



Appeal Decision

Site visit made on 8 March 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 29th March 2022

Appeal Ref: APP/W1525/W/21/3284401

154 Arbour Lane, Chelmsford, Essex CM1 7SD

- 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 Seth Manning against the decision of Chelmsford City Council.
 - The application Ref 21/00628/FUL, dated 24 March 2021, was refused by notice dated 3 June 2021.
 - The proposal is the development of a one bed two storey residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are whether this proposal would be acceptable with regard to:
 - the character and appearance of the area;
 - the living conditions provided for future occupiers of the new dwelling, with particular regard to internal living space;
 - the living conditions provided for future occupiers of the host dwelling, with particular regard to garden size; and
 - its likely significant effects upon the nearest European nature conservation sites.

Reasons

Character and appearance

3. The proposal relates to an existing semi-detached house occupying a corner plot on Arbour Lane, at its junction with Hillary Close. The property lies within a residential suburb of Chelmsford and is surrounded by medium density housing of a similar modest scale and close arrangement. The new dwelling is to be provided by a two-storey side extension that would bring out the gable of the host dwelling at a slightly reduced height and width, to allow the addition to appear visually subservient. These slight reductions, similar to those on a house allowed at 8 Brian Close in Chelmsford¹, are not a negative design feature and nor is the inclusion of a porch.
4. However, extending outwards over the side garden to No 154 would intrude beyond a building line which, looking into Hillary Close, the further dwellings

¹ Ref: 19/01352/FUL

observe. By closing off the open views into this adjacent street at this prominent corner, the proposal would detract from the spacious appearance of this part of the estate, which the setbacks of these dwellings help provide. There is not such a spacious character to the housing at Brian Close, where the harm caused by the new dwelling there is less.

5. I have had regard to the other quite similar extensions and new dwellings permitted by this Council. However, these do not alter my findings over this particular proposal, nor serve as precedents that justify its significant harm to the spacious appearance of the built surroundings. Consequently, I consider the proposal unacceptable due to an adverse effect upon character and appearance, in conflict with Policy DM23 of the Chelmsford Local Plan² (LP).

Living conditions at the proposed new house

6. By including internal areas with sufficient headroom, such as flights of stairs and porches, the appellant calculates the new dwelling would have a gross internal area just slightly shy of that required under the Nationally Described Space Standards (NDSS). On this basis, I consider that the scheme would provide acceptable living conditions for future occupiers, with regard to internal living space, and there would be little harm from any failure to comply with LP Policy DM26, in respect of the design specifications this sets for new dwellings.

Living conditions at the host property

7. Appendix B of the LP sets out private garden space standards, which for the three-bedroom host dwelling would require a minimum of 80m². Discounting the open garden to the front, and that lost to the side, the host dwelling would still retain its existing private back garden. The appellant argues that as the third bedroom is smaller than recommended under the NDSS, the host property might be categorised as a two bedroomed dwelling.
8. However, even if I considered the proposal conflicted with LP Policy DM26, over the host dwelling being left with substandard garden space, this still seems to be adequate for the relatively small size of the house. Therefore, I find the scheme would preserve acceptable living conditions for future occupiers of the host dwelling, with regard to the size of back garden, and would not cause any material harm for this reason.

Likely significant effects upon the nearest European nature conservation sites

9. LP Policy DM16 supports the requirement to seek per dwelling contributions towards mitigation measures identified in the Essex Recreational disturbance Avoidance and Mitigation Strategy (RAMS). The Council's position is that, in combination with other residential development within a sphere of influence, this proposal would likely have a significant effect upon statutorily protected nature conservation sites in this part of Essex, due to increased visitor pressure. The means to secure a RAMS contribution, so as to mitigate for this harm, is not provided and so the proposal conflicts with Policy DM16. The appellant might be offered an opportunity to consider a contribution, as a route to overcoming this reason for refusal. However, in view of my overall conclusion, I have not pursued this.

² Chelmsford Local Plan May 2020

Planning Balance and Conclusion

10. The proposal would make a very small contribution towards a general need for more housing. However, this should not be at the expense of an adverse effect on the character and appearance of the area. I have found the harm to relate solely to this matter. However, as a result of this, the scheme would conflict with the LP as a whole, which is both recently adopted and up to date. Any benefits from the proposal would fail to outweigh the harm found and, as a consequence, I conclude that the appeal should be dismissed.

Jonathan Price

Inspector