



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: 06 January 2025

Appeal Ref: APP/W1525/W/24/3350429

Garage block rear of nos. 27- 30 Lionfield Terrace, Chelmsford, Essex CM1 7RH

- 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 Lime Tree Projects Ltd against the decision of Chelmsford City Council.
 - The application Ref is 23/01671/FUL.
 - The development proposed is for the demolition of existing garage storage area and construction of 2 no. new dwellings and associated development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Government published a revised National Planning Policy Framework (the Framework) on 12 December 2024. Although my decision reflects this, I have not invited further submissions from the parties as the policy revisions have no material implications over the main issue in this case.

Main Issues

3. The effect of the proposal on the living conditions of the adjacent residential occupiers at 11 Dalrymple Close and 27-29 Lionfield Terrace, with particular regard to outlook and daylight/sunlight.

Reasons

4. The appeal site is roughly square and contains lock up garaging and associated hardstanding. It is surrounded by housing, in a built-up location where a residential development would be appropriate in principle. The two dwellings proposed would front closely onto the site access at the end of Ranulph Terrace, facing the back gardens to housing along Springfield Road. Each house would have an attached side garage with a parking space to the fore.
5. The two dwellings would be sited side by side, with their separate roofs gabled front and rear, hipping to each side. They would be linked by an intervening garage with flat roofed accommodation above, in between the pitched roofs. Both dwellings would have relatively small back gardens for their size, running up to the side of the back garden at 1a Lionfield Terrace.

6. The living condition concerns relate to the relationship with the housing to either side of the site. At one side, this adjoins the short back gardens to the small, terraced homes at 27-29 Lionfield Terrace. To the other, there are the larger detached houses and chalet bungalows on Dalrymple Close. Although these are generally quite spaciouly arranged, the chalet bungalow at No.11, adjacent the appeal site, has a particularly shallow back garden.
7. The roof slopes of the dwellings would set their full ridge heights back from the side boundaries. However, the side elevations would mainly be at a full two-storey eaves height. Combined with their relatively deep plan and high degree of site occupancy, each dwelling would present close views from each side of relatively tall and wide elevations.
8. With its garage on the other side, the elevation of the dwelling adjacent to No.11 would come close to the boundary, replacing a row of low-level lock-up garages alongside this. The chalet bungalow at No.11 is positioned at an angle within its relatively shallow plot, so its back garden narrows towards the proposed development. At this end, there is a sitting room with windows looking onto a small depth of rear patio next to the fenced boundary with the appeal site. The outlook and natural light to this sitting room and adjacent patio is somewhat confined by a tall, detached garage, and close-boarded fencing that screens views of the lockups.
9. The scheme cuts out a corner of the two-storey house plan at the point closest to the adjacent chalet bungalow, which would slightly address its overall impacts on outlook. The forward siting of the development within the plot partly aligns the two-storey side elevation with the gable of the tall, detached garage at No.11. The orientation of the chalet bungalow also means many of its rear-facing windows look away from the proposed dwellings and towards open back garden areas that would replace existing garaging.
10. Notwithstanding these considerations, a scheme of two predominantly full two-storey, three-bedroom houses would involve a significant width and height of built development sited at very close quarters to the sitting room windows and a small depth of adjoining patio at No.11. There is no reasonable expectation for the redevelopment of built-up areas to have no visual impact. However, seen rising above the tall boundary fence from these vantage points, this nearby house would comprise a visually very dominant feature.
11. Accommodating this amount of floor space, within a site confined by the closely adjoining chalet bungalow at No.11, would create a highly unneighbourly situation. The proposal would have an unacceptably overbearing impact on the outlook these neighbours currently enjoy. As a matter of judgment, I find the extent, height and proximity of the proposal would detract from the living conditions available at No.11 to an unacceptable degree.
12. I have examined the Daylight and Sunlight Assessment¹ and Statement² prepared for the appellant. I have no reason to question the methodology used, which applies guidance set out in BR 209³. There would be a marginal loss of daylight to two of the sitting room windows at the end of No.11 closest to the proposal. One of these sitting room windows would lose a perceptible degree of sunlight but the

¹ Daylight and Sunlight Solutions dated 15/02/2022

² Daylight and Sunlight Solutions dated 02/08/2024

³ BRE Report 209, Site layout planning for daylight and sunlight: A guide to good practice, 2nd edition 2011.

others would be less affected, meaning the BR 209 recommendations would as a whole be satisfied.

13. Regarding gardens, BR 209 recommends a need for at least two hours sunlight at the spring equinox. Based on this, No.11 would lose a small degree of sunlight in the garden areas outside the sitting room. Overall, the daylight and sunlight effects would be only slightly below the BR 209 recommendations. This might not be a sufficient reason alone to resist the proposals but would exacerbate the more significant harm to living conditions already caused by their overbearing effects.
14. With regard to the impacts on 27-29 Lionfield Terrace, these properties also have very short back gardens. Their rear windows all look directly towards the side of the appeal site. These neighbours would be separated from the two-storey elevation by a slightly wider passageway and single storey garage/front parking space. The scheme removes a corner section of the two-storey plan and rear gardens would occupy part of the outlook. Although there are no compelling grounds to find any material harm due to loss of daylight, sunlight or over-shadowing, the scheme would present close views of a large built volume relative to the size of site. Due to its scale and the extent of massing towards the sides of the relatively confined site, and as with the experience at No.11, the development would have a harmfully dominating and over-bearing impact on the rear outlooks of these Lionfield Terrace neighbours.

Conclusion

15. Paragraph 135 of the revised Framework continues to seek that developments create places with a high standard of amenity for existing users. Relative to the size of site and its built surroundings, this proposal would comprise over-development, resulting in significant harm to the living conditions at 11 Dalrymple Close and 27-29 Lionfield Terrace. Consequently, this scheme would conflict with both the Framework and Policy DM29 of the Chelmsford Local Plan 2020. The latter seeks to safeguard the living environment of nearby residential occupiers from any overbearing effects of proposed developments.
16. This proposal would provide benefits in helping generally to boost housing supply, in a residential location providing good accessibility to services and making efficient use of previously developed land. However, this should not be at the expense of preserving acceptable living conditions at neighbouring dwellings. The conflict with policy in this regard means this proposal would not gain the wholesale support of the Chelmsford Local Plan or the Framework. Consequently, I conclude that the appeal be dismissed.

Jonathan Price

INSPECTOR