

# Appeal Decision

Site visit made on 29 June 2022

**by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL**

**an Inspector appointed by the Secretary of State**

**Decision date: 22 July 2022**

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## **Appeal Reference: APP/W1525/W/21/3288177 Land at 1 The Lindens, Stock, Ingatestone CM4 9NH**

- 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 Mrs Mathew against the decision of Chelmsford City Council.
  - The application (reference 21/01764/FUL, dated 13 September 2021) was refused by notice dated 15 November 2021.
  - The development proposed is described in the application form as “demolition of existing four-bedroom dwelling; replacement with two four-bedroom dwellings and associated landscaping, access and parking”.
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### **Decision**

1. The appeal is dismissed.

### **Main issues**

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (notably, whether unacceptable harm would be caused by an intrusion on outlook or privacy or by undue disturbance).

### **Reasons**

3. Stock is an extended settlement in the Essex countryside and the appeal site is located in a residential area some way to the south-east of the core of the village at the High Street. There is a range of house types in the vicinity, laid out in an irregular street pattern, but the location is predominantly suburban in character, with relatively low density development offset by established trees and shrubs. The houses themselves are generally good sized properties in traditional styles.
4. The Lindens is a small cul-de-sac off Well Lane. It is occupied by an irregular group of attractive houses, set back from the road behind their front gardens. The cul-de-sac itself benefits from landscaped areas alongside the roads, within the public realm, that greatly soften and enhance the streetscene, as do the mature and relatively spacious gardens of the houses themselves. The houses are in a consistent style, making use of traditional forms and predominantly of

- brickwork under pitched roofs, in what is evidently a very attractive residential location.
5. The existing house at number 1 The Lindens is sited back from the road behind its own front garden and a belt of trees and shrubs alongside the carriageway which creates a more secluded character. The house is partly faced with brickwork and partly with boarding, under tiled roof slopes and a gabled main roof.
  6. It is now proposed to demolish the existing dwelling and to replace it with two new houses, one behind the other on the same plot. A new access would be created to the second house, together with associated landscaping work.
  7. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. New development ought to be sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. Nevertheless, the aim of achieving good design standards generally includes protecting existing residential amenities and providing good standards of accommodation in new dwellings.
  8. The 'Chelmsford Local Plan 2013-2036' was adopted on 27 May 2020. Policy DM23 is concerned with "High Quality and Inclusive Design" and, like the 'National Planning Policy Framework', it also emphasises the importance of good design, seeking to ensure that new development will respect the character and appearance of the area in which it is located. Policy DM29 of the new Local Plan is more specifically focussed on "Protecting Living and Working Environments", including the aim of safeguarding the living environment of the occupiers of any nearby residential property that might be affected.
  9. The proposed development would result in the subdivision of the existing site, to create two new residential plots. The two new houses would be finished with hipped roofs (in a variation from existing designs) but the traditional styles of the cul-de-sac would be broadly maintained and the buildings would be similar in scale and footprint to others in the vicinity.
  10. On the other hand, the two new plots would be smaller than the predominant plot size in the cul-de-sac and their layout would be awkward and incongruous with the existing pattern of development. The new access to the rear plot, taken from the end of the cul-de-sac, would cut into the garden space of the front plot, significantly reducing the space available and undermining the attractiveness of the garden. Indeed, the gardens of both new properties would be too small to allow for adequate planting to be provided or retained in practice, in keeping with the existing surroundings.
  11. Thus, the new layout would be cramped and unattractive in the context of the existing surroundings, significantly eroding the pleasant and mature leafy character of the existing townscape. Existing public planted areas would presumably be retained but the proposed new development would not be in harmony with the spacious and verdant character of the surroundings and would not respect the character and appearance of the area in which it is located. The proposals would clearly conflict with Policy DM23 of the 'Chelmsford Local Plan', specifically.

12. At the same time, the cramped nature of the scheme would give rise to unsatisfactory living conditions for both new residents and occupiers of existing neighbouring homes. The access drive and turning area for Plot 2 would be located close against the back garden of Plot 1, giving rise to unreasonable levels of noise and disturbance.
13. Moreover, the closeness of the two new houses to each other and to the existing house at number 134 Mill Road would also have a significant impact on living conditions. The new houses would each overlook and be overlooked by, neighbours, while the new buildings would intrude on each other's outlook and would have an oppressive effect on the outlook from the property to the north (number 134 Mill Road). The effect would be most obvious in relation to the various private gardens of the affected properties (rather than to spaces within the houses) but, even so, the effect of the cramped layout would evidently be to produce unsatisfactory residential standards. Thus, the proposals would also clearly conflict with Policy DM29 of the 'Chelmsford Local Plan'.
14. The appeal site lies within an established settlement, which is "sustainable" in planning terms, and the proposed development would make a modest but useful addition to the provision of residential accommodation in the area. Nevertheless, I am convinced that the scheme which is the subject of this appeal would cause real harm to the character and appearance of the surroundings as well as to the residential amenities of existing neighbours (and, indeed, to the amenities of the occupiers of the new houses themselves). These objections derive, inevitably from the cramped and awkward character of the proposed layout.
15. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

*Roger C. Shrimplin*

INSPECTOR