



Appeal Decision

Site visit made on 22 May 2025 by Mr F Bradford 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: 08 July 2025

Appeal Ref: APP/W1525/D/25/3358992

90 Henniker Gate, Chelmsford, CM2 6SB

- 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 Ali Henson against the decision of Chelmsford City Council.
 - The application Ref is 24/01325/FUL.
 - The development proposed is to raise the roof to create first floor, two storey side extension, single storey rear extension and alterations to fenestration.
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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.
3. In the banner heading above, I have used the description of development to reflect that as provided within the Council's decision notice in the interests of accuracy and consistency.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of occupiers at 78 and 80 Henniker Gate with regards to outlook.

Reasons for the Recommendation

5. The appeal dwelling is single storey with a large projecting front porch, side and rear extensions, and an outbuilding forward of the principal elevation. It is attached to a row of two storey dwellings before dropping to another single storey dwelling to create a mirrored, symmetrical arrangement.
6. The appeal dwelling faces directly onto the side elevations of the two-storey semi-detached dwellings at Nos. 78 and 80 which contain windows serving habitable rooms on their ground floors. There is a limited separation distance between the appeal dwelling and these neighbouring properties which is created by the latter's gardens and the access footpath to the former. There is however visual escape for the occupants of No. 78 and 80 above the appeal dwelling's main roof ridge and above the flat-roofed side extension, which has a noticeably lower roof height.
7. The proposed development would introduce a significant additional bulk to the host dwelling at first floor level. Given its scale, mass and bulk, and the restricted

separation distance between dwellings, the proposal would dominate the outlook from the habitable room windows on the side elevations of Nos. 78 and 80. Furthermore, it would remove the current sense of visual escape over the existing roof ridge and side extension of the appeal dwelling. The cumulative effect of the proposed development's bulk and reduction in visual escape, would be overbearing and would create unacceptable living conditions for future occupiers of Nos. 78 and 80 with regards to outlook.

8. For these reasons, the proposed development would result in harm to the living conditions of the occupiers of Nos. 78 and 80 Henniker Gate by way of an overbearing impact. I therefore find conflict with the Chelmsford Local Plan with specific regard to policy DM29 (Protecting Living and Working Environments) which, among other things, aims to ensure proposals safeguard the living environment of nearby residential property by ensuring development is not overbearing.
9. Whilst the existing side conservatory is visible from the outlook of the occupiers of No. 78 and 80, it is both flat-roofed and limited in height, reaching the eaves of the existing roof. Conversely, the proposed development is two-storeys in height, with the addition of a pitched roof. On this basis, I do not find that the existing impact of the conservatory is comparable to the effects of the proposed two-storey extension.

Other Matters

10. I acknowledge the appellant's proactive engagement with the occupiers of neighbouring dwellings (Nos. 78 and 80) prior to the appeal. Although the current occupants may not have objected to the proposed development, the circumstances and occupancy of those neighbouring dwellings may change, and the scheme would result in a permanent alteration to the appeal dwelling. For the reasons outlined, the proposal would harm the living conditions of future occupiers of those dwellings.
11. The appellant has advised that a previous decision notice had been issued for the erection of an additional storey through the prior approval process. As there is no information before me by way of drawings and plans, I am unable to consider the merits of the prior approval scheme as I cannot determine its extents in order to facilitate a basis for comparison within this appeal. I have therefore considered the appeal on its own merits.
12. I have not been provided with details of the two-storey side extension at No. 100 Henniker Gate though I was able to see this on my site visit, albeit with an obscured view. Having given this due regard, the extension's siting in relation to No. 98 means it is not comparable. No. 100 itself, nor the extension, does not directly face an elevation of No. 98. Therefore, whilst the extension may be within closer proximity to No. 98 than the proposed scheme, the impact to outlook resulting from its layout means it is not comparable. As such, I have afforded this limited weight within my recommendation.
13. I acknowledge the appellant's "eco-friendly" motivation for the proposed development. Whilst some public benefits may arise from the development, to include employment opportunities through the construction phase which would be temporary in nature, I attach only limited weight to the benefits of the scheme by reason of the scale of the development. Having given regard to the public benefits

of the proposed development, I find that it would not outweigh the harm identified above to which I attach significant weight.

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.

Finlay Bradford

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