



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: 2 October 2020

Appeal Ref: APP/W1525/W/20/3253621

18-20 Mildmay Road, Chelmsford CM2 0DX

- 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 J Eagle against the decision of Chelmsford City Council.
 - The application Ref 19/01354/FUL, dated 1 August 2019, was refused by notice dated 4 December 2019.
 - The development proposed is described as "full planning application for the demolition of the existing commercial building and erection of 4 residential flats at first and second floor and replacement commercial unit at ground floor, and provision of cycle and bin stores at 18-20 Mildmay Road, Chelmsford, Essex, CM2 0DX".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Chelmsford City Council formally adopted their new Local Plan in May 2020. Copies of the relevant policies have been identified by the Council and the appellant has commented on these policies. The appeal has therefore been determined in accordance with the new Local Plan.

Main Issues

3. The main issues are:
 - The effect of the development proposed on the living conditions of neighbouring occupiers; and
 - Whether the development proposed would make sufficient parking provision.

Reasons

Living conditions

4. The proposed new building would be three stories in height. It would occupy a prominent position in relation to neighbouring properties on Mildmay Road and Albert Mews that currently face a single-storey building.
5. The balconies and bedroom and living room windows on the front elevation of the building would face the houses at 9, 11 and 13 Mildmay Road. While similar separation distances exist between facing properties elsewhere on Mildmay

Road, the development would result in a significant increase in overlooking and loss of privacy for the occupiers of the facing properties from the current relationship.

6. The balconies and dining room windows in the north elevation of the building would overlook the neighbouring flats. They would not directly face existing windows, but the arrangement would lead to overlooking at a relatively short distance where none currently exists, resulting in a loss of privacy.
7. The living room windows to flats 2 and 4 would overlook the rear gardens and rear elevations of neighbouring houses in Albert Mews. These houses are already overlooked from existing neighbouring properties, and the proposed windows would be fitted with screening to limit the extent of overlooking. However, there would be a limited increase resulting from the appeal proposal, and some additional loss of privacy as a result.
8. The increased height of the new building would result in overshadowing of the parking court and flats to the north of the site. Given the significant increase in height over the existing building, this is likely to occur throughout much of the afternoon. It would cause harm to the living conditions of neighbouring occupiers through loss of direct natural light.
9. The appeal proposal would therefore result in unacceptable harm to the living conditions of neighbouring occupiers through loss of privacy and increased overshadowing. It would therefore conflict with Policy DM29 of the Chelmsford Local Plan 2020 (the LP). This policy requires, amongst other things, that development safeguards the living environment of nearby occupiers by ensuring it does not result in unacceptable overlooking or overshadowing.

Parking

10. The Council's adopted parking standards seek 1 off-street parking space per one-bed dwelling and 1 visitor parking space per 4 dwellings. The appeal proposal includes 2 parking spaces for 4 flats with communal cycle parking. The shortfall in off-street parking proposed is therefore significant.
11. The appeal site is close to the town centre with access to public transport, services and facilities, and the Council's parking standards acknowledge that in such locations a reduction in the parking standards may be considered. However, there is no guarantee that future occupiers of the flats would not own cars. Mildmay Road is subject to parking restrictions in the vicinity of the appeal site and the residents of the proposed flats would not qualify for residents permits, but no information has been provided about the extent of the controlled parking zone.
12. Parking by occupants of the flats could occur on streets outside of the controlled parking zone, or in Mildmay Road outside of the restricted hours, and this would displace parking by existing residents, resulting in a loss of amenity. In addition, while there is a car park nearby, parking for deliveries to the commercial unit or flats would be likely to occur on the street in the absence of visitor parking, and this would further affect the amenities of existing residents.
13. While the appeal site is in a sustainable location, the shortfall in off-street parking provision is significant and would not be sufficient to meet the needs of the occupiers of the development proposed. The appeal proposal would

therefore fail to make sufficient parking provision, contrary to the requirements of LP Policy DM27 and the Essex Parking Standards 2009 which are set out above.

Other Matters

14. The site falls within the Moulsham Street Conservation Area (the CA). The proposed building would appear more prominent within the street scene than the existing due to its greater height. However, neighbouring properties to the rear and either side of the site are of similar height to the proposed building. The spacing to the neighbouring properties to either side would be retained, preventing the proposed building from appearing overbearing or oppressive. The appeal proposal would accordingly have a neutral effect on the significance of the CA.
15. The application was determined by the Council's planning committee against the advice of its officers. However, this is part of the democratic process and does not affect the weight placed on the issues identified in this case.

Conclusion

16. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR