
Appeal Decision

Site visit made on 8 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2021

Appeal Ref: APP/W1525/W/21/3271423

Land Adjacent to 4 James Croft, Galleywood, CHELMSFORD, CM2 8WD

- 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 & Mrs B & J Jarvis, Jarvis Developments against the decision of Chelmsford City Council.
 - The application Ref 20/01249/FUL, dated 31 July 2020, was refused by notice dated 11 March 2021.
 - The development proposed is provision of single 4 bedroom dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issues

3. The main issues are the effect of the proposed dwelling on:
 - the character and appearance of the area; and
 - the living conditions of existing occupiers, with particular reference to outlook and light.

Reasons

Character and appearance

4. The appeal site is located within a small cul-de-sac known as James Croft, which is characterised by large relatively wide detached two storey dwellings within spacious plots. Whilst the estate is modern, the uniformity in the design of the dwellings and the consistency to their scale is a notable feature that adds to the character of the area.
5. The proposed dwelling, due to the relatively narrow width of the plot, would be sited close to the side elevation of 4 James Croft, eroding the spaciousness which currently exists between the dwellings within the estate. The development would result in an increase in the density of development within the locality and would lead to a cramped form of development.

6. In addition, as a result of the width of the plot, the proposed dwelling would have a narrow frontage and would be set back beyond the frontage of the neighbouring dwellings, which would be both out of character and harmful to the overall appearance of the area.
7. Although the width of the plot corresponds with the dwellings fronting Well Lane, with the site formerly being the garden of 84 Well Lane, the dwelling would not have a direct frontage onto that road and would instead be visually related to those dwellings within James Croft.
8. It has been put to me that the existing boundary fencing is an unattractive feature within James Croft and that the proposed development would result in an enhancement. However, whilst the fencing is not particularly attractive it does not detract from the overall spaciousness that is derived from the appeal site.
9. I therefore conclude that the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. This would be contrary to policy DM23 of the Chelmsford Local Plan 2020 which requires development to respect the character and appearance of the area, having regard to scale, siting and form.

Living Conditions

10. The proposed dwelling would be built close to the side boundary of the site, directly adjacent to the side elevation of 4 James Croft. Having regard to the proximity of the development, as a result of the limited spacing between the proposed and existing dwelling, and its overall scale, I find that the proposal would result in a dominant and overbearing feature when viewed from within both the garden and conservatory and would result in an unsatisfactory relationship with and, in my view, would be harmful to the living conditions of 4 James Croft.
11. Given the scale and height of the proposed dwelling in conjunction with its proximity to No 4 it would obstruct light and outlook from a ground floor window at this neighbouring property, which is the only window serving the existing kitchen. In my view that would be harmful to the living conditions of the occupiers of 4 James Croft.
12. In conclusion, I have found harm to the occupiers of 4 James Croft with particular reference to loss of light and outlook. The development would therefore conflict with Policy DM29 of the Chelmsford Local Plan 2020 which seeks to safeguard the living environment of the occupiers of nearby residential property.

Other Matters

13. It would appear that the appeal site falls within a 'Zone of influence' for a designated site. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

14. There is also reference to the conduct and advice of the Council and its officers during the planning application process. However, these are not matters for my deliberation in the context of a planning appeal.
15. The provision of additional housing, noting its small scale which would meet an identified need for smaller properties, attracts modest weight. There would also be social benefits arising from the contribution to the Council's housing supply, noting the Framework highlights the contribution small and medium sized sites can make to meeting the housing requirement in the area. The development would also give rise to some economic benefits during the construction phase and provide limited support to local services.
16. Nevertheless, the identified adverse impacts of the development in respect of harm to the character and appearance of the area and living conditions would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole, including its presumption in favour of sustainable development.

Conclusion

17. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

