



Appeal Decision

Site visit made on 25 March 2024

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th April 2024

Appeal Ref: APP/W1525/W/23/3320132

7 New Writtle Street, Chelmsford, CM2 0RR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mark Templeman against the decision of Chelmsford City Council.
 - The application Ref is 22/01762/FUL.
 - The development proposed was originally described as 'To form a lobby area with existing wc to the rear of the existing shop with flat roof. Changing the existing roof to the rear workshop/store area with new pitched roof to form first floor office and new pitched roof to existing ground floor forming kitchenette/wc with workshops. Within the altered roof fitting 5 no rooflights for natural light, together with new doors and windows at ground floor level, the walls being weather boarded above the existing brickwork.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form, appeal form and decision notice refer to the application and appeal being made in the name of Mr Mark Templeton. However, the appellant has confirmed that this was an error and that the correct name should be Mr Mark Templeman which is reflected in the banner above.
3. The description of development set out in the banner heading above is taken from the application form. However, it is clear from the plans and accompanying details, including the appeal form, that the development comprises a single storey rear infill extension, replacement roof including part first floor extension and addition of 5 roof windows to outbuilding, and external materials of weather boarding above the existing brickwork. I have determined the appeal on this basis.
4. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issue in this case, the parties were not invited to make further comments.

Main Issue

5. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of 8 New Writtle Street, with particular regard to outlook.

Reasons

6. Located on the corner of New Writtle Street and Wolseley Road, the appeal site comprises an end terraced property with a retail unit on the ground floor and a workshop and storage outbuilding to the rear. It adjoins 8 New Writtle Street (No 8), a dwelling with a large single storey rear extension containing a kitchen window and door giving access to a small back garden, beyond which is a parking area and rear alleyway. The single storey outbuilding on the site has a mono-pitched roof which slopes down to the mutual boundary with No 8 and the rear parking area.
7. The proposed development would include the replacement of the mono-pitched roof on the existing outbuilding with a dual pitched roof and extending part of it to two storeys. The eaves would be raised to a similar level to the existing rear extension at No 8.
8. The increased eaves height along the length of the garden boundary with No 8 and the introduction of a dual pitched roof with a central high ridge would result in significant enclosure of the neighbouring garden. The upper level extension would be at the rearmost part of the appeal site, a reduction compared to a previously withdrawn application which included a first floor addition over the entire workshop (application ref 22/00830/FUL). However, due to the form and height of the roof, the higher walls than existing, and the proximity of the first floor extension to No 8, the proposal would dominate the outlook from the neighbouring kitchen window and have an overbearing effect. This would adversely affect the living conditions of the adjacent occupiers when using this room.
9. The appellant compares the relationship of the proposed development with No 8 to the existing relationship between No 8's extension with the rear rooms at 9 New Writtle Street. However, as the existing projection at No 8 is flat roofed and single storey, this is not comparable to the dual pitched roof and partial first floor extension proposed. There are also references to multi-storey buildings built perpendicular to windows in residential properties, but limited details have been provided so I am unable to compare them with the proposal.
10. Appendix B of the Chelmsford Local Plan 2020 (CLP) contains standards for new residential developments. Whilst this does not list kitchens as habitable rooms, it does not suggest that they should be valued any less than those identified as habitable rooms. The appellant considers that the proposed upper floor extension would meet the required 12.5m minimum back-to-flank wall distance when measured from the No 8's original rear elevation as this is the nearest habitable room. However, the neighbouring extension cannot be disregarded, even if this was built using permitted development rights, and I have found that the proposal would have an overbearing effect on the neighbouring garden and kitchen.
11. Consequently, I conclude that the proposed development would harm the living conditions of the occupiers of 8 New Writtle Street, with particular regard to outlook. This would be contrary to Policy DM29 of the CLP where it requires proposals to safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing. It would also conflict with the Framework which requires decisions to provide a high standard of amenity for existing users.

Other Matters

12. The proposed development would make better use of the land and involve investment and expansion of an existing business with good access to services and public transport. It would create a more modern, naturally lit, energy efficient building with an additional office and improved staff facilities. However, these benefits would not outweigh the harm I have identified.
13. The Council did not find harm or development plan conflict in relation to several other matters, including design and impacts on the living conditions of neighbouring occupiers in respect of overlooking, daylight, sunlight and privacy. However, even if I were to agree with the Council on these points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.
14. The appellant's general concerns about their interactions with the Council during the application process is a matter between those parties and it cannot have any bearing on my determination of this appeal.

Conclusion

15. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.

A Wright

INSPECTOR