

Appeal Decision

Site visit made on 17 April 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2023

Appeal Ref: APP/W1525/D/23/3314335

2 Lily Close, Springfield, Chelmsford, Essex CM1 6YN

- 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 Ms G Smith against the decision of Chelmsford City Council.
 - The application Ref 22/01573/FUL, dated 18 August 2022, was refused by notice dated 21 October 2022.
 - The development proposed is first floor extension on top of existing single storey ground floor extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on the character and appearance of the host dwelling and the surrounding area; and on the living conditions of the occupiers of Nos 3 and 5 Sunflower Close, with regard to privacy.

Reasons

Character and Appearance

3. The appeal property is a two storey semi-detached dwelling in a residential estate of similar property types, as well as some detached dwellings.
 4. No 2 currently has a single storey extension to the rear with a mono-pitched roof. The proposed extension would be the same depth as the existing ground floor projection and would be of subordinate height to the principal two storey built form. However, its extent across the full width of the dwelling and the lower roof height results in a very shallow-pitched hipped roof form. This would not integrate effectively with the existing roof profile, which is a dual-pitch with a steeper angle.
 5. The gable end of the two storey dwelling is perpendicular to the road and, therefore, the contrast between the two roof forms would be readily apparent from surrounding views. As such, the extension would appear as an incongruous and uncharacteristic addition to the existing dwelling.
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6. There is a good degree of uniformity of built form within the surrounding area, particularly pitched roofs with gable ends, largely reflecting the original planned layout and appearance of dwellings within the residential roads. While rear single storey extensions are common, there are no visible examples of similar two storey extensions as proposed in this case. Consequently, the prominent and uncharacteristic addition to No 2 would also be seen as incongruous in the wider context of the street scene of which it is part.
7. Accordingly, for these reasons, I conclude that the proposed extension would have an unacceptably harmful effect on the character and appearance of the host dwelling and the surrounding area. Consequently, it is contrary to Policy DM23 of the Chelmsford Local Plan (2020), which requires that development, including extensions, should be of high quality design and compatible with the character and appearance of the area and the host building. It is also contrary to the National Planning Policy Framework, which advocates good design.

Living Conditions

8. The existing layout of the appeal property and those opposite on Sunflower Close currently does not fully meet the separation distances set out in Policy DM26 of the Local Plan (Appendix B). The proposed extension would further shorten the distance between No 2's rear upper floor windows and the back boundary and rear elevations of the Sunflower Close dwellings by 2.7 metres.
9. The distance between the appeal property's upper floor windows and those of Nos 3 and 5 Sunflower Close would be some 5 metres below the expected separation distance. However, the most direct views from No 2 would be towards the upper floor windows of the properties opposite. These are windows of limited size, most of which appear to include obscured glass. As such, the nature of these windows combined with the separation distance would prevent any material loss of privacy to neighbouring occupiers within their homes.
10. The back-to-boundary distance would also fall substantively short of the expected degree of separation. The rear gardens of Nos 3 and 5 are on lower ground than the appeal property and this fact, combined with the proximity of the upper floor windows, means that views would readily be available from the extended dwelling into the neighbouring gardens. I acknowledge that the rear of No 2 is at an angle to the shared boundary, but this is not so acute that it would prevent relatively direct views towards the rear gardens at materially closer proximity than is currently the case. Consequently, in this regard the extension would harmfully compromise the reasonable use and enjoyment of the neighbouring gardens. While the occupiers of these properties have not objected, the effects of the proposal found above need to be considered with regard to current and future residents, given the permanent nature of the proposed development.
11. Therefore, for the above reasons, I conclude that the proposed extension would cause material harm to the living conditions of the occupiers of Nos 3 and 5 Sunflower Close, with regard to privacy. As such, the proposal is contrary to Policy DM29 of the Chelmsford Local Plan, which requires development to safeguard the living environment of the occupiers of any nearby residential property, including with regard to overlooking.

12. I acknowledge that the proposed extension is intended to create additional living space. However, these personal circumstances do not overcome the harm and conflict with development plan policies that I have found would result from the proposal. I acknowledge also that the appellant may be frustrated with the process involved in pursuing this proposal. However, this matter is outside the scope of this appeal.

Conclusion

13. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR