



Appeal Decision

Site visit made on 27 February 2024

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th March 2023

Appeal Ref: APP/W1525/D/23/3323646

55 Lime Walk, Chelmsford, CM2 9NQ

- 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 Matthew Clarke against the decision of Chelmsford City Council.
 - The application Ref 23/00042/FUL dated 2 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is loft conversion including rear dormer, raising of the ridge and roof windows to front elevation. Increase of height to existing chimney.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the determination of the application and submission of this appeal a revised National Planning Policy Framework 2023 (the Framework) was adopted on 5 September 2023. The Framework was then revised in response to the Levelling-Up and Regeneration Bill: reforms to national planning policy consultation on 19 December 2023. The refusal reason generically references the Framework however, it is not considered that this impacts upon the determination of this appeal given the main changes to the Framework and the main issues before me.

Main Issue

3. The main issue is the impact of the proposal upon the host building, terrace row and immediate area.

Reasons

4. The appeal site stands within a row of terraced dwellings which consists of six central terraced properties and two end of terrace properties with a book-end style design. The proposal seeks permission for a loft conversion including a rear dormer which requires raising of the ridge and roof windows to the front elevation. An increase of height of the existing chimney is also proposed. At the time of my site visit I noticed that the terrace has an uninterrupted roof line which is at a consistent height as well as finding the site to be in a visually prominent location due to its proximity to the junction of Lime Walk.
5. The appeal site is in a central position within the terraced row and whilst I acknowledge that there are examples of loft conversions noted by the Council within the general area, I find that it is of particular importance, in this case, that the terraced row within which the host building is currently uninterrupted

- with a consistent height ridge line across the terrace. This consistent ridge line is particularly notable within the street scene along Lime Walk as is the overall balance and uniformity in scale and massing of the terrace row.
6. Raising the ridge of the host property, above that of the adjoining dwellings at 53 and 57 Lime Walk, would result in an upward protrusion which would be very noticeable due to being the region of 0.36m within the middle of the terraced row. The increased ridge height would visually interrupt the terraced row and would result in an alien feature which would unbalance the form and rhythm of the terrace resulting in harm to the form and unity of the terrace. As a result of this I find that the proposal would introduce poor quality design and would not be appropriate with its surroundings based upon scale, form, and architecture.
 7. The proposed dormer, to the rear of the roof, would completely consume the rear roof plane as well as being higher than the existing ridge line. This would result in the proposal, from the rear, appearing as a three-storey dwelling as a result of the dormer being dominant and disproportionate in terms of an addition to the host dwelling. Appropriate dormer windows are generally achieved by siting proposals away from ridges, eaves and/or edges of the roof to ensure that they visually integrate, leaving some original roof plane legible to try to avoid excessively prominent proposals. The proposal would result in an incongruous and obtrusive addition to the host property itself and, whilst it is to the rear elevation, I note that views of the proposal would be possible from within the street scene along Palm Close resulting in a proposal which is overall inappropriate in terms of both the character and appearance of the host dwelling, the terraced row within which it stands and the wider area.
 8. I note that the appellant outlines an application at 18 Cypress Drive (21/01222/FUL), however, no further documents, such as the plans or decision, have been submitted. I cannot, therefore, fully consider the site context within which the proposal was considered appropriate for granting that permission. I note, however, from the appellant's submissions that that proposal is stated to have increased the ridge by around 100mm which is less than a third of the proposal which is before me which requires an increase in ridge height of around 360mm. Each case should be considered upon its own merits, and in this case, a proposal to raise the ridge by in the region of 0.36 metres would be an alien feature, and too large a contrast, when taking into account the uniformity of the terraced row as outlined.
 9. I note the appellant outlines that there are properties on both Hawthorn and Palm Close which benefit from dormers to the rear of their properties. Roof conversions, and rear dormers, may well be a characteristic of the estate within which the appeal site stands. Character and appearance are separate matters. Despite this, the dormer which is proposed, within this appeal, would entirely consume the rear roof plane as a result of increase in ridge height, no set in from the eave and no set in from the sides of the property. Based upon the evidence before me, the proposal would be uncharacteristically large and, notwithstanding this, inappropriate in terms of an addition when taking into account the form and unity of the terrace as well as being a disproportionate addition to the roof of the host dwelling which is of excessive scale.
 10. The proposal would be contrary to Chelmsford Local Plan 2020 Policy DM23 which allows planning permission to be granted but only where proposals are

compatible with the character and appearance of the area and the host building in terms of the siting, scale, form and massing as well as being well proportioned. The proposal would also be contrary to paragraph 135 of the Framework which requires that decisions to ensure that developments are sympathetic to local character as well as being visually attractive as a result of good architecture and layout. The proposal would also be contrary to Paragraph 139 of the Framework which outlines that development that is not well designed should be refused.

Other Matters

11. I note the appellant's comments regarding reducing the proposed height of the ridge to 200mm, however, I can only consider the proposal based upon the plans which formed part of the application and which the Council have based their decision to refuse upon. Any proposed amendments would need to be resubmitted to the Council for determination as is not for an appeal to progress or evolve a scheme.

Conclusion

12. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR