



Appeal Decision

Site visit made on 17 July 2024

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2024

Appeal Ref: APP/W1525/D/24/3337751

1 Joseph Clibbon Drive, Springfield, Essex CM1 6AS

- 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 Matt Sotayo against the decision of Chelmsford City Council.
- The application Ref is 23/01718/FUL.
- The development is installation of air conditioning units.

Decision

1. The appeal is allowed and planning permission is granted for installation of air conditioning units at 1 Joseph Clibbon Drive Springfield, Essex CM1 6AS, in accordance with the terms of the application, Ref 23/01718/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out not later than 3 years from the date of this decision.
 - 2) The development hereby permitted relates to the following approved plans: 1:1250 location plan, E01 (existing site plan), A04 (as built & proposed north elevation) and A05 (as built & proposed west elevation).

Main Issues

2. The main issues are the effect on the character and appearance of the area.

Reasons

3. The appeal site lies on the eastern corner of Joseph Clibbon Drive and Armistice Avenue. It is within the Chelmsford Garden Community development which comprises of modern residential development with associated community facilities. The appeal site lies within a residential area albeit the Beaulieu Square local centre with shops and other amenities including schools lies to the south. The dwelling on the appeal site consists of a three storey modern detached dwelling which fronts Armistice Avenue and which has been extended to the rear with a two storey addition. A detached garage building with paved hardstanding parking area to the front is also located to the rear, accessed from Joseph Clibbon Drive.
4. At the time of my site visit, I saw that air conditioning units had already been installed on the rear elevation of the dwelling, though these were just below the first floor windows and not in the position for which permission is now sought by this appeal. There was also a short 'L' shaped fence running from the rear corner of the dwelling to the edge of the paved parking area and then connecting to the front of the garage. The Council confirms that there is a

condition on the permission for the garage¹ which requires a parking area of at least 6m depth and 5m width to be provided to the front of the garage. This has not yet been provided and the existing fence encroaches within part of this area. However, I am also aware that there is another current appeal relating to the refusal of an application that seeks an alternative parking arrangement with landscaping and air conditioning unit². At the time of writing that appeal remains undetermined. In these circumstances I have determined this appeal on the basis that the fence is unauthorised as contended by the Council, albeit the appellant has suggested that a condition could nevertheless be imposed to seek its retention if necessary.

5. The top of the air conditioning units would be 1.65m above ground level and set back around 0.8m from the side elevation that fronts Joseph Clibbon Drive. The dwelling is set quite close to this frontage and the area between the house and the road is open and devoid of any landscaping, unlike the majority of the frontages along this road which are generally well landscaped. In addition, there is an attractive planted area in the centre of the street. Views of the rear elevation of the dwelling and the existing air conditioning units which can be seen above the fence are therefore available across the open parking area.
6. In the absence of the fence, the lower position now proposed would result in the units remaining visible in this view, but given their lower level they would be far less visible and prominent. Whilst by reason of their appearance being of light colour and metal material they would contrast somewhat with the red brick elevation against which they would be installed, this would not be to such an extent that they would be incongruous when viewed against the host dwelling or within the street scene, particularly given that views of them would be 'short-lived' as persons drive or walk by the site.
7. I note that the units would not of themselves encroach the enlarged parking area required as noted above, nor has the Council suggested that they would. In the above circumstances, I find that the proposed units would not have an unacceptably harmful impact on the character and appearance of the area. As such, I do not find it necessary to require any fencing to be retained or provided. The development would comply with policy DM23 of the Chelmsford Local Plan (2020) which seeks to ensure that development respects the character and appearance of the area in which it is located and is compatible with its surroundings. Neither do I find any conflict with the National Planning Policy Framework which seeks well designed places.
8. With regard to conditions, the Council has suggested one to require the development to be carried out within 6 months of the decision. However, it has not fully justified the need for such a condition and I consider that it would not meet the tests of necessity.

Conclusion

9. For the above reasons I conclude that the appeal should be allowed and planning permission granted.

P B Jarvis

INSPECTOR

¹ Council ref: 21/01378/FUL, granted 12 October 2021, condition 5 refers

² Appeal ref: APP/W1525/D/24/3337748