



Appeal Decision

Site visit made on 14 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2020

Appeal Ref: APP/W1525/W/20/3252439

Land adjoining 170B Rainsford Road, Chelmsford, Essex CM1 2PD

- 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 Alec Pavitt against the decision of Chelmsford City Council.
 - The application Ref 19/01846/FUL, received 21 November 2019, was refused by notice dated 16 January 2020.
 - The development proposed is described as “new attached dwelling to 170B Rainsford Road, Chelmsford”.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council adopted its new Local Plan in May of this year. Copies of the relevant policies have been included with the Council’s submissions, and the appellant has had the opportunity to comment on them. The appeal has been determined in accordance with the policies of the new Local Plan.

Main Issue

3. The main issues are:
 - The effect of the development proposed on protected trees,
 - The effect of the development proposed on the character and appearance of the site and surrounding area,
 - Whether the development proposed would provide acceptable living conditions for future occupiers; and,
 - Whether the development proposed would make sufficient provision for off-street parking.

Reasons

Protected trees

4. The appeal site lies adjacent to a mature sycamore that is the subject of a Tree Preservation Order. The submitted tree report concludes that the appeal proposal would result in a very limited intrusion into the tree’s root protection area. However, the report includes a plan showing the previously approved extension to the house, and not the proposed dwellinghouse. The footprint of

the approved and proposed developments are different, and it is not clear whether the effects of the appeal proposal have been considered as a result.

5. It is not therefore possible to say that the appeal proposal would not cause harm to the protected sycamore, so it conflicts with Policy DM17 of the Chelmsford Local Plan 2020 (the LP). This policy requires, amongst other things, that development proposals that have the potential to affect preserved trees must set out measures to secure their protection.

Character and appearance

6. The surrounding area is predominantly residential in character, and principally comprises rows of terraced houses. The individual terraces are generally of broadly consistent height and appearance and establish a clear and consistent rhythm in the street scene. The existing house at 170B is an end-terrace dwelling, with the other end of the terrace connected to a larger block of flats.
7. While the appeal proposal would continue the established pattern in the row of stepping down in height, the terrace of houses and the block of flats have a continuous front building line that the proposed house would not share. The proposed house would be set back from the front of the row and would appear as an uncharacteristic single dwelling in the area. It would be an incongruous addition to the terrace that would detract from its appearance within the street scene.
8. My attention has been drawn to a development in Chelmsford for which permission was granted. However, that site is some distance from the appeal site and it is not clear that similar considerations applied regarding the character of the area. I can therefore only give that permission limited weight in considering this appeal.
9. The appeal proposal would therefore be harmful to the character and appearance of the site and surrounding area. It would conflict with Policy DM23 of the LP. The criteria of this policy include that new buildings are compatible with the character and appearance of the area.

Living conditions

10. The rear garden space to the proposed dwelling would be relatively small, and would narrow significantly to the rear. This would result in a cramped rear garden space of dimensions significantly below the 50 square metres sought by the Council and which would offer limited benefit to future occupiers. The trees on the adjacent land and the neighbouring houses would also result in overshadowing of both front and rear gardens for much of the day, further limiting their benefit to future occupiers.
11. The appeal proposal would therefore fail to provide acceptable living conditions for future occupiers. It would conflict with LP Policy DM26, which requires that all new dwellings achieve sufficient private amenity space.

Off-street parking

12. The Council's parking standards seek one off-street parking space for one-bedroom dwellings. The site is fairly close to the town centre, and there is a bus stop immediately adjacent to the site. A reduction of the standard may be considered within an urban area that has good links to sustainable transport.

13. However, parking restrictions are in place on Rainsford Road, including double yellow lines in front of the appeal site. Many existing properties in the vicinity of the appeal site have no off-street parking. In the absence of any on-site parking provision, car ownership by future occupiers would add to parking demand in the local streets. This would displace existing parking, and as a result would cause a loss of amenity for local residents.
14. The appeal proposal therefore fails to make sufficient provision for off-street parking, contrary to the requirements of LP Policy DM27 and the Essex Parking Standard 2009, the requirements of which are set out above.

Other Matters

15. The site is within the zone of influence of the Blackwater Estuary Special Protection Area and Ramsar site (the SPA). This is one of the protected sites addressed by the Essex Coast recreational disturbance avoidance and mitigation strategy and in this instance the Council has sought a financial contribution to offset the likely effects of increased recreational use on the SPA. The appellant has indicated a willingness to make the requested contribution, however there is no mechanism before me such as a unilateral undertaking that could secure this.
16. Had I been minded to allow the appeal, it would have been necessary for me to address this matter further. However, as I am dismissing the appeal on other grounds this is not necessary.

Conclusion

17. For the reasons set out above, the appeal is dismissed.

M Chalk

INSPECTOR