



Appeal Decision

Site visit made on 20 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2023

Appeal Ref: APP/W1525/D/23/3319611

18 Sussex Close, Boreham, Chelmsford CM3 3ED

- 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 James Penson, RCP Developments against the decision of Chelmsford City Council.
 - The application Ref 22/01817/FUL dated 29 September 2022, was refused by notice dated 25 January 2023.
 - The development proposed is described as two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of neighbouring properties.

Reasons

3. The site is located within a predominantly residential area where property designs and materials vary, although there is a harmony to the built form and pattern of development. The appeal site is set back from Sussex Close accessed via a shared driveway.
4. The proposed development includes windows at ground floor and first floor which would overlook towards the rear private amenity space of No. 16 Sussex Close. Notwithstanding this the existing boundary treatment and intervening garage would restrict views of the neighbouring site at ground floor.
5. At first floor the windows facing No. 16 comprise a dressing room and en-suite. These windows could be obscurely glazed which could be controlled by planning condition. Notwithstanding this, I find that the relationship is similar to the overlooking which occurs between No. 19 Claypits Road towards the rear garden of the appeal property.
6. Separation distances between buildings are outlined in Annex B of the Chelmsford Local Plan (2020) (the Local Plan). In this instance the privacy and proximity standards highlight that the minimum distance for back to flank wall would be 12.5m. The proposed development would comply with the minimum separation distance.

7. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
8. The proposed development would add substantial mass closer to the rear elevations and approximately 1m away from the rear boundary of No's, 17, 18 and 19 Claypits Road which lie to the north of the appeal site.
9. The bulky built form would be stark, oppressive and dominant to the occupiers of the neighbouring properties, resulting in an overbearing form of development which due to its orientation would overshadow the adjacent properties private rear amenity space.
10. I conclude that the proposed development would harm the living conditions of the occupiers of neighbouring properties. There is conflict with Policy DM29 of the Local Plan which seeks to protect the amenities of existing occupiers of neighbouring properties.
11. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

C Pipe

INSPECTOR