it has been put to me that the development would cause overlooking of properties within the estates, namely 12-14 Mildmays and 23-24 Parkdale.
12. Having regard to the dwellings within Mildmays, these are located some distance from the rear boundary of Hazeleigh and I consider that any views from the rear of the proposed development would be limited, having regard to the separation distance between the properties and the fact that the proposed first floor extension would not extend beyond the existing rear elevation.
13. Whilst additional windows would face towards the properties within Mildmays, having regard to the degree of screening which exists between the appeal site and these properties, any windows would not offer significantly different views

to those already afforded from the other dwellings within Riffhams Lane which also share a rear boundary with these properties. The inclusion of obscure glazing to the two dormer windows nearest to the dwellings in Mildmays adds to my findings in this regard. Therefore I consider that the development would maintain the same degree of privacy currently afforded to 12-14 Mildmays.

14. Nos 23 and 24 Parkdale are located closer to the rear of Hazeleigh and glimpsed views of the roof of Hazeleigh are possible between the dwellings. There is a degree of screening afforded by existing landscaping, however from the evidence before me it is not possible to ascertain whether the screening is in the control of the appellant or the owners of 23 and 24 Parkdale and whether it could be secured in the long term. The extent of glazing proposed and its position above ground level would afford views across into the rear gardens of 23 and 24 Parkdale. I consider that in particular views from the proposed dormer window to bedroom 5 would be intrusive.
15. Although the garden areas of the neighbouring dwellings are likely to suffer from a degree of mutual overlooking as a result of their close relationship, the position of the proposed development in close proximity to the rear gardens and the introduction of further windows at a raised level would result in a further loss of privacy.
16. I conclude that the proposal would harm the living conditions of the adjoining residents of Ramor, Skerries and 23-24 Parkdale, with regard to privacy and outlook and loss of light contrary to policy DM29 of the LP which requires development to safeguard the living environment of the occupiers of any nearby residential property.

Conclusion

17. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell
INSPECTOR