The Planning Inspectorate

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: 18th September 2023

Appeal Ref: APP/W1525/D/23/3321915

Caterham, Old Wickford Road, South Woodham Ferrers, Chelmsford, Essex CM3 5QS

- 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 Simon Moss against the decision of Chelmsford City Council.
- The application Ref 23/00067/FUL dated 13 January 2023, was refused by notice dated 27 April 2023.
- The development proposed is proposed front link extension to existing outbuilding creating new entrance and home office and respite/family care room. Addition of windows to side elevation.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of the neighbouring property Banstead.

Reasons

4. The site is located within a predominantly residential area where property designs vary. The properties are predominantly set back from the road with a mix of boundary treatments.

5. The appeal site property is set back on the plot on a similar building line to the neighbouring property, Banstead. A detached outbuilding exists to the front of the plot. The proposed development comprises a single storey extension to link the existing property with the outbuilding.

6. The appeal site is at a slightly higher ground level to that of the neighbouring property, Banstead. The proposed development would be set off the shared boundary and includes an asymmetrical roof which slopes away from the boundary with Banstead.

7. Due to the relationship between properties, the narrow plot of Banstead and the other properties adjacent Banstead the proposed development would be dominant and oppressive to the occupiers of the neighbouring property. The proposed development would add mass to the built form resulting in a tunnelling effect and sense of enclosure for the occupiers of Banstead which would be overbearing.

8. I conclude that the proposed development would harm the character and appearance of area. There is conflict with Policy DM29 of the Chelmsford Local Plan (2020) which seeks to protect the living environment of occupiers of any nearby residential property.

9. The Council in the reason for refusal contend that the proposed development is contrary to The South Woodham Ferrers Neighbourhood Plan 2020-2036 (2021) (the Neighbourhood Plan). I disagree. The Neighbourhood Plan, objective 04 (referenced in the Planning Officer's Report) relates to the design quality and does not appear to address the effect of a development on the living conditions of neighbouring properties.

Other Matters

10. The Appellant has highlighted that the development is proposed for future consideration, ability, and adaption to provide family-care to relatives and the occupiers of the appeal site. I have not been provided with demonstrable evidence to convince me that there is no alternative in terms of development which could meet the objectives of the Appellant. I therefore give this limited weight.

11. My attention has drawn to planning contraventions and issues associated with the neighbouring property Banstead, by the Appellant. It is not within my scope to consider planning contraventions or civil issues as part of this appeal process.

12. The Appellant has drawn my attention to developments in the area, which has been approved. Whilst the Appellant has provided images of developments in terms of form, design and relationship to neighbouring properties I do not find these comparable to the proposal before me. 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.

13. With regard to the potential erection of a 2m high fence. I have not been provided with evidence to confirm that this fence would be permitted development as suggested by the Appellant. Notwithstanding this I am not persuaded that a boundary treatment up to 2m in height would have a greater effect on the living conditions of the occupiers of Banstead than the proposed development.

Conclusion

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

C Pipe

INSPECTOR