



Appeal Decision

Site visit made on 15 August 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2023

Appeal Ref: APP/W1525/W/23/3314348

26 Sawkins Avenue, Great Baddow, Chelmsford, Essex CM2 9SB

- 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 David Nurcombe of Artois International SA Ltd against the decision of Chelmsford City Council.
 - The application Ref 22/01752/FUL, dated 20 October 2022, was refused by notice dated 19 December 2022.
 - The development proposed is sub divide the plot and construct 2 storey new build containing three flats with one parking space each and cycle store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has confirmed the correct spelling of the company name as that used in the banner heading above.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers with regard to the provision of private amenity space and surrounding occupiers with regard to privacy; and
 - highway safety.

Reasons

Character and Appearance

4. The appeal site lies immediately adjacent to and opposite dwellings with a distinctive appearance arising from their modest scale, in part due to the use of a mansard roof in their design. The proposed building, with its two storey, pitched roof design, would appear as a discordant feature in the street given its markedly different appearance and proximity to No 26. This would be exacerbated by the clearly greater scale and resultant massing of the proposed building when compared to No 26. This arises from not only the greater dimensions of the proposed building, but also its design which makes it appear bulkier on the upper floor and roof than its immediate neighbour. As such, the proposed building would appear as a poorly related addition to the street scene.

5. The proposed building does reflect the appearance of 24 Sawkins Avenue and its attached neighbour. However, the substantial side garden of No 24 provides a clear physical and visual separation between it and the proposed building. This serves to exacerbate the incongruity of the proposed building by reinforcing its relationship to No 26 and allowing views of its length.
6. The proposed development would therefore have an adverse effect on the character and appearance of the area. This would be contrary to Chelmsford Local Plan (2020) (LP) Policy DM23 which requires development to respect the character and appearance of the area in which it is located and to be compatible with its surroundings with regard to scale, form and architecture and Section 12 of the National Planning Policy Framework (the Framework) which requires, amongst other things, development to add to the overall quality of the area.

Living Conditions

7. The proposed development would occupy a significant proportion of the overall area of the site. LP Appendix B sets out development standards and requires a minimum private garden space of 100sqm. The proposed development would clearly fall below this standard as it would provide 86sqm. It also does not demonstrate how this space would be used between private and communal space. As a result, there would not be an acceptable quantity of garden space for future occupiers, nor can I be certain there would be appropriate provision for private outside space.
8. I have not been directed to the location of any other open spaces in the area to identify if they would provide realistic options for future occupiers of the proposed development. The Council advises the Essex Design Guide is not adopted by them. In any event, the standards for private communal space in that document apply to development on sites greater than 0.1ha, and so would not apply to this development on a smaller site. Neither of these factors would therefore overcome the harm I have identified above.
9. Table 9 of Appendix B confirms a minimum back-to-boundary distance where new buildings have a back-to-back relationship with existing residential properties. As the dwellings to the rear are single storey, points A and B would not apply. The Council has identified the proposed development would be within the 15m limit set by point C. This would lead to an increase in overlooking and consequent loss of privacy to the dwellings to the rear. While Table 9 does allow for some development where this distance is less, the appeal proposal would also introduce a new relationship of overlooking as a living room window is proposed at first floor level which would look towards the dwellings to the rear. It is likely that occupiers would look out of a living room window for a longer time than other rooms such as bedrooms. This would exacerbate the loss of privacy that would arise from the position of the dwelling.
10. The proposed development would therefore result in adverse living conditions for future occupiers with regard to the provision of private amenity space and surrounding occupiers with regard to privacy. It would be contrary to LP Policy DM26 which requires all dwellings to achieve suitable privacy for residential occupiers and sufficient private amenity space.

Highway Safety

11. Sawkins Avenue has a limited width which only allows for parking on one side. Some properties do have access to off-street parking, and a limited number of parking bays were available nearby. While my site visit represents a short moment in time and was during the day, I did observe on street parking and it is likely that the demand for this would increase in the evening.
12. However, the proposed development would have a shortfall of only one off-street parking space. The evidence before me refers to the area suffering from 'some degree' of parking stress. It does not go on to substantiate this assessment or identify specifically how the increased demand from a shortfall of one parking space would lead to inappropriate parking.
13. While insufficient cycle parking is shown on the submitted plans, this is a matter which could be addressed by condition. The potential for a development to form a precedent does not equate to harm as each decision is taken on its own planning merits. There may be a principle to seek to discourage on-street parking in the locality, however I have not been directed to any policy in the development plan which seeks this.
14. I am therefore not satisfied that that proposed development would have an adverse effect on highway safety. It would therefore not be contrary to LP Policy DM27 which requires development to have regard to vehicle parking standards.

Other Matters

15. There is no evidence before me that the proposed dwellings would be affordable as defined in the glossary to the Framework, nor is there any mechanism before me to secure this.

Conclusion

16. Although I have not found harm to highway safety arising from the proposal, this would not outweigh the harms I have identified in relation to character and appearance and living conditions. The proposed development therefore conflicts with the development plan when read as a whole. For the reasons given above, the appeal should therefore be dismissed.

J Downs

INSPECTOR