



Appeal Decision

Site visit made on 23 January 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 February 2023

Appeal Ref: APP/W1525/W/22/3303361

28 St Nazaire Road, Chelmsford, Essex CM1 2EQ

- 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 Colin Siddle against the decision of Chelmsford City Council.
 - The application Ref 22/00590/FUL, dated 23 March 2022, was refused by notice dated 23 May 2022.
 - The development proposed is described on the planning application form as follows: 'The application is for the erection of a new dwelling house built on the land to the side of no 28 St Nazaire Road and attached to the existing property. New driveway to rear via existing crossover and new dropped kerb to front of 28 St Nazaire Road'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

3. The site is adjacent to a junction between St Nazaire Road and Tobruk Road and includes a semi-detached dwelling with land to its front, side and rear. The dwelling is similar to the adjoining one at No 26. There are comparable pairs of semi-detached properties in the vicinity as well as terraced properties with similar characteristics. The dwellings along St Nazaire Road near the site form consistent building lines notwithstanding a terrace opposite Tobruk Road, which is set back slightly further from the highway than the other properties. Tobruk Road is a cul-de-sac which features semi-detached dwellings laid out around the turning head in a uniform pattern.
4. There are generally small gaps between buildings along St Nazaire Road and the nearby roads. However, the sides of dwellings on corner plots are often set back from the highway and provide valuable relief to the built form in the locality. This is the case for the site, with the dwelling set back markedly from the junction. Furthermore, the garden to its side is bound partly by a low brick wall and hedges. These features contribute to a sense of spaciousness around the junction and in front of the dwellings in the cul-de-sac, which includes areas of green space to the turning head's sides. 30 St Nazaire Road on the opposite side of the junction has similar positive effects, albeit to a lesser extent, due to a conservatory projecting to the side of the dwelling and the extent and height of fencing along its boundaries with the junction.

5. The proposed dwelling would infill much of the gap between No 28 and Tobruk Road and be tight to the road at its front corner. It would also restrict views to and provide a sense of enclosure of the properties behind it in Tobruk Road. Additionally, while open garden would be retained to the front of the dwelling and beside Tobruk Road, the fencing proposed to the rear would contribute to the issues identified. Furthermore, although there is limited symmetry to Nos 28 and 30 due to the latter's conservatory and boundary treatment, the proposed dwelling's proximity to the junction would nonetheless contrast poorly with the set back position of No 30. For these reasons, the uniformity in the pattern of development and the spaciousness of the area would be harmed.
6. Otherwise, the proposed dwelling would follow the ridge, eaves and front and rear wall lines of Nos 26 and 28. It would also appear to be the same width and be constructed from materials to match No 28. Additionally, the fenestration arrangement would be similar, albeit window and door positions tend to be reversed from one dwelling to the next along the road whereas the proposal would replicate No 28's fenestration layout. The design of the dwelling would thus be compatible with the character and appearance of the area. However, the issues resulting from its position nevertheless remain and indicate against the proposal.
7. The appellant has suggested that development at No 30 could come forward in a similar manner to the proposal. However, there can be no certainty that this would happen. Moreover, this would not address the harm identified.
8. It has been put forward that the proposal would have comparable impacts to approved schemes in the vicinity, such as those adjacent to 12 and 14 Arnhem Road and 1 Cassino Road. However, the positions of the approved buildings relative to the junction between the two roads differs to the relationships between Nos 28 and 30 and the proposed dwelling with Tobruk Road. Notably, the walls of the approved buildings do not project as close to Cassino Road as the side of the proposed dwelling would to Tobruk Road. The impacts of the approved schemes are thus not directly comparable to nor indicate in favour of the scheme.
9. In addition, the Council has referred to an allegedly comparable proposal at land adjacent to 9 Heath Drive that has been refused. However, it is a considerable distance from the site and thus its context is different to the appeal scheme's setting. Consequently, it has no bearing on my assessment.
10. The proposal would harm the character and appearance of the site and the surrounding area. It conflicts with Policy DM23 of the Chelmsford Local Plan, which alongside other things sets out that development must be compatible with its surroundings. It is also contrary to Chapter 12 of the National Planning Policy Framework (Framework), which states that development should be sympathetic to local character amongst other considerations.

Other Matters

11. The proposal would contribute to housing supply and delivery. However, the amount of housing proposed is limited. The evidence indicates that the proposal has the potential to effect 'habitats sites' as defined in the glossary to the Framework. A financial contribution has been provided to the Council for mitigation purposes in that regard. If I were minded to allow the appeal, I would need to be satisfied that the integrity of any habitats sites would not be

adversely affected by the development. However, even if there would be no effect, this would constitute a neutral consideration rather than a benefit in favour of the development. Overall, the benefits of the proposal are modest and do not outweigh the harm identified.

Conclusion

12. The proposal conflicts with the development plan. Material considerations do not indicate that a decision should be taken other than in accordance with the development plan. I have not therefore considered the effect of the proposal on habitats sites since this would have no effect on my decision.
13. For the reasons given, the appeal is dismissed.

Mark Philpott

INSPECTOR