
Appeal Decision

Site visit made on 2 November 2021

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 November 2021

Appeal Ref: APP/W1525/D/21/3276290

44 Wilfred Waterman Drive, Springfield, Chelmsford, Essex CM1 6AZ

- 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 Paul Green against the decision of Chelmsford City Council.
 - The application Ref 21/00236/FUL was refused by notice dated 8 April 2021.
 - The development proposed is part two-storey part single-storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of Nos 15, 16 Taylor View and No. 37 John Eve Avenue, with particular reference to privacy.

Reasons

3. The appeal property is a two-storey detached dwelling in a modern high density residential development.
 4. Currently there is mutual overlooking between neighbouring properties, particularly with Nos 15 and 16 Taylor View and No. 35 John Eve Avenue. The overlooking is primarily between rear first floor windows and the rear of properties.
 5. The proposal includes a first floor addition of some 3.2 metres in depth. From my observations, due to the closer proximity of first floor habitable room windows to the rear and side boundaries than existing windows, the proposal would create unacceptable overlooking of the rear garden area of No. 15 Taylor View and would create an unacceptable sense of loss of privacy to occupiers of No. 16 Taylor View and No. 35 John Eve Avenue. It would materially exacerbate the existing overlooking/privacy situation to a significant degree making the neighbouring rear gardens significantly less pleasant places to use.
 6. In reaching my conclusion I have had regard to all matters raised. I note that there are covenants restricting additional development. This is not a planning consideration.
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7. For the reasons stated above, I conclude that the proposal would have an adverse effect on the living conditions of neighbours. Thus, the proposal would be contrary to Policy DM29 in the Chelmsford Local Plan (2020), where it seeks to safeguard the living environment of residents.
8. Since the Council made its decision, the National Planning Policy Framework has been revised. I consider Policy DM29 to be broadly consistent with the Framework, especially where the Framework continues to seek to ensure a high standard of amenity for existing and future users.

J L Cheesley

INSPECTOR