



Appeal Decision

Site visit made on 19 February 2021

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

an Inspector appointed by the Secretary of State.

Decision date: 03 March 2021

Appeal Ref: APP/W1525/W/20/3263992 13 Seventh Avenue, Chelmsford CM1 4EE

- 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 Andy Taylor against the decision of Chelmsford City Council.
 - The application Ref 20/01308/FUL, dated 17 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is a second storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a second storey side extension; at 13 Seventh Avenue, Chelmsford CM1 4EE; in accordance with the terms of the application Ref: 20/01308/FUL, dated 17 August 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans:
 - Elevations and Section, Drawing Number 13.6, Drawn By DMA, Dated August 2020.
 - Proposed Plans, Drawing Number 13.05, Drawn By DMA, Dated August 2020.
 - 3) Notwithstanding the approved plans, the proposed cladding to the first floor level shall be undertaken in white weatherboarding and maintained as such unless alternative consent is given.

Preliminary Matters

2. The Applicant's Statement of Case notes that the application form submitted with the original application contains an error in that the materials state that brown weatherboard would be used to the first floor level, whereas this was meant to be white. Whilst there is no evidence that the colour of the materials has been subject to formal consultation by the Council, having reviewed this amendment in accordance with the 'Wheatcroft Principles¹', the acceptance of this amendment would be appropriate as the change in colour of the weatherboards would not deprive those who should have been consulted on the changes or the opportunity of such consultation. As such, I will base my decision on this basis.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of No.15 Seventh Avenue, with particular regard to outlook and access to light.

Reasons

4. The appeal site contains a two storey detached dwelling with a single storey garage to the side of the dwelling with lean-to roof that is constructed along the boundary with No.15 Seventh Avenue. The proposal would not change the footprint of the single storey garage, but would add an additional level to the dwelling. The neighbouring property at No.15 contains a single storey detached bungalow which has a small setback from the boundary with the appeal site.
5. No.15 contains a number of windows along the side facades, with the Council's concerns relating to a window closest to the proposed extension which serves a sitting room of No.15. According to the information submitted with the appeal, the sitting room is served by a window to each side of the dwelling with the extension positioned forward/ in line to the edge of the window of No.15. Given the position of the sun in relation to the dwellings, the shadow cast by the proposed extension would be towards the front of the property, and towards the toilet window of No.15, rather than the sitting room window. Whilst I appreciate there may be a small reduction in light, together with the reflective white colour of the cladding of the proposed extension, this would not be of an adverse extent which would cause material detriment to the living conditions of the occupiers of No.15.
6. With regards to outlook, the extension would only be visible to the sitting room of No.15 in oblique views and therefore would not increase the sense of overbearingness or loss of outlook to this property. Whilst the proposed additional storey would add additional visual bulk to further restrict the outlook from the secondary window serving the front bedroom, this is not the primary window and is considered appropriate within this residential context.
7. In conclusion on this matter, I do not consider that the development would cause material detriment to the living conditions of the occupiers at No.15 Seventh Avenue. Consequently, the proposal would be compliant with the Chelmsford Local Plan 2013-2036 Policy DM29 which seeks that development not result in unacceptable levels of light, overlooking and overshadowing.

Conclusion and conditions

8. I conclude that the proposed extension is generally appropriate and would be compliant with the development plan on the basis of the reasons discussed and subject to the conditions mentioned previously.
9. I have had regard to the context of the Framework and the National Planning Practice Guidance (NPPG) which advises that conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.
10. Condition 1 is the standard time limit condition of 3 years which is required for the avoidance of doubt. Condition 2 seeks the scheme to be constructed in accordance with approved plans and materials and is a standard condition which is necessary and is required for the avoidance of doubt. Condition 3

contains wording with regards to the materials which were requested by the applicant to be amended as part of this appeal. This condition is necessary for the avoidance of doubt.

J Somers

INSPECTOR