



Appeal Decision

Site visit made on 17 December 2024

by Jonathan Price BA(Hons) DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2025

Appeal Ref: APP/W1525/D/24/3347787

17 Lynmouth Gardens, Chelmsford, Essex CM2 0UH

- 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 Simon Aberly against the decision of Chelmsford City Council.
 - The application Ref is 24/00301/FUL.
 - The development proposed is two storey side extension with additional front and rear dormer windows.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension with additional front and rear dormer windows at 17 Lynmouth Gardens, Chelmsford, Essex CM2 0UH in accordance with the terms of the application, Ref 24/00301/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 5959/PL01; 5959/PL02; 5959/PL03/A.
 - 3) The extension hereby permitted shall not be occupied until the windows at the study and bedroom 4 have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The effect of the proposal on the living conditions of adjacent residential occupiers at 63 Lynmouth Avenue, with particular regard to outlook and privacy.

Reasons

3. The proposal relates to a chalet bungalow with accommodation provided within the roof space by means of dormer windows. The dwelling occupies a corner plot which fronts Lynmouth Gardens and backs onto the side boundary with 63 Lynmouth Avenue. The proposal is to extend the dwelling at two-storeys to one side, replacing an existing single storey addition. This would lengthen the roof at its current profile, extending the rear flat roof dormer along with this. A third pitched

roof dormer would be added at the front. The main issue relates to the extended roof and flat-roofed dormer as viewed at the rear. These already run closely alongside the back garden of No. 63. This proposal would extend the house further alongside the neighbouring back garden and closer to the rear elevation of this house.

4. The existing chalet bungalow at No. 17 already occupies side views from the rear of the neighbouring house. This proposal would occupy more of this but seen at an increasingly oblique angle looking out from the back windows. The proposal would extend the chalet bungalow further towards the garage, passageway and side of the neighbouring house with secondary windows. However, it would not impinge upon the more open views from the garden and main rear windows towards the end of the plot. I am satisfied that this proposal would not have an unduly overbearing effect upon the outlook at No. 63 and, in this respect, preserve adequate living conditions for occupiers.
5. The existing three windows in the single flat-roofed dormer face onto the side of the back garden at No. 63. The planning permission requires they be maintained with obscure glazing, including one serving a small third bedroom. The extended dormer would add a fourth window to serve a larger bedroom, with the other three being to a study and two bathrooms. It is intended that the four rear facing upstairs windows would be obscure glazed.
6. The appellant acknowledges that it may not ordinarily be appropriate for the sole window of a bedroom to be obscure glazed. However, I agree that this would be little different from the existing circumstances. Any drawbacks from an enlarged bedroom and small study both having obscure glazed windows would be outweighed by the improved living conditions at the property as a whole. Subject to a condition requiring such obscure glazing, I consider this proposal maintains the status quo and would result in no additional loss of privacy to occupiers of the adjacent house and garden.
7. For the reasons given, I am satisfied the proposal would safeguard the living environment of the neighbouring occupiers at No. 63 and comply with Policy DM29 of the Chelmsford Local Plan 2020.

Conditions and conclusion

8. In addition to the standard three-year time period for commencement, conditions are required specifying the plans approved and requiring the windows in the new study and bedroom 4 to be fitted and maintained with obscure glass. For the reasons given, and subject to these conditions, I conclude that the appeal be allowed.

Jonathan Price

INSPECTOR