



Appeal Decision

Site visit made on 5 February 2025

by **Eleni Marshall BSc (hons) MSc FRICS FAAV MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19th February 2025

Appeal Ref: APP/W1525/D/24/3357342

Kessley, Margaretting Road, Galleywood, Chelmsford, Essex, CM2 8TS

- 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 Chandra Bhooshan Singh against the decision of Chelmsford City Council.
 - The application reference is 24/01244/FUL.
 - The development proposed is raise roof to create first and second floor, single storey rear extensions, with internal alterations and additional fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.
3. Since the determination of this application, and the submission of this appeal, the revised National Planning Policy Framework 2024 (the Framework) came into force on 12 December 2024. Given the refusal reasons and the nature of the main changes to the Framework I am satisfied that the changes do not materially impact upon the determination of the appeal in this case.

Main Issues

4. The main issues are the impact of the proposal upon i) the character and appearance of the area and street scene as well as designated and non-designated heritage assets and ii) neighbouring residential amenity with regard to overbearingness and oppressiveness.

Reasons

Character, appearance, street scene, designated and non-designated heritage assets

5. The appeal site is a detached chalet style bungalow which faces onto Margaretting Road. The appeal site is located adjacent to the crossroad junction of Margaretting Road, Stock Road and Watchouse Road. At the time of my site visit, I found the location of the appeal site to be visually prominent insofar as the host dwelling is fully and widely visible within the surrounding context with clear views of the front, side and rear elevation visible within the surrounding street scenes. The property already benefits from existing extensions and alterations to the front, side, and rear, however, whilst these could be argued to be piecemeal in terms of approach and connectivity to the host dwelling, the original dwelling is still clearly legible and legible in the context of the dwelling within a visually prominent corner location.

6. The host dwelling is, however, currently of limited visual consequence or impact within the general street scene due to the design, lower height and relatively shallow roof pitch meaning that key views from the context of Stock Road are, for example, of the roof itself against the backdrop of trees and other dwellings adjacent. The appeal site, and adjacent dwellings, as a result of their scale, contribute to the open setting of the common and give the area a village character which is an intrinsic quality which is part of the character of the area.
7. There is a Grade II Listed building (the former Eagle Public House) located northeast of the site on the corner of Stock Road, and I also note that the site lies adjacent to the former Galleywood Racecourse (a non-designated heritage asset) which circles The Common as well as St Michaels and All Angels' Church (also Grade II Listed) being located to the north of the site. The appeal site is, therefore, located in close proximity to designated and non-designated heritage assets. The Council consider that St Michaels and All Angels' Church is sufficiently set away and screened that there would be no harm to its setting and based upon my site visit, I find no reason to conclude differently on this particular element.
8. The proposal seeks to extend and enlarge the host dwelling in order to create a two and a half storey property with an L shaped plan form. The main section of the host property would replicate the appearance of the host dwelling with a gable to the north elevation and a lower, two storey, outrigger would project on the western side with single storey elements beyond. The main roof ridge height would be in the region of 9.32 metres with the lower, two storey, outrigger having a ridge height in the region of 6.83 metres. The extensions and alterations would, ultimately, result in a 7-bedroom property at the appeal site.
9. The proposal would result in a property which would be noticeably larger, and taller, than any of the other dwellings within its immediate site context. The wide span gable, in the region of 9.9 metres, and the proposed ridge height in the region of 9.32 metres would result in bulk, scale and massing which would be inappropriate and visually intrusive within the street scene. As outlined above I find that the appeal site stands in an area which is visually prominent and the proposals before me would result in a dominant, incongruous, and intrusive visual feature within the street scene which would contrast, negatively, to the immediately adjacent residential dwellings. The proposal, as a result of scale and massing, would fail to respect both the character and appearance of the area within which it would be located and would not be appropriate or compatible with its surroundings.
10. I note that the appellant outlines that the proposal is to be located in the region of 35 metres away from The Eagle Public House, however, I do not find that it is well separated by various barriers. Whilst the proposal may be separated, physically, by a main road in an area of open space (non-designated heritage asset) I do not find that the designated heritage asset and the proposal are visually separate. I find that the proposal would not be compatible with the setting of the designated heritage asset known as the former Eagle Public House.
11. The host dwelling does not currently compete, visually, with the designated heritage asset as it is visually appropriate for its location. The proposal, as outlined, would result in the proposal being of unacceptable bulk, scale, and massing immediately opposite the designated heritage asset which would negatively divert attention and impact upon setting. I acknowledge the appellant's commentary with regard to the changes which have taken place to the Eagle Public

House and whilst the list entry does not describe the setting, this does not negate the requirement for the proposal to consider the impact upon the setting of the former public house as a designated heritage asset. Even if I agreed with the appellant's assertion that the public house has limited communal, or other, value the appeal would still be dismissed as a result of my findings against the other main issues within this appeal.

12. I note that the proposal is adjacent to the former Galleywood Racecourse, which circles The Common, which is a non-designated heritage asset. Paragraph 216 of the Framework is clear that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Taking into account the appellant's commentary on the Racecourse I find that the proposal would, visually, detract from the non-designated heritage asset with the host dwelling currently being of no visual impact within the context of the street scene.
13. The Council consider the former Galleywood Racecourse to be a significant local feature, and I can see this has also been raised within consultation responses from interested parties. Given my finding that the proposal, notwithstanding the heritage assets identified, is inappropriate for the character and appearance of the area for the reasons outlined I find that, in turn, the proposal would also have an impact upon the non-designated heritage asset which is of local significance. Whether or not this would be sufficient to warrant refusal, in isolation, based upon the information before me, I find that this is an additional key issue with the proposal that is before me which adds further weight in the context of the first main refusal reason alongside character and appearance of the area and the impact to a designated heritage asset as a result of the former Eagle Public House.
14. Overall, I do not consider that it can be reasonably asserted that the proposal has no impact on the designated heritage asset, or the non-designated heritage asset, in question and I do not find that the proposal is sufficiently separated in terms of distance, character and site. I find that the proposal would result in less than substantial harm to a designated heritage asset meaning that the proposal should not be allowed unless it can be evidenced that the public benefits outweigh the great weight that should be given to the asset's conservation. The proposal, for extensions to a private residential dwelling, has not evidenced that there would be public benefits arising as a result of the proposal to outweigh the great that should be given to the less than substantial harm that I have identified.
15. As a result of general incompatibility with the surroundings, I find that the proposal would be contrary to Chelmsford Local Plan 2020 (LP) Policy SPS3 which confirms that when assessing applications for development the Council will place great weight on the preservation or enhancement of designated heritage assets and their setting. The Council will also seek to conserve and where appropriate enhance the significance of non-designated heritage assets and their settings in delivering the overall objective for LP Policy SPS3, recognising the positive contribution the historic environment makes to the character and distinctiveness of Chelmsford through the diversity and quality of heritage assets.
16. The proposal would also be contrary LP Policy DM13 which is clear that the impact of any development proposal on the significance of a designated heritage asset or

its setting, and the level of harm, will be considered against any public benefits arising from the proposed development and LP Policy DM14 insofar as where proposals would lead to harm to the significance of a non-designated heritage asset, proposals should demonstrate that the level of harm or loss is justified following a balanced judgment of harm and the significance of the asset and that the harm is minimised through retention of features of significance and/or good design and/or mitigation measures.

17. The proposal would also be contrary to LP Policy DM23 which states that development should respect the character and appearance of the area in which it is located. The development must also be compatible with its surroundings having regard to (for example) scale and form. Planning permission will only be granted for extensions and alterations to existing buildings that are compatible with the character and appearance of the area and also where relevant the host building in terms of siting, scale, form, massing, materials, and detailing.

Neighbouring residential amenity

18. As discussed, in the context of the first main issue, the proposal would result in the height of the host dwelling being increased by in the region of 3.27 metres to create a two and a half storey property. The proposal would mean that the host dwelling would stand notably taller than immediately adjacent properties which would materially alter the existing relationship between the appeal site and those properties.
19. As can be seen from the submitted plans, and as noted at the time of my site visit, the built form closest to the neighbouring property known as Troone is a modest, flat roof, side projection which runs adjacent to the shared boundary. This element of the host dwelling is similar in height to the garage attached to Troone. The proposal would result in this element being extended, upwards, to a ridge height in the region of 6.83 metres with the eave height being in the region of 4.8 metres. Overall, the eave height would be increased by in the region of 2 metres immediately adjacent to the shared boundary.
20. Whilst I note that there are no side facing windows, within Troone, that face towards the appeal proposal I still find that this element would be overbearing and unacceptable in terms of impact to the amenity of the adjacent property as a result of enclosing the notable visual gap currently created by the flat roof elements of each property respectively. When parking, or out on the driveway of the adjacent property, I find that the proposal would result in some form of overbearing impact. Despite this whilst I note comments from neighbouring occupiers, I do not find that the proposal would result in a loss of privacy sufficient to warrant refusal with regard to the private amenity space of Troone.
21. Whilst there is a proposed window in the western elevation, this would face towards the side elevation of Troone and, on the basis that the window can be seen in that elevation as being above the conservatory, considering this against the floor plans this would face directly towards a brick wall elevation with generally limited views over the private amenity space of Troone. Notwithstanding this, had the proposal been acceptable in other regards, consideration could also have been had as to the use of conditions to control opening and/or obscure glazing if appropriate, but I do not find that this is determinative in the context of the overall appeal before me.

22. The host property is currently of a slightly lower ridge height to the property to the rear known as The Robins. The proposal would result in the host dwelling being increased in height by in the region of 3.27 metres which, as previously outlined, would result in the enlarged property being notably taller than the neighbouring properties. I find that this would, in the case of The Robins, have an oppressive and overbearing presence given the notable increase in height which would be undeniable from within The Robins itself with regard to the dormer windows as well as the amenity space surrounding that property., I do not find that there is significant separation and screening that would be sufficient to overcome the overbearing and oppressive impact which I have identified.
23. It cannot be argued that the extent to which the proposed development harms residential amenities is miniscule compared to the benefits of the proposal. The benefit of building an energy efficient, reliable, and sustainable home for the appellant does not outweigh the impacts I have found with regard to the residential amenity of existing and future occupiers of neighbouring properties. I do not find that the proposal would assist in resident's mitigating the negative effects of pollution arising from the location and indeed there are no suggestions, nor evidence before me, to suggest that pollution (visual, noise, light or other polluting emissions) are indeed an issue for the appeal site or the surrounding dwellings.
24. I do not find that it can be stated that the proposed extension is quite distant from neighbours. The proposal may be able to comply with, for example, the 45-degree code, however, as noted by the appellant, such an assessment is related to daylight and sunlight. The Council do not raise the refusal reason based upon such matters and I have no reason to conclude differently, however, a lack of impact to daylight or sunlight is different in terms of residential amenity to the issues which have been identified with overbearingness and oppressiveness as a result of bulk, scale and massing in close proximity to neighbouring residential dwellings.
25. The proposal is, ultimately, two and a half storey and I find that it would be sufficiently higher than other builds even with the prevailing character of the area being two storey residential dwellings. The appellant has submitted, as part of the appeal, additional drawings in the form of Drawing 316 and 317 which I have considered only insofar as the appellant states that they show the context of the proposal against the immediately adjacent dwellings. I do not find that these illustrations or plans show that the proposal would result in an acceptable relationship between the neighbouring properties and in fact find that the plans show the proposal to be notably higher than immediately adjacent dwellings.
26. The proposal would be contrary to LP Policy DM29 which is clear that proposals should safeguard the living environment of the occupiers of any nearby residential property by ensuring that the development is not overbearing and does not result in unacceptable overlooking or overshadowing. The proposal due to height, scale and massing would also be contrary to paragraph 135 of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Other Matters

27. The proposal falls to be considered against the Local Plan in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004. Whilst plans and decisions should apply a presumption in favour of sustainable development, paragraph 11 of the Framework, confirms for decision taking that this means

approving development proposals that accord with an up-to-date Development Plan without delay. I have no evidence before me to suggest that the Local Plan is out of date or not consistent with the Framework and in this case, there are relevant Development Plan policies to the key issues within the determination of this proposal. The proposal is not one, therefore, which should be considered in the context of a tilted, or planning, balance.

28. I note third party comments, including those from the Parish Council, which have been submitted during the application period. I have dealt with the main matters raised within the context of the two main issues above and, in any case, the appeal is to be dismissed for the reasons set out above. Matters relating to occupation of the dwelling, or the outbuilding for example, are outside the scope of this appeal – I must consider the proposal as it is set out before me, as a single residential dwelling. Any change to this would be subject to further planning controls which are beyond this appeal. Matters relating to, for example, structural capability would be a consideration for Building Regulations and maintenance of hedges or similar are private matters.

Conclusion

29. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Marshall

INSPECTOR