



Appeal Decision

Site visit made on 30 April 2025 by K Hole BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 4th June 2025

Appeal Ref: APP/W1525/D/25/3361283

137 Orchard Way, Boreham, Chelmsford CM3 3GQ

- 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 Animesh Majrekar against the decision of Chelmsford City Council.
 - The application Ref is 24/01288/FUL.
 - The development proposed is a loft conversion including a rear dormer and three Velux windows to front elevation.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the appeal dwelling and the surrounding area.
 - The effect of the proposed development on the living conditions of the occupiers of 7 and 9 Monarch Crescent in terms of outlook, overlooking and privacy.

Reasons for the Recommendation

Character and appearance

4. The appeal property is a large, detached dwelling located on the edge of Boreham and adjacent to open countryside. Although the surrounding dwellings vary slightly in size, they are all two-storey and designed with pitched roofs and gable design features which contribute to the uniform appearance of the area.
5. The proposal would involve the construction of a dormer to provide additional living accommodation within the roof space. While the proposed dormer would be set down below the ridge line, set in from the roof edges and set up from the eaves, it would be large in scale and would occupy much of the rear roof slope of the appeal dwelling.

6. The proposed dormer would not be immediately visible when approaching the appeal property from the left of the front elevation. However, when approaching from the right of the front elevation it would be visible through a gap above the garages to the side of the appeal property. The proposal would also be visible from the nearby and neighbouring properties. The flat roof design would be inconsistent with the pitched roof design of the appeal dwelling and surrounding dwellings.
7. The size of the proposed dormer would increase the scale and mass of the rear elevation and would dominate the roofscape. It would be out of proportion to the appeal dwelling and would unbalance the appearance of the host building at the rear. The proposed dormer would appear as an incongruous addition, would not be subordinate to the host dwelling and would dominate views from within the surrounding area resulting in harm to the character and appearance of the appeal dwelling and surrounding area.
8. The proposal would therefore fail to accord with policy DM23 of the Chelmsford Local Plan 2020 which includes the requirement of new development to respect the character and appearance of the area, be compatible with its surroundings in terms of scale and massing, and to be proportionate in size.

Living conditions

9. There is a fence separating the rear garden of the appeal property from the rear gardens of 7 and 9 Monarch Crescent. On my site visit, I observed that the appellant has added planting above the fence with the intention of mitigating any overlooking between the properties and to protect privacy.
10. While this measure generally achieves this objective at ground floor level, there is intervisibility between the properties at first floor level. The construction of a third storey, in combination with the appeal property's elevated position and the size and design of the proposed dormer, would cause harm by dominating the outlook of the occupiers of 7 and 9 Monarch Crescent. Furthermore, the positioning of the proposed windows would create a sense of overlooking and there would be increased visibility to the ground floors of 7 and 9 Monarch Crescent from the proposed dormer due to short distances between the dwellings resulting in a loss of privacy to its occupants.
11. It has been suggested that a condition could be imposed to ensure that two of the three windows on the proposed rear dormer are obscure glazed. However, while this measure may assist, it would not overcome the harm identified in terms of overlooking and unacceptable loss of privacy of the occupiers of 7 and 9 Monarch Crescent due to the perception of being overlooked at close range from the proposed dormer windows, and from being overlooked from the proposed unobscured window opening.
12. Consequently, the proposal would fail to accord with policy DM29 of the Chelmsford Local Plan 2020 which requires development to protect existing living conditions by ensuring that development has no overbearing impact or result in unacceptable overlooking of neighbouring properties.

Other Matters

13. The appellant contends that permitted development rights would allow for the front roof lights. Whilst that contention is acknowledged, it should be noted that dismissal

of this appeal would not prevent the use of any applicable permitted development rights in this instance.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR