



Appeal Decision

Site visit made on 18 June 2024

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 July 2024

Appeal Ref: APP/W1525/W/23/3332894

48 Skinners Lane, Galleywood, Chelmsford, Essex CM2 8RP

- 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 S Winestein against the decision of Chelmsford City Council.
 - The application Ref is 23/01113/FUL.
 - The development proposed is demolition of the existing dwelling and erection of 2 semi-detached dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:
 - the living conditions of neighbouring occupiers with respect to outlook and light; and
 - the character and appearance of the area.

Reasons

Living Conditions

3. The appeal property and its neighbour at 50 Skinners Lane are both bungalows, separated by a footpath to the side of each bungalow. No 50 has a door and windows along the side elevation which include the only window serving the kitchen. The existing bungalow at No 48 has a pyramid roof which reduces the mass of the property when viewed from No 50 and allows more light to reach the window.
4. The proposal would result in there being a substantial side elevation, closer to No 50 than the existing dwelling which would project significantly higher than the boundary fence. As part of the kitchen window sits above the level of the boundary fence, its current outlook from it is not dominated by the fence. The proposal would therefore appear as a prominent and oppressive feature when viewed from this window.
5. The kitchen is a habitable room in the dwelling where occupiers are likely to spend time. The fact the kitchen has a small floor area and represents a limited proportion of the house would not alter my assessment of the effects of the proposal. Neither the proposed dwellings being sited further away from the

road than the existing dwelling, nor the orientation of the kitchen window would mitigate the adverse effects that would arise from the height and massing of the proposal which would unacceptably dominate the outlook from the kitchen window and reduce the amount of light reaching it.

6. The proposal would therefore have an adverse effect on the living conditions of neighbouring occupiers with respect to outlook and light. It would therefore be contrary to Chelmsford Local Plan (May 2020) (LP) Policy DM29. It would also be contrary to the advice in paragraph 135 of the National Planning Policy Framework (the Framework) which requires development to functional well and add to the overall quality of the area.

Character and Appearance

7. There is not a consistent style of development along Skinners Lane, with buildings being of different heights, materials and positions within the plot. There is a slight curve in the road layout travelling from Beehive Lane from which there is a gradual incline. Development on the opposite side of the road to the appeal site is also set at a notably higher level.
8. The proposal would result in a two storey dwelling immediately adjacent to a bungalow which is restrained in its scale. It would also be taller than the adjacent semi-detached properties. Although the proposed dwellings would be set further back than the adjacent neighbours, the curve in the road from Beehive Lane would mean that they would still appear in longer views.
9. However, there are other properties nearby which are a similar height to that proposed. While these do not have the same juxtaposition with a much smaller property than the appeal site, they are a feature in the street scene. The proposed development would be read in a context which includes those dwellings. The changes in levels along Skinners Lane means that building height is not a defining or unifying feature in the appearance of the area.
10. The proposal would occupy the majority of the width of the plot. 46 Skinners Lane has a side extension which closes the gap between it and the appeal site. While development beyond No 46 is typically separated by drives between properties, this is not characteristic of development in the immediate surrounds of the appeal property. The development opposite is terraced with no vehicular access from Skinners Lane. The proposed dwellings would therefore not appear as unduly prominent or incongruous.
11. The proposed development would therefore have an acceptable effect on the character and appearance of the area. It would therefore be in accordance with LP Policy DM23 which requires development to be compatible with its surroundings having regard to scale and siting, and the objectives of Chapter 12 of the Framework which confirms the creation of high quality places is fundamental to what the planning and development process should achieve.

Other Matters

12. The appeal site is within the zone of influence for the Blackwater Special Protection Area and Ramsar site which is subject to pressures from recreational disturbance. The appellant has paid a contribution towards mitigation. Had I been minded to allow the appeal, it would have been necessary to establish whether the proposal on its own or in combination with other projects would likely have significant environmental effects on the integrity of the European

site and if the mitigation had been appropriately secured. However, it has not been necessary for me to pursue this issue as a finding that the proposal would not have an adverse effect on the integrity of the European site, with or without any mitigation, would be at best a neutral matter.

Conclusion

13. The appeal proposal would conflict with the development plan when read as a whole. There are no material considerations of sufficient weight to indicate the decision should be made other than in accordance with the development plan. Therefore for the reasons given, and having had regard to all other matters raised, I conclude that the appeal should be dismissed

J Downs

INSPECTOR