

Appeal Decision

Site visit made on 23 August 2022

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

an Inspector appointed by the Secretary of State

Decision date: 17th October 2022p

Appeal Reference: APP/W1525/W/22/3290746

Land at 73 Rainsford Lane, Chelmsford CM1 2QS

- 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 J Sawtell (Adam and Greenwood) against the decision of Chelmsford City Council.
 - The application (reference 21/01356/FUL, dated 25 June 2021) was refused by notice dated 2 September 2021.
 - The development proposed is described in the application form as "*proposed redevelopment of the rear of premises to provide 2 no. one bedroom flat units*".
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue to be determined in this appeal is whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential accommodation.

Reasons

3. The appeal site lies in a mixed use area of Chelmsford, near to the centre of the City. It is close to the junction of Rainsford Lane (the A1016) and Parkway (the A1060), which is a complex junction, controlled by traffic lights, with heavy vehicle flows. This part of Rainsford Lane is, itself, a busy road, carrying traffic south-westwards and then southwards, away from this part of the central area towards London Road.
4. Opposite the appeal site, beyond the north-west frontage of Rainsford Lane, there is an extensive area of housing, in the form of a residential estate that also incorporates some open spaces. Between the appeal site and the junction with Parkway, the south-eastern frontage of Rainsford Lane is mainly occupied by conventional semi-detached pairs of houses but at number 73, the appeal site, there is a detached building that has been in use as a funeral directors premises. To the south of that there is a substantial commercial site (in multiple uses), while a long stay car park is sited at the rear of the appeal site (to the east).

5. At the time of the site visit, the frontage building at the appeal site still carried the signage for the funeral directors, although the business had evidently closed at this site and moved away. This is a detached building of a domestic style and scale, rendered with a pitched roof and similar in character to the residential properties to the north-east. Part of this building is already in residential use and planning permission has previously been granted for the conversion of the whole of the frontage building to provide residential accommodation in the form of flats.
6. Behind the frontage building, there is a small, paved courtyard, suitable for vehicle parking and manoeuvring. At the rear of the site, there is a substantial outbuilding, previously in use as part of the funeral directors premises, with a large vehicle door. This building is also rendered with a pitched roof, but it is a single-storey building, albeit one with a large roof.
7. It is now proposed to demolish the rear outbuilding and to construct a new two-storey building to provide two one-bedroom flats.
8. The 'National Planning Policy Framework' 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. The 'National Planning Policy Framework' is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation in new residential development.
9. Policies in the Development Plan reflect these basic considerations. Policy DM23 of the 'Chelmsford Local Plan' (which was formally adopted on 27 May 2020) is concerned with "high quality and inclusive design" and is intended to encourage development that respects the character and appearance of its surroundings and of host buildings. Policy DM26 is concerned with "design specification for dwellings" and includes more specific provision for standards in new dwellings. The general approach of these Policies is underpinned by "Development Standards" that are set out in Appendix B to the Local Plan.
10. The proposed new structure would be located at the rear of the site, with access from the shared courtyard. The building would be constructed in a traditional style, with rendered walls under a pitched roof, but it would create a bulky new structure behind the line of the existing frontage.
11. The main outlook from both ground and first floor flats would be towards the rear of the site, on the rear boundary, with the main door to each flat facing the rear of the existing frontage building. The new building and the existing building would not intrude on each other's privacy, therefore.
12. On the other hand, the outlook from within the ground floor flat (and from its outdoor private amenity space) would be very restricted indeed, because of the proximity to the rear boundary of the site, bearing in mind that this would need to be properly fenced in the interests of security and privacy. Thus, the quality of life for future residents would be very much reduced.

13. At the same time, the shared courtyard would provide a cramped and unsatisfactory amenity area, bearing in mind the total number of flats that are proposed for the site. The courtyard would be located between two substantial buildings, including the new two-storey building at the rear of the site, creating an unduly enclosed and oppressive space. Again, this would result in a poor quality of environment for residents.
14. In reaching my decision, I have taken account of the fact that pre-application advice was provided by the Council, but I have formed my own opinion on the matters raised in the appeal.
15. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful contribution to the provision of small dwellings in the City. Nevertheless, I am convinced that the scheme would create a cramped and overly intensive development, producing poor living conditions for future occupiers. I have concluded that these objections outweigh the benefits of the project and that the scheme before me would conflict with both national and local planning policies (including the Development Plan as a whole). The appeal ought to be dismissed, therefore, and, 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