



Appeal Decision

Hearing held on 13 May 2008

Site visit made on 13 May 2008

by **J Mansell Jagger MA(Cantab) DipTP**
MRTPI IHBC

an Inspector appointed by the Secretary of
State for Communities and Local Government

The Planning Inspectorate
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Decision date:
17 June 2008

Appeal Ref: APP/W1525/A/08/2065114

40 Maltese Road, Chelmsford CM1 2PA

- 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 MCS Property Developments Ltd against the decision of Chelmsford Borough Council.
 - The application ref: 07/00666/FUL, dated 29 March 2007, was refused by notice dated 28 June 2007.
 - The development proposed is demolition of existing multi-occupancy unit and to construct 12no. one-bed flats with associated car parking.
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Decision

1. I dismiss the appeal.

Main issues

2. The main issues in this appeal are:
 - 1) Whether the proposal, because of its scale, bulk and design, would harm the character and appearance of the area.
 - 2) Whether the proposal would be oppressive and overbearing on the outlook of adjoining residents at 42 Maltese Road.

Reasons

Preliminary matters

3. The Council confirmed that the third reason for refusal, relating to financial contributions, was no longer an issue.
4. Subsequent to the refusal of the application that is the subject of this appeal, an application for the conversion of the existing building to provide nine self-contained flats and bedsits was approved on 18 March 2008 (ref: 08/00011/FUL).

Character and appearance

5. Maltese Road was developed in the early 1880s by a business consortium formed by Frank Whitmore, an influential Chelmsford architect. A number of the original villas survive, including no.40, which was designed by Whitmore and in which he lived until he died in 1920. The Borough Council has published a leaflet (January 2008) dealing with the life and works of Frank Whitmore. 40 Maltese Road is illustrated and described as 'a handsome brick villa with distinctive porch and fine detailing.'
 6. The building is not listed, nor is it within a conservation area, though it is clearly of considerable local interest. The Council's preference, supported by local people, would be to retain and convert the existing building, but the Council acknowledges that it
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cannot object to its replacement as a matter of principle. Nevertheless, any replacement should be of a size, scale and design that would be sympathetic to the character and appearance of the surrounding area.

7. The present building is a two/three-storey villa with accommodation in the roofspace. At the rear is a slightly lower two-storey service wing, beyond which is a modern single-storey addition.
8. The proposed building would be uniformly of three storeys. The frontage would be some 2m wider and the ridge level about 1.5m higher than the highest ridge level of the existing house. It would also be 0.5m higher than the adjoining property, no.42, which is probably the tallest property in the road. Because of the need to accommodate four flats on each floor, the block would be almost twice as deep as the main part of the present house and the footprint would be considerably larger than the original house.
9. By comparison with the existing house and no.42, which are well modelled and well detailed, the proposed building would appear monolithic and over-large, with long, high flank walls and almost unrelieved expanses of roof.
10. I concur with the Council's view that the increase in height, width and depth of the proposed building represents an unreasonable increase in mass and bulk and would create an over-dominant building that would be a visual intrusion in the street scene and detrimental to the character and appearance of the area.
11. The deep, rectangular block form of the building would be wholly out of character with established pattern of development. The bulky flank elevation on the south side would be particularly visible and intrusive in views from the road; it would also block out views of the trees at the rear of the property and reduce the feeling of spaciousness that is a characteristic of the street.
12. The proposed building lacks any real architectural merit and, although the designer has tried to reflect the style of the present building in the use of gables, stock bricks, natural slate and sash windows, this does not disguise the fact that this would be a monolithic building that would be too high, too deep and too bulky for the site and its surroundings.
13. The removal of the present single-storey extension and re-landscaping of the rear gardens, and the offer to retain and incorporate the impressive stained glass staircase window, though no doubt desirable, would not overcome the fundamental objections to the proposed scheme.
14. The appellant drew attention to a previous grant in 1988 of planning permission for a replacement building containing eight flats. Apart from the principle of a replacement building, I consider that there are few similarities between the proposals and nothing that would convince me to change my view of the unsuitability of the current proposal.
15. I agree with the Council that the loss of the present building without a satisfactory replacement would be an unfortunate loss to the area and the Borough as a whole. The appellant claimed that it would be uneconomic to pursue the conversion option for which planning permission has been obtained, but without any supporting evidence, I cannot attach any real weight to it.
16. For the above reasons, I conclude that the proposal would materially harm the character and appearance of the area and would conflict with Policy DC45 of the Council's Core Strategy & Development Control Policies Development Plan Document (2008), which seeks to ensure a high quality of new development that is appropriate to the character and appearance of the surrounding area.

Impact on neighbours

17. The distance between the existing building and the side of no.42 would be maintained. However, the new building would be of uniformly three-storeys in height. The eaves line and ridgeline would be about 1.5m higher than the highest, front part of the existing building. The increase in height would be particularly marked towards the rear where the rear wing of the present house is only of two-storeys. Additionally the new build would extend about 1.2m beyond that rear wing. In my opinion the height and bulk of the almost unrelieved expanse of three-storey flank wall and roof would be visually intrusive and overbearing in views from the garden and patio area at the rear of no.42.
18. I agree that, subject to the side windows of the new building being obscure-glazed, there would be no undue overlooking of either property. However, the additional height of the flank wall and roof would reduce light into a number of facing rooms in no.42, including the ground floor breakfast room, first floor dressing room and second floor guest bedroom and would be particularly oppressive on the outlook from that bedroom window.
19. For these reasons, I conclude that the proposed building would unacceptably harm the amenities of the adjoining residents at 42 Maltese Road and conflict with Policies DC4 and DC42 of the adopted Development Plan Document.
20. I have taken into account all other matters raised, including the desirability of making more efficient use of previously developed land, but find no compelling reason to alter my conclusion that this proposal should not be allowed.

J Mansell Jagger

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mrs Carol Brown	Planning Officer
Mr Ken Smith	Planning Officer
Mr Michael Hurst	Conservation Officer
Cllr Graham Pooley	Ward Councillor

FOR THE APPELLANT:

Mrs Alice Quinn	Smart Planning Ltd
Mr Neil Chambers	MCS Property Developments Ltd

INTERESTED PERSONS:

Mr P Gowing	38 Maltese Road
Mr J Glass	39 Maltese Road
Mr D Millham	42 Maltese Road
Mrs F Millham	42 Maltese Road
Ms N Edwards	43 Maltese Road
Mr R Huntingdon	47 Maltese Road
Ms A Prentice	67 Maltese Road
Dr N A Slark	75 Maltese Road
Ms A Kaye	77 Maltese Road
Ms L Hunt	4 Lichfield Close, Chelmsford
Mr B L Gandy	57 Mayfield Road, Writtle
Mr A Spicer	104 School Lane, Broomfield
Mrs M Spicer	104 School Lane, Broomfield

DOCUMENTS

- 1 *Code for Sustainable Homes*, Communities & Local Government Dec.2006
- 2 *Briefing Note* on the above, Energy Saving Trust
- 3 Council item referring the above, dated 9 October 2007
- 4 Additional conditions agreed between the parties