



Appeal Decision

Site visit made on 13 June 2024

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: APP/W1525/D/23/3335882

43 Marconi Road, Chelmsford, Essex CM1 1LR

- 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 Deepal Shah against the decision of Chelmsford City Council
 - The application Ref is 23/01318/FUL.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework ('Framework') was updated in December 2023, and accordingly for the purposes of this decision I have referred to the latest version of the Framework. The content of the Framework has not been materially altered in respect of the main issues which I have considered. Therefore, it has not been necessary to seek further views from the main parties in this instance.

Main Issues

3. The main issues are:
 - whether the proposal would provide satisfactory living conditions for occupiers of the appeal property, with particular regard to the provision of external amenity space; and
 - the effect of the proposal on the living conditions of neighbouring occupiers, having particular regard to light and outlook within 41 and 45 Marconi Road.

Reasons

Living conditions of occupiers

4. The appeal property is a three bedroom terraced house. Appendix B of the Chelmsford Local Plan (2020) (CLP) outlines that houses with three or more bedrooms in this location should have private garden areas of 50 square metres.
5. The Council state, and it is not disputed by the appellant, that the appeal property's existing garden is 42 square metres, and would be reduced to approximately 24.5 square metres by the appeal proposal. The evidence indicates that the original planning permission for the appeal property included a planning condition which removed permitted development rights for

- extensions. This was partly in order to ensure an adequate garden area remained to serve the property.
6. The appeal proposal would reduce the size of the garden resulting in a constrained layout and limited depth which would not provide an especially attractive or functional space for occupiers. Whilst many people may not want large gardens which require maintenance, outdoor space is often used for a common range of garden accessories including furniture, play equipment and washing lines. From the details before me, due to its constrained layout, the rear garden would provide limited practical use for occupiers of the house.
 7. I acknowledge that the appeal site is well located with access to shops, services and Chelmsford Station, and that there are green spaces within an 8 – 10 minute walk from the appeal property. However, given the proposal would significantly reduce the garden below the minimum requirement outlined within Appendix B, I find that appropriate living conditions would not be provided for the occupiers. In any event, the limited outdoor amenity space would not be compensated by the availability of public open space within walking distance.
 8. During my site visit I observed the rear conservatory at 49 Marconi Road. The evidence indicates that this projection does not benefit from planning permission, and will be subject to further investigation by the Council. As a result, I do not find that it represents a precedent. In any event, each case must be considered on its own merits.
 9. For the above reasons, I conclude that the proposal would not provide satisfactory living conditions for occupiers of the appeal property, with particular regard to the provision of external amenity space. I therefore find that it would conflict with Policy DM 23 and Appendix B of the CLP which require that extensions and alterations to existing buildings create safe, accessible and inclusive environments.
 10. The proposal would also conflict with paragraph 135 of the Framework which requires that planning decisions create places that promote health and well-being, with a high standard of amenity for existing and future users.

Neighbouring occupiers

11. Wooden fencing which varies between approximately 2 metres to 1.8 metres in height delineates the garden boundaries between the appeal property and 41 and 45 Marconi Road. The proposal's side elevations would be set in from the side boundaries of both the adjoining properties.
12. 45 Marconi Road's (No. 45) rear elevation has large glazed ground floor doors. The outlook from this rear opening towards the main part of its garden already includes the fence. Whilst it would be taller than the boundary fencing, the proposal's single storey design and relatively low flat roof, would limit its height so that it would not be overly prominent in views from No. 45's glazed opening. As a result, there would not be a harmful change to the sense of enclosure experienced by the occupiers of No. 45 and their predominant outlook would remain towards the rear of their garden.
13. 41 Marconi Road's (No. 41) rear elevation also has glazed doors. However, these are positioned on the far side of the property away from the shared boundary with the appeal property. I note that the far side of No. 41's garden is bounded by a tall brick wall. However, given the separation distance from

No. 41's rear doors and the relatively small scale design of the proposal, I do not find that it would have a harmful effect on the neighbouring occupiers' outlook.

14. The gardens and rear windows of properties on this side of Marconi Road are south facing, and as a result have good access to sunlight throughout large periods of the day. In my view, the depth and height of the proposed rear extension would not be of a scale that would significantly restrict light to the ground floor of either No.41 or No. 45, and there is no specific evidence before me to indicate otherwise.
15. I conclude on the second main issue that the proposal would not cause significant harm to the living conditions of neighbouring occupiers, with particular regard to light and outlook within 41 and 45 Marconi Road. Accordingly, I find no conflict with the Framework or Policy DM 29 and Appendix B of the CLP which require that development safeguards the living environment of the occupiers of nearby residential properties. My favourable finding on this matter does not outweigh the harm that I have identified in relation to the first main issue.

Other Matters

16. I understand the appellants' wish for additional space to provide enlarged ground floor accommodation for their family and to create a modern and functional dwelling. The existing constraints with the internal living space only became noticeable after they started living at the property. The appellant advises that they do not want any garden space. This is due to the unpredictable UK summer and the limited time in the year that they would use the garden space. Be that as it may, these matters do not outweigh the harm I have identified.
17. The appellant indicates that there are few larger new build homes close to the appeal property. I also understand that due to the appellant's wife's workplace and their son's school they feel unable to move home to enjoy a larger living space.
18. Overall, I have given the appellants' personal circumstances careful consideration. However, I am mindful of the advice contained in the Planning Practice Guidance that in general planning is concerned with land use in the public interest. It is probable that the appeal property would remain long after the appellants' personal circumstances cease to be material. Future use of the dwelling would also not necessarily entail a similar situation.

Conclusion

19. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR