
Appeal Decision

Site visit made on 2 July 2021

by Julie Dale Clark BA(Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 July 2021.

Appeal Ref: APP/W1525/D/21/3267466

40 Egbert Gardens, Runwell, Wickford SS11 7BW

- 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 Alex Sapala against the decision of Chelmsford City Council
 - The application Ref 20/01555/FUL, dated 30 September 2020, was refused by notice dated 10 December 2020.
 - The development proposed is 2 storey rear extension and 1 storey first floor extension to the side elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider that the main issue is the effect of the proposal on the living conditions of the occupiers of No 38 Egbert Gardens.

Reasons

3. No 38 is located on the corner of Egbert Gardens and Windsor Gardens and whilst it has amenity space to the front and side of the house, wrapping around the two roads, its private amenity space comprises a relatively small garden adjoining No 40. There are windows in No 38's elevation facing the appeal site but due to the extensive vegetation along the boundary, it is difficult to determine what rooms these windows serve.
4. No 40 lies to the east of No 38 and No 40 already affects the amount of sunlight to the garden and elevation facing No 40. The proposed two-storey extension to the rear would have some impact but this would be limited due to the orientation of the houses and their position in relation to each other. However, due to the short distance between No 38 and No 40 I am concerned that extending No 40 to the rear would increase its bulk and overall massing, very close to the boundary. I consider that this would appear overbearing and add to the sense of enclosure between the properties.
5. Local Plan Policy DM29¹ seeks to safeguard the living environments of the occupiers of nearby residential properties by ensuring that development proposals, are not overbearing or result in unacceptable overshadowing, amongst other things. Elements of the proposal would not conflict with this

¹ Chelmsford Local Plan, 2013 – 2036, adopted 27 May 2020.

policy for example, the side / front extension on the eastern side of the house, but that part of the proposal closest to No 38 would.

6. I am aware that the existing vegetation between the boundaries of No 38 and 40 provides a fairly dense screen and itself possibly impacts on the light to the rear of No 38. However, such vegetation can be removed and is less permanent than a building. This does not therefore overcome my concerns.
7. Other matters have been raised by neighbours including the potential multiple occupancy of No 40 (reference to a HMO). But that is not a matter subject to this appeal and therefore has no influence over my decision. I have considered all other matters raised but none alter my conclusion.
8. I conclude that the proposal would have a harmful effect on the living conditions of the occupiers of No 38 Egbert Gardens, it would conflict with Local Plan DM29 and therefore the appeal fails.

J D Clark

INSPECTOR