



Appeal Decision

Site visit made on 1 September 2021

by H Miles BA(hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2021

Appeal Ref: APP/W1525/W/21/3273758

112 Springfield Park Road, Chelmsford CM2 6EE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by M Mittal against the decision of Chelmsford City Council.
 - The application Ref 21/00009/HHPA, dated 18 February 2021, was refused by notice dated 8 April 2021.
 - The development proposed is ground floor rear single storey extension with flat roof.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for ground floor rear single storey extension with flat roof at 112 Springfield Park Road, Chelmsford CM2 6EE in accordance with the application 21/00009/HHPA, dated 18 February 2021, and the details submitted with it pursuant to Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(2).

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development.
4. Paragraph A.4(7) to Part 1 requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.

Main Issue

5. The main issue is the effect of the proposed development on the amenity of adjoining premises with particular regard to 110 Springfield Park Road.

Reasons

6. 110 and 112 Springfield Park Road are a semi detached pair. To the ground floor rear of no 110 there is a window serving the living/dining area and a glazed door and window serving the kitchen. There is a large wall at the end of the garden, however this is some distance away from the rear of these properties and this relationship would not change. The boundary between their gardens comprises a fence panel, a dense hedge which is stated to be between around 2-2.5m high, and open metal fencing.
7. The side elevation to the proposed extension would be higher, longer and more permanent and solid than the existing boundary hedge and fence, and the effects are different.
8. However, the proposed development would not breach a 45 degree line drawn in elevation from the neighbour's rear living/dining room window. As such I am satisfied that the levels of daylight received to this window would be reasonable. The main outlook from these windows is directly to the rear of the property and, although the extension would be visible in peripheral views, it would not have an unacceptably harmful effect on outlook. The side elevation would be highly visible from the rear garden, however I am not persuaded that the levels of overshadowing would be so significant that the occupiers of 110 would not have access to suitable garden space.
9. The proposed height of 3m is not excessive in this context and although the extension would be 6m long, taking into account the details set out above, I am not persuaded that it would be so overbearing as to result in unacceptable living conditions to the neighbouring occupiers. Furthermore I am not presented with detailed evidence that the amenity of any other properties would be harmfully affected. Nor do I find that to be the case.
10. I have taken into account Appendix B of the Chelmsford Local Plan (27 May 2020) insofar as it relates to, and as evidence to support, this matter. Based on the evidence before me and given my conclusions above, the development would not be contrary to the relevant parts of this Appendix. Albeit the principle of development is established through the grant of permission by the GPDO.

Other Matters

11. Any legal rights to light are separate to the planning consideration of living conditions set out above. These, along with boundary details, are private legal matters. Issues of drainage and foundations are covered by building regulations. Therefore, they are not material planning considerations to which I can attribute any degree of weight.

Conclusion

12. The development would be required to comply with the Conditions set out at Schedule 2, Part 1, Class A, paragraph A.3 of the GPDO.
13. For the reasons given above, I conclude that the appeal should be allowed and prior approval should be granted.

H Miles INSPECTOR