

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: 18th October 2022

Appeal Reference: APP/W1525/W/22/3292282

Land at 9 Heath Drive, Chelmsford CM2 9HB

- 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 K Smith (Squirrel Homes Ltd) against the decision of Chelmsford City Council.
 - The application (reference 21/01985/FUL, dated 6 October 2021) was refused by notice dated 1 December 2021.
 - The development proposed is described in the application form as a new two-bedroom house.
-

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 whether the scheme would provide satisfactory living conditions for occupiers of the proposed new residential accommodation (in providing an adequate garden space).

Reasons

3. Chelmsford is a large city and the appeal site is located in a residential suburb in the south of the urban area. The area is relatively closely built up, typified by semi-detached pairs and short terraces, often with on-site parking in front gardens and limited space for greenery in the streetscene. This creates a hard townscape, dominated by buildings and hard landscaping.
4. The appeal site is located at the corner of Heath Drive and Juniper Drive and number 9 Heath Drive forms a pair with number 11. The existing house is conventional in design, of brickwork under a tiled roof. The house is set back from its side boundary, with a narrow area of garden at the side of the house and a long side boundary fence to Juniper Drive (including alongside the house). There is a garage beyond the end of the garden, with access from Juniper Drive, but the relative openness along the side boundary makes a positive contribution to the character of the area and affords a glimpse through to trees and shrubs in gardens beyond.

5. It is now proposed to construct a new house alongside number 9 Heath Drive, inset from the side boundary with Juniper Drive and subdividing the existing back garden.
6. 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 should add to the overall quality of the area and be visually attractive and 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 dwellings.
7. Policies in the Development Plan reflect these basic considerations. Notably, 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, including the need to "achieve sufficient private amenity space". The general approach of these Policies is underpinned by "Development Standards" that are set out in Appendix B to the Local Plan.
8. The Council's 'Making Places' Supplementary Planning Document has some relevance but it does not have the force of the statutory Development Plan and is not opposed to residential intensification in principle.
9. The proposed new house would be designed in a similar style to the existing building and would be inset from its side boundary by one metre, largely retaining the existing side fence. Nonetheless, the blank gable wall would amount to a significant feature in the streetscene, especially as it would be constructed at a higher level than the road, making it more dominant than would otherwise be the case. Thus, the appeal proposal would result in a more intrusive and imposing element at this prominent junction, further undermining the suburban character of the surroundings and creating a more built up townscape. It would have a clearly detrimental effect on the character and appearance of the surroundings.
10. I am aware that other corner sites in the locality have been developed close to their side boundaries, although these appear often to have been for the purposes of house extensions rather than the creation of a separate dwelling. Moreover, not all the existing examples have produced an attractive townscape and they do not necessarily deserve to be repeated. I have, however, taken account of the specific characteristics of this appeal site, its situation and its levels in relation to the road and the existing house.
11. I am also aware that the parking areas that lie beyond the rear boundary of the appeal site, along Juniper Drive, do not form part of the appeal site (edged red on the submitted plan) and I am not convinced that the proposed parking arrangements would be detrimental to the area, in themselves.
12. The proposed new dwelling is shown to provide two bedrooms on the first floor, although a small "home office" room is also included. I accept that the

proposed layout is in strict compliance with the garden space requirement of Appendix B to the Local Plan but I am, nevertheless, of the opinion that the scheme would be cramped on the site, in view of the overall size of the proposed new house. The limited size of the proposed garden in relation to the size of the proposed house might not be sufficient to justify a refusal of planning permission in the absence of other objections but it underpins the main objection to the scheme, that the proposal would amount to an overdevelopment of the site which would harm the character and appearance of the suburban surroundings.

13. In short, I am persuaded that the proposed new two-bedroom house on the side of number 9 Heath Drive would have a detrimental impact on the character and appearance of the streetscene, amounting to a cramped and overdeveloped scheme. In reaching that conclusion, I have taken account of other development in the vicinity and I accept that there may be scope on the site for some additional built development. Nevertheless, I must consider the scheme as it comes before me, on its own merits, and I am convinced that the benefits of the scheme, including the provision of a new dwelling, do not outweigh the harm that would be caused.
14. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan as a whole) 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