

Appeal Decision

Site visit made on 15 December 2020

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/W1525/D/20/3259100

90 Brook Lane, Galleywood, Chelmsford, CM2 8NN

- 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 James Pye against the decision of Chelmsford City Council.
 - The application Ref 20/00251/FUL, dated 14 February 2020, was refused by notice dated 16 July 2020.
 - The development proposed is first floor rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor rear and side extension at 90 Brook Lane, Galleywood, Chelmsford, CM2 8NN in accordance with the terms of the application Ref: 20/00251/FUL dated 14 February 2020 and in accordance with the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision;
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 2019-291-011 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. A previous application¹ for double storey side and rear extensions was refused and dismissed at appeal². The proposed development the subject of this appeal differs from that previous application. It sets back the proposed two storey side element from the front elevation in response to the previous decisions.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupiers of Number 88 Brook Lane, with regards to outlook and daylight.

¹ Reference: 15/1370/FUL.

² Reference: APP/W1525/D/16/3142635.

Reasons

4. The appeal property is a two storey semi-detached dwelling situated towards the end of a ribbon of houses on the south side of Brook Lane. On the opposite side of Brook Lane is a hedgerow with agricultural land beyond.
5. Houses along this part of Brook Lane are two stories in height and comprise detached and semi-detached dwellings set back from the road behind the pavement, grass verges and front gardens and/or parking areas. Houses have long gardens to the rear, with agricultural land beyond.
6. The presence of hedgerows, grass verges, gardens and the setting back of dwellings from the road combines with the surrounding agricultural land to afford the area a strong sense of greenness, openness and spaciousness.
7. During my site visit I observed that, within this open and spacious area, the dwellings themselves are sited very close together, such that small gaps in between properties are characteristic of the area.
8. This is the case in respect of the appeal property, which is located very close to its neighbour, Number 88 Brook Lane, a detached dwelling. The relationship between the two dwellings is such that the kitchen window and door of No 88 faces directly towards the appeal property's existing single storey ground floor extension across a narrow gap.
9. The proposed development would extend the property to the side and rear. The proposed first floor side extension has been purposefully designed to take account of the outlook from the side of No 88 by stepping back from the appeal property's front elevation.
10. This step back would serve to prevent the first floor side extension from projecting forward of No 88's kitchen window and door. I find that this would comprise a design solution that would maintain a reasonable outlook from these neighbouring windows.
11. During my site visit, I observed that the outlook from the side of No 88 towards the appeal property is already restricted due to the proximity of the appeal property. I consider that the proposed development represents a balanced approach to providing for additional residential space whilst preventing significant additional loss of outlook from or daylight to, No 88.
12. Whilst the proposed extension to the rest of the side of the appeal property, as well as to the rear, would result in an increase in height close to No 88, I find that any harm arising in respect of outlook or daylight would not be so significant as to warrant the dismissal of this appeal.
13. In this regard I am mindful that No 88's kitchen does not currently enjoy an open outlook to the side, whereas the dwelling's south facing rear windows do provide for a more open outlook, as well as providing for some daylight to the kitchen area.
14. Taking all of this into account, I find that the proposed development would not harm the living conditions of the neighbouring occupiers of No 88 Brook Lane with regards to outlook and daylight. The proposed development would not be

contrary to the National Planning Policy Framework or to Local Plan³ Policy DM29, which together amongst other things, seek to protect residential amenity.

Conditions

15.I have considered the conditions suggested by the Council against the tests set out in Paragraph 55 of the Framework. A condition specifying the approved plans is necessary for the avoidance of doubt and in the interests of proper planning.

16.A condition requiring materials to match those of the existing house is necessary to protect the character and appearance of the host property and wider area.

Conclusion

17.For the reasons given above, the appeal succeeds.

N McGurk

INSPECTOR

³ Chelmsford Local Plan 2013-2036 (2020).