

Appeal Decision

Site visit made on 2 June 2023

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

an Inspector appointed by the Secretary of State

Decision date: 14th July 2023

Appeal Reference: APP/W1525/D/23/3318908

Land at 55 Linge Avenue, Broomfield, Chelmsford CM1 6BY

- 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 Vijey Rajavelu against the decision of Chelmsford City Council.
 - The application (reference 22/02142/FUL, dated 18 November 2022) was refused by notice dated 20 February 2023.
 - The development proposed is described in the application form as *"ground floor side extension, first floor side extension with dormer and two bay windows with obscure glass to the rear extension and second floor glazing enclosure to the existing balcony"*.
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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 host building and its surroundings. The second is the effect of the proposed development on the residential amenities of neighbours (especially, whether unacceptable harm would be caused by overbearing appearance).

Reasons

3. The appeal site is located in a newly developed area in the northern part of Chelmsford, to the north of Springfield and east of Broomfield, which are earlier residential areas. The new development is laid out in a modern street pattern that appears to achieve higher densities than more traditional layouts, within an interesting townscape. The area has been carefully laid out to achieve a strong sense of place and an attractive living environment, with contrasting streetscenes in different locations. Some streets are narrow winding roads with houses built close up to the thoroughfare, reminiscent of a village character, while others perform the function of main thoroughfares.
4. Regiment Gate is a broad road, with pedestrian footpaths and grassy verges on each side. Linge Avenue opens off the through route and is narrower, without designated footpaths. The frontages of both roads are closely built up,

although there is a variation in building forms that helps to create an attractive townscape.

5. The appeal site at number 55 Linge Avenue is located in a prominent location at a bend in the road, a short distance from the junction with Regiment Gate, and the house stands behind the rear elevations of houses fronting the latter. Number 55 has an irregularly shaped plot with a frontage that accommodates the house itself (with its own parking space) but a back garden that tapers towards the rear.
6. The main part of the existing house is a three-storey element, with a single storey section to one side, immediately behind the back gardens of houses in Regiment Gate. The ground floor is occupied by a garage that could enable two cars to be parked in tandem, with living accommodation alongside opening onto the back garden. Four bedrooms are provided on the upper floors, together with bathrooms and other ancillary spaces. Like its neighbours, the house is designed in a clearly contemporary style, using modern materials and pitched roofs and creating a crisp modern aesthetic.
7. It is now proposed to extend and adapt the ground floor living areas by converting the garage and adding a small single storey extension in the space between the house and its southern boundary. A "media room" would be built above the existing single storey section, directly accessible from the living room beneath as well as from the first floor landing. The second floor balcony on the front elevation would be enclosed by new glazing and various alterations to the interior would be undertaken, in addition to the external changes.
8. It is noted that, subsequently to the submission of this appeal, planning permission has been granted for part of these proposals, specifically for the "single storey side extension and change of use from garage to habitable space". The proposed first floor extension and other works remain contentious, however.
9. 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. It is aimed at achieving good design standards generally, by adding to the overall quality of the area and being visually attractive and sympathetic to local character, although it is also recognised that appropriate change may include increased densities. The achievement of good design includes protecting existing residential amenities and providing good standards of residential accommodation.
10. 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 intended to encourage development that respects the character and appearance of its surroundings. New development needs to be compatible with its surroundings, having regard to its scale and siting, among other things. Policy DM29 of the Local Plan goes on to safeguard the amenities of nearby residential properties, for example by trying to ensure that new development would not be overbearing and would not result in unacceptable overlooking or overshadowing.

11. The proposed additional storey above the existing single-storey section of the house would be located to the north of the taller part of the building, relatively close to the rear boundaries of properties on Regiment Gate, whose gardens lie to the north of the appeal site. It would considerably reduce the visual separation between the main volume of the existing house and the corner building at Regiment Gate.
12. The new construction would broadly reflect the forms and materials of the existing building and its neighbours but the volume of the new structure, inserted into the existing layout, would create a more cramped and closely built up streetscene (even though the proposed rear dormer would have only a very limited impact on public views). The enclosure of the existing balcony would erode the quality of the original design and thus would also harm the streetscene. The new residential area has been thoughtfully designed and laid out and the proposed additional building bulk and design alterations at number 55 Linge Avenue would undermine the original design concept and create an overdeveloped street frontage.
13. I am therefore convinced that this proposal would have a clearly harmful effect on the character and appearance of the host building and its surroundings, contrary to Policy DM23 of the 'Chelmsford Local Plan'.
14. The new bulk (including the proposed rear dormer) would have a particular impact on the rear of the houses in Regiment Gate. The gable of the new two-storey section, together with the squared off form of the proposed dormer, would have an unacceptable impact on the outlook from those properties, by introducing an overbearing and bulky element relatively close to their rear elevations. I am also concerned that the new volume would add to overshadowing of their gardens.
15. I am conscious that the proposed design would incorporate angled windows in the proposed rear dormer that would prevent an intrusion on neighbours' privacy, thereby overcoming a potential ground of objection, but these other objections remain, however.
16. Hence, as explained above, I am also convinced that the proposed development would cause unacceptable harm to the residential amenities of neighbours, contrary to Policy DM29 of the 'Chelmsford Local Plan'.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful addition to the existing house. Nevertheless, I am convinced that the harm that would be done to the character and appearance of the existing building and the surroundings, added to the harm to neighbours' amenities (especially in terms of their outlook), clearly outweigh the benefits of the project.
18. In short, 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.

19. I am aware that, subsequently to the appeal being lodged, planning permission has been granted for some elements of the scheme but I have considered this appeal scheme as a whole and I do not believe that the appeal is suitable for a split decision.

Roger C. Shrimplin

INSPECTOR