



**Planning Committee**  
**23<sup>rd</sup> July 2024**

<b>Application No</b>	:	24/00774/FUL Full Application
<b>Location</b>	:	10 Moulsham Chase Chelmsford Essex CM2 0TB
<b>Proposal</b>	:	<b>Replacement new-build dwelling house</b>
<b>Applicant</b>	:	Mr Simon Goldman
<b>Agent</b>	:	Mr Tom Crudgington
<b>Date Valid</b>	:	5th June 2024

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**Appendices:**

Appendix 1      Drawings

## **1. Executive summary**

- 1.1. The application has been referred to the Planning Committee because the applicant is a City Councillor and a representation has been received on the application.
- 1.2. The proposal seeks planning permission for the demolition of the existing dwelling and the construction of a replacement dwelling.
- 1.3. The proposed dwelling would have a design, form and appearance that would remain in character with the local area. The proposed dwelling would not, by virtue of its size or siting, adversely affect the residential amenity of any neighbouring properties.
- 1.4. Sufficient off street parking and private amenity space is to be provided at the replacement dwelling.
- 1.5. The application is recommended for approval.

## **2. Description of site**

- 2.1. The application property is a two storey detached dwelling located on the eastern side of Moulsham Chase. It is set back from the road and served by a front garden and an area of hardstanding.
- 2.2. The property is situated in a predominately residential area which consists of properties of a mix of styles and ages; however these tend to have a traditional character. A mixture of building materials can also be seen on these houses, which includes both traditional brickwork and plain tiling, as well as more contemporary renders and weatherboarding.
- 2.3. The street scene consists of linear development mostly parallel to the highway, with the proposal located between two detached properties, a bungalow to the north and a house to the south.
- 2.4. The property lies within the Urban Area of Chelmsford, for the purposes of the Development Plan.

## **3. Details of the proposal**

- 3.1. The application proposes the demolition of the existing dwelling and the construction of a replacement dwelling.
- 3.2. This proposal follows a previous application for a replacement dwelling, under ref 24/00035/FUL, which was withdrawn following concerns raised by the Local Planning Authority with regard to its design.
- 3.3. The replacement dwelling would have a width of 9.8m, depth of 12.8m and a height of 8.7m. It would be two storey with a pitched roof and gable ends. It would also have a single storey rear extension with a flat roof and a rear facing flat roofed dormer. The front elevation includes a two storey front projecting gable feature.

- 3.4. The property includes roof mounted solar panels to the front facing roof slope.
- 3.5. The dwelling would have an approximate internal floor space of 226 sqm.

#### **4. Other relevant applications**

- 4.1. The application 24/00035/FUL was withdrawn on the 1<sup>st</sup> March 2024. This application sought planning permission for a replacement dwelling.
- 4.2. The application 24/00199/CLOPUD was withdrawn on the 22<sup>nd</sup> March 2024. This application sought to confirm that the construction of a Timber clad outbuilding with office, games room and storage accessed through the garden, would not require a grant of planning permission.
- 4.3. The application 24/00775/FUL for the construction of a single storey outbuilding for an office, games room and garden storage has been recently approved.

#### **5. Summary of consultations**

- 5.1. Consultees:

Public Health & Protection Services – EV Charging Infrastructure is required.

- 5.2. Local residents:

One local resident has raised the following issues:

- Express disappointment that revisions haven't addressed previous concerns
- Loss of light to at least two side windows
- Existing building should be refurbished not demolished
- Environmental impact of the loss of front garden soft landscaping
- Note tree loss and inaccuracy of Sustainable Development Checklist
- Seek assurances that frontage will include planting
- Reduction in security and privacy

#### **6. Planning considerations**

##### ***Main Issues***

- 6.1. The main issues for consideration are design and appearance, and the impact of the development on neighbour amenity.

##### ***Design and appearance***

- 6.2. The site lies within the Urban Area of Chelmsford where in principle new development is acceptable, subject to compliance with relevant planning policies within the local development plan.

- 6.3. Policy DM23 states that planning permission will be granted for development that respects the character and appearance of the area in which it is located. Development must be compatible with its surroundings having regard to scale, siting, form, architecture, materials, boundary treatments and landscape. The design of all new buildings and extensions must be of high quality, well proportioned, have visually coherent elevations, active elevations and create safe, accessible and inclusive environments.
- 6.4. Moulsham Chase, and the adjacent Fraser Close, contains property types which vary in scale, appearance and design. The properties within the street have differing building lines, ridge heights, roof forms and boundary treatments. There are examples of differing types of dormer, front porches, canopies, fenestration, roof lights and landscaping. Though the street scene lacks any uniformity in house type, the arrangement of dwellings in a linear fashion along a singular building line helps to create some form of rhythm along the street.
- 6.5. There are not any restrictive policies in terms of the size and scale of replacement dwellings in urban areas. Proposals are considered on a site-by-site basis and replacement buildings within the urban area should respect the location in which they are located and appear compatible with their surroundings. With reference to the surrounding context of the site, neighbouring dwellings, and those within the immediate vicinity, all share a similar size, scale and massing. The proposed dwelling would occupy a similar, albeit larger footprint, to the existing house and would be sited within roughly the same position on the plot. Though the footprint would be similar, the new dwelling would be approximately 1.2m taller, 1m deeper at first floor than the existing house, but approximately 1.5m narrower. The house would be similar in size and form to its neighbours and therefore would appear well related to the massing of surrounding dwellings. The existing building line, and linear pattern of development along Moulsham Chase, would be maintained and the dwelling would not disrupt or appear at odds with this street scene.
- 6.6. The replacement built form is not considered excessive in relation to its plot or immediate setting. It would not amount to an overdevelopment of the site and the proposed scale of the development would not be out of keeping with the character of the area.
- 6.7. The proposed dwelling has been largely designed with a traditional appearance and form, but with the introduction of small amounts of more contemporary materials, such as zinc cladding, intermixed with standard brickwork. Its main form utilises a single pitched, gabled ended building with a front projecting two storey front gable feature. The front facing gable, combined with a mixture of brickwork and cladding (at ground floor) provides some articulation of the frontage and creates a visual break between the ground and first floor. The use of cladding to the property is not excessive, although the specific detailing of the cladding and materials to be used at this stage has not been clarified as part of the submission. An appropriate condition to cover the details of the materials is recommended.
- 6.8. The proposed dwelling would introduce a rear dormer to the roof slope that is not part of the existing property. Though the dormer would be a new feature to this specific site, there are other examples of dormers present along both Moulsham Chase and the nearby Fraser Close. The proposed dormer would have a flat roof or 'box' configuration and would have a width of 8.8m. The dormer would be set in from the edges of the roof and set back from the eaves of the main roof, which would ensure that it appears subservient to the main house. The use of a zinc seam to clad both the rear dormer and the first floor of the rear elevation would represent a departure from more traditional materials that are prevalent within the local area. Though the use of this material would result in a more contemporary element, it would be located to the



rear of the property and would have a lesser visibility within the context of the area. The zinc used to the first floor of the rear elevation would also be framed through the use of brickwork on either side which would also aid in reducing its prominence. The proposed dormer would be subservient and would not appear as a dominant or excessively bulky feature within the roof slope and would not appear out of character within the context of the surrounding area.

- 6.9. There would be a change in character of the dwelling in terms of the difference between the existing and proposed developments. The proposed house is more contemporary when compared to other houses in the street, however the design relates well with the traditional proportions and appearance of properties within the area and is acceptable.
- 6.10. Overall, the design of the proposed replacement dwelling would not harm the character of the area, nor disrupt the rhythm of the street. Views of the property would be readily achieved along Moulsham Chase and glimpsed through the gaps between houses on Fraser Close, however, the design and scale of the development would not impair these views or harm the visual amenities of the local area.
- 6.11. The replacement dwelling is well designed and reflects the form and proportions of a traditional two storey property. The proposal would be well related to the area in which it is located and would be compatible to its surroundings. The proposal would comply with Policy DM23 of the Chelmsford Local Plan.

#### ***Neighbouring amenity***

- 6.12. Policy DM29 of the Local Plan states that development proposals must safeguard the amenities of the occupiers of any nearby residential property by ensuring that development is not overbearing and does not result in unacceptable overlooking or overshadowing.
- 6.13. A neighbour objection has been received citing that the development would reduce light into two side facing windows of their property. Side windows serve a bathroom (at first floor level) and at ground there are two obscure windows serving a w/c, a side entrance door and a side window to a utility room. The windows do not serve primary habitable rooms (such as lounges or bedrooms).
- 6.14. The proposed increase in the size of the dwelling would lead to a small degree of light loss into the identified side facing windows of No 11. However, the loss of light to a bathroom, which is served by an obscure glazed window, and a ground floor w/c, would not lead to such a harmful reduction in light to No. 11 owing to their orientation, the nature of the development and the rooms which they serve to warrant a refusal of planning permission.
- 6.15. The increased depth to the rear of the new dwelling of 1m at first floor and 3.8m at ground floor is not considered to erode the visual rear facing external outlook from No's 9 or 11 Moulsham Chase, as the dwelling would not result in a significant increase above and beyond the mass that currently occupies the site. The increased bulk of the new dwelling would not appear oppressive or overbearing in views from neighbouring properties.
- 6.16. The proposed dwelling would maintain a back to boundary distance of over 15m and would be in accordance with the requirements of Appendix B of the Chelmsford Local Plan. The new rear facing windows will not lead to an overlooking issue to the garden of No. 2 Fraser Close to the rear. The proposed windows of the new dwelling would be located in similar positions to those

currently serving the existing dwelling and as such would not alter the existing outlook currently afforded from the property.

- 6.17. The proposal would therefore comply with the requirements of Policy DM29 of the Chelmsford Local Plan.

#### ***Other matters***

- 6.18. The proposal is acceptable from a highways perspective. The proposed hardstanding to the frontage would provide sufficient parking and turning space clear of the highway.
- 6.19. Policy DM26 requires all new dwellings to comply with criteria in respect of achieving suitable privacy and living environment for residential occupiers, achieving sufficient private amenity space, meeting appropriate internal space and providing appropriate and well designed recycling and waste storage. Standards are set out Appendix B to the Local Plan and the above criteria must be in accordance with those standards.
- 6.20. The dwelling will have four bedrooms and all habitable rooms have windows in walls which would provide both natural light to the rooms and adequate outlook for future occupants. The dwelling would also be in excess of the floor space required by Table 15 of Appendix B for this category of dwelling. The submitted plans indicate compliance with the Nationally Described Space Standards, in accordance with Local Plan Policy DM26.
- 6.21. Policy DM25 requires all new dwellings to incorporate sustainable design features. These are that the dwellings shall meet the Building Regulations optional requirement for water efficiency of 110litres/person/day and that Electric Vehicle charging point infrastructure of 1 charging point per unit shall be provided. These requirements will be dealt with via appropriate conditions. The development is also proposing photovoltaic panels on the front facing elevation of the roof and air source heat pumps located adjacent to the north facing side elevation of the property. The specifications of these heat pumps have been provided. No objection is raised by Public Health and Protection Services.
- 6.22. The proposed development would be exempt from requirements for a net gain in biodiversity of 10% by virtue of a self-build exemption. This will be controlled by planning condition.
- 6.23. The replacement of a dwelling is not prohibited as a matter of principle, on environmental grounds. A new dwelling can often improve the sustainability credentials of a property, beyond that refurbishment. The replacement of a dwelling is a choice made by the applicant and not one that is prohibited by the development plan or government guidance as a matter of principle.
- 6.24. The loss of some vegetation to the frontage as a result of new hard surfacing is not considered to be consequential within this urban environment.

#### **Community Infrastructure Levy (CIL)**

- 7.1. The application is technically CIL Liable but may qualify for self build exemption.

## **Biodiversity Net Gain**

- 7.2. The application is technically liable but can be exempt if self build; an appropriate condition is included.

### **RECOMMENDATION**

**The Application be APPROVED subject to the following conditions:-**

#### **Condition 1**

The development hereby permitted shall begin no later than 3 years from the date of this decision.

Reason:

In order to comply with Section 91(1) of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

#### **Condition 2**

The development hereby permitted shall be carried out in accordance with the approved plans and conditions listed on this decision notice.

Reason:

In order to achieve satisfactory development of the site

#### **Condition 3**

Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason:

To ensure that the development is constructed at suitable levels in relation to its surroundings in accordance with Policy DM23 of the Chelmsford Local Plan.

#### **Condition 4**

Prior to their use, details of the materials to be used in the construction of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall then be carried out in accordance with the approved details.

Reason:

To ensure that the development is visually acceptable in accordance with Policy DM23 of the Chelmsford Local Plan.

#### **Condition 5**

Prior to the first occupation of the dwelling hereby permitted, charging infrastructure for electric vehicles shall be installed and retained at a rate of 1 charging point per dwelling.

Reason:

To ensure that the development is constructed sustainably in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 6**

The dwelling unit hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).

Reason:

To ensure the development reduces water dependency in accordance with Policy DM25 of the Chelmsford Local Plan.

**Condition 7**

No unbound material shall be used in the surface treatment of the vehicular access hereby permitted within 6 metres of the highway boundary.

Reason:

To avoid displacement of loose material onto the highway in the interests of highway safety.

**Condition 8**

The area of hardsurfacing hereby permitted shall be constructed using a permeable surface or shall include drainage to prevent discharge of surface water onto the Highway.

Reason:

To prevent hazards caused by water flowing onto the highway and to avoid the formation of ice on the highway in the interest of highway safety.

**Condition 9**

Prior to first occupation of the dwelling the vehicle parking area drive/turning area shown in the approved site and block plan drawing no 050/P2, shall be hard surfaced and constructed ready for use. The vehicle parking area and associated turning area shall be retained at all times.

Reason:

To ensure that on street parking of vehicles in the adjoining streets does not occur in the interests of highway safety and that appropriate parking is provided.

**Condition 10**

- (i) The dwelling hereby permitted shall be constructed as a self-build dwelling within the definition of a self-build and custom build housing in the Self-build and Custom Housebuilding Act 2015.
- (ii) The first occupation of the dwelling hereby permitted shall be by a person or persons who had a primary input into the design and layout of the dwelling and who will live in the dwelling for at least 3 years.
- (iii) Prior to the first occupation of the dwelling the Council shall be notified of the person(s) who will take up first occupation of the dwelling.

Reason:

The development permitted was exempt from mandatory biodiversity net gain as set out in the Environment Act 2021 due to it being a self-build development. This condition is required to ensure the development is a self-build in accordance with the definition. If the development was not self-build mandatory biodiversity net gain would be required.

## Notes to Applicant

### 1 Hours of work during construction

In order to cause minimum nuisance to neighbours, the applicant is strongly advised to follow guidelines for acceptable working hours set out by the Council's Public Health and Protection team.

#### Noisy work:

- Can be carried out between 0800 and 1800 Monday to Friday
- Limited to 0800-1300 on Saturdays
- At all other times including Sundays and Bank Holidays, no work should be carried out that is audible beyond the boundary of the site

#### Light work:

- Acceptable outside the hours shown above
- Can be carried out between 0700 and 0800; and 1800-1900 Monday to Friday

In some circumstance further restrictions may be necessary.

For more information, please contact Chelmsford City Council Public Health and Protection Services, or view the Council's website at [www.chelmsford.gov.uk/construction-site-noise](http://www.chelmsford.gov.uk/construction-site-noise)

### Party Wall Act

The Party Wall Act 1996 relates to work on existing walls shared with another property or excavation near another building.

An explanatory booklet is available on the Department for Communities and Local Government website at

<http://www.planningportal.gov.uk/buildingregulations/buildingpolicyandlegislation/currentlegislation/partywallact>

### 2 The proposed demolition in the scheme should not be carried out until you have given notice to the Chelmsford City Council (Building Control Manager) of your intention to do so pursuant to Section 80 of the Building Act 1984.

Notice should be in writing and accompanied by a block plan (e.g. 1/500) clearly identifying the building(s) to be demolished.

### 3 This planning permission is subject to planning condition(s) that need to be formally discharged by the Council. Applications to discharge planning conditions need to be made in writing to the local planning authority. Forms and information about fees are available on the Council's website.

### 4 This permission is subject to conditions, which require details to be submitted and approved by the local planning authority. Please note that applications to discharge planning conditions can take up to eight weeks to determine.

- 5 The proposed development may be liable for a charge under the Community Infrastructure Levy Regulations 2010 (as Amended). If applicable, a Liability Notice will be sent as soon as possible to the applicant and any other person who has an interest in the land. This will contain details of the chargeable amount and how to claim exemption or relief if appropriate. There are further details on this process on the Council's website at [www.chelmsford.gov.uk/cil](http://www.chelmsford.gov.uk/cil), and further information can be requested by emailing [cilenquiries@chelmsford.gov.uk](mailto:cilenquiries@chelmsford.gov.uk). If the scheme involves demolition, for the purposes of the Regulations the development will be considered to have begun on commencement of the demolition works.

### **Positive and Proactive Statement**

The Local Planning Authority provided advice to the applicant before the application was submitted. The Local Planning Authority has assessed the proposal against all material considerations including planning policies and any comments that may have been received. The planning application has been approved in accordance with the objectives of the National Planning Policy Framework to promote the delivery of sustainable development and to approach decision taking in a positive way.

### **Background Papers**

Case File

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**Plans to be listed on any Decision Notice:**

050/P2

110/P3

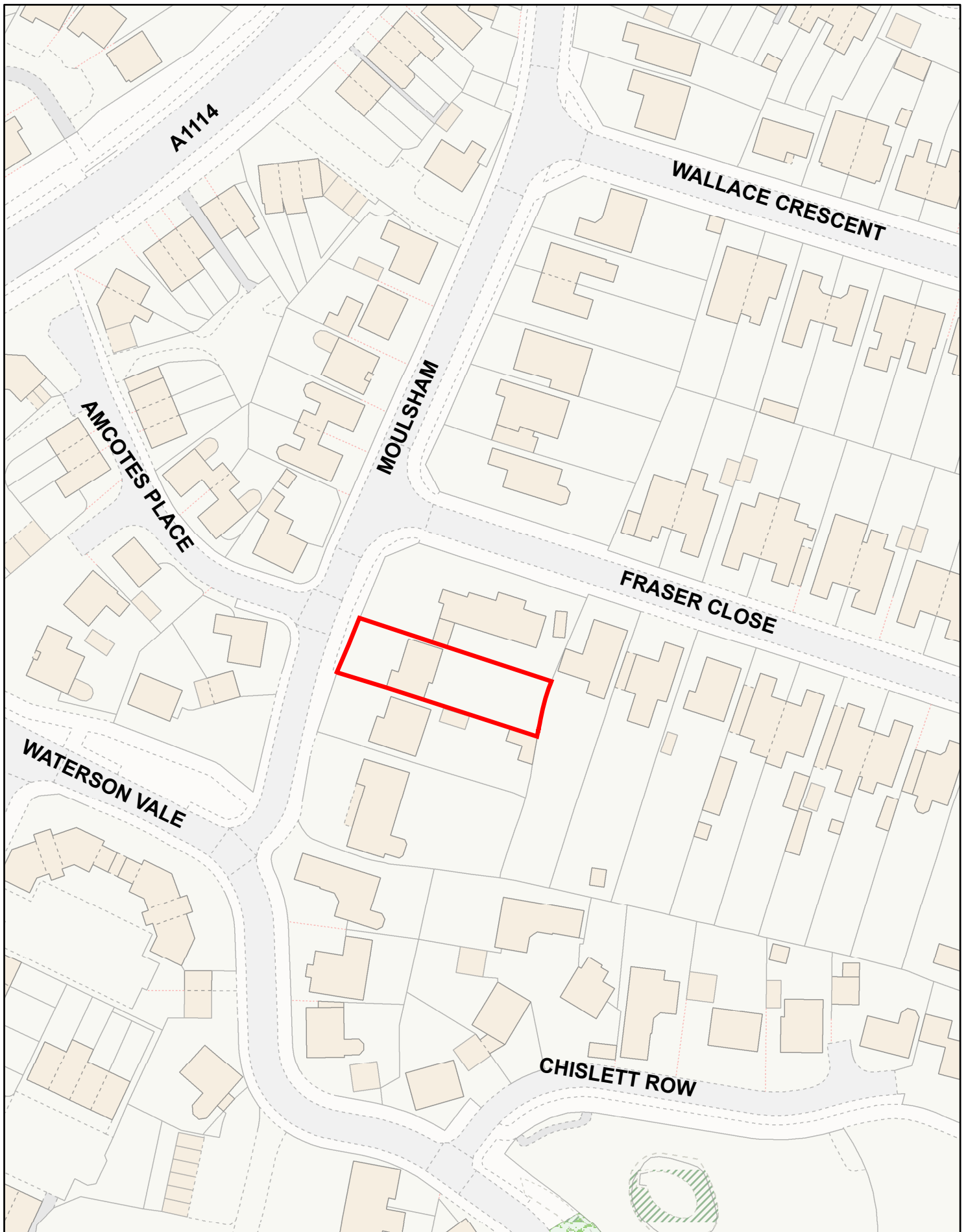
111/P4

112/P3

113/P3

210/P3

211/P5



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**Planning Committee**  
**24/00774/FUL**

**Planning & Development Management**  
**Directorate for Sustainable Communities**

PO Box 7544 Civic Centre  
Duke Street, Chelmsford, CM1 1XP

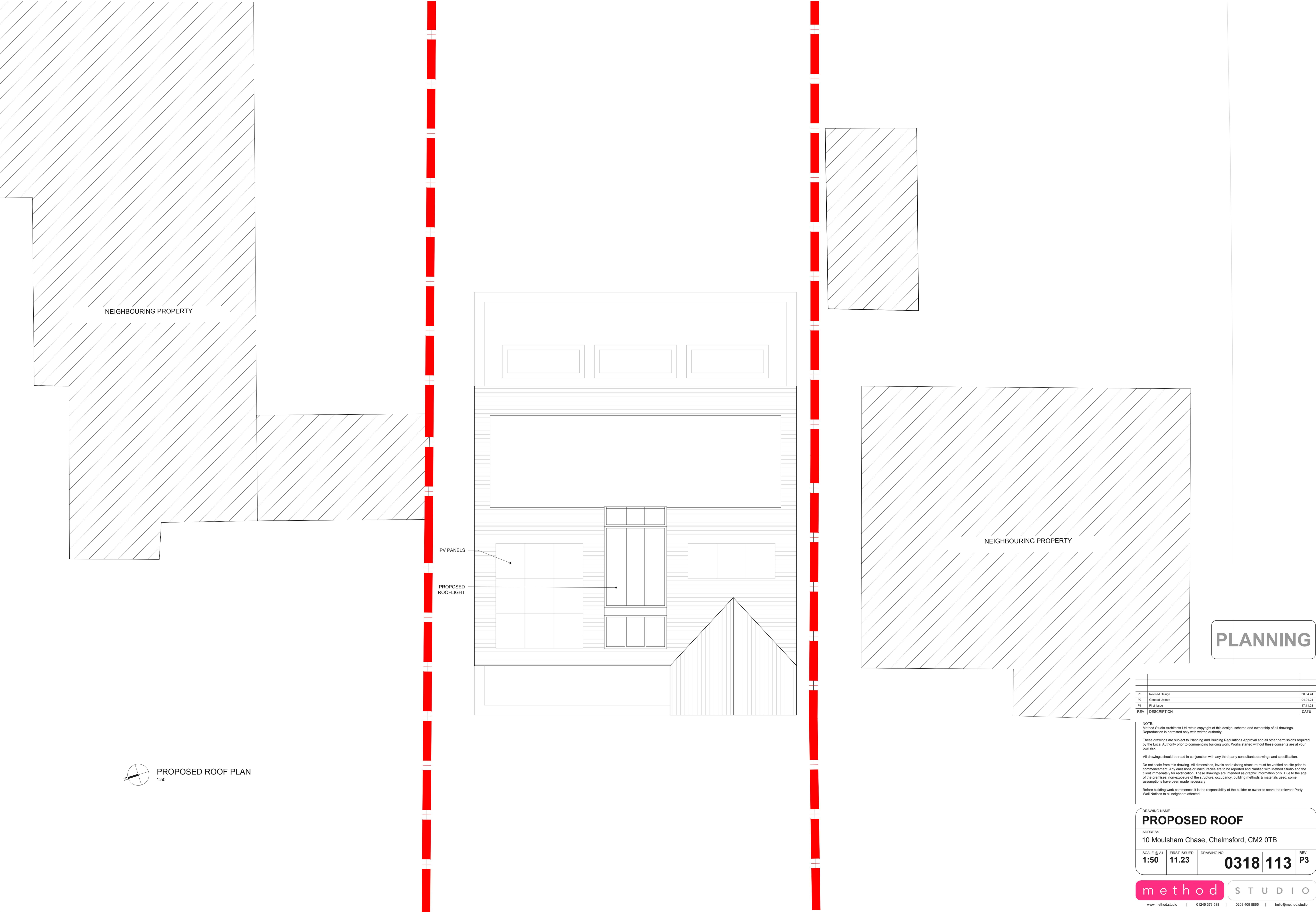
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PROPOSED ROOF PLAN  
1:50

REV	DESCRIPTION	DATE
P3	Revised Design	30.04.24
P2	General Update	06.01.24
P1	First Issue	17.11.23

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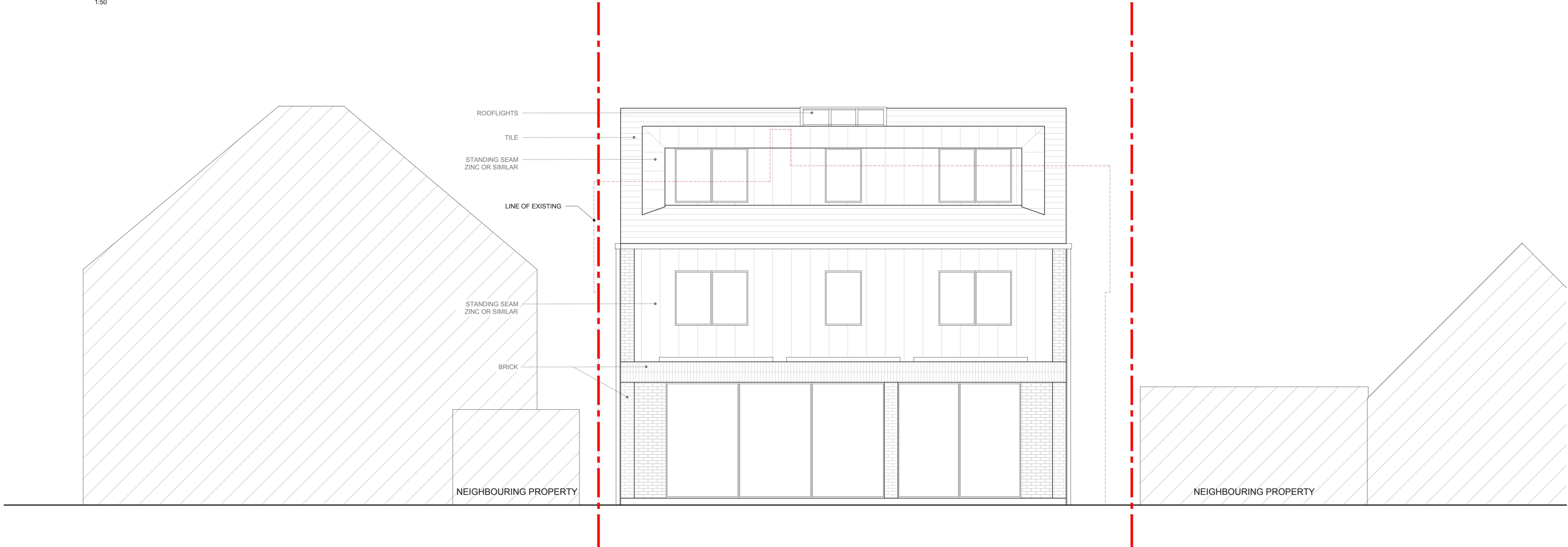
Before building work commences it is the responsibility of the builder or owner to serve the relevant Party Wall Notices to all neighbors affected.

DRAWING NAME			
PROPOSED ROOF			
ADDRESS			
10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A1	FIRST ISSUED	DRAWING NO	REV
1:50	11.23	0318 113	P3





PROPOSED FRONT ELEVATION  
1:50



PROPOSED REAR ELEVATION  
1:50

PLANNING

REV	DESCRIPTION	DATE
P3	Revised Design	30.04.24
P2	General Update	06.01.24
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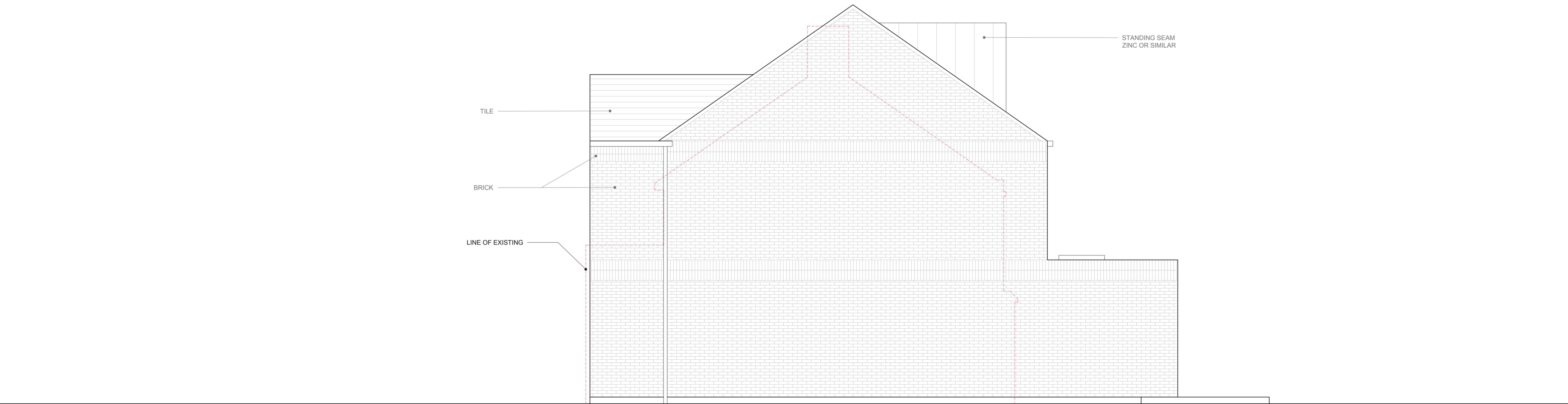
DRAWING NAME			
PROPOSED FRONT AND REAR ELEVATIONS			
ADDRESS			
10 Moulsham Chase, Chelmsford, CM2 0TB			
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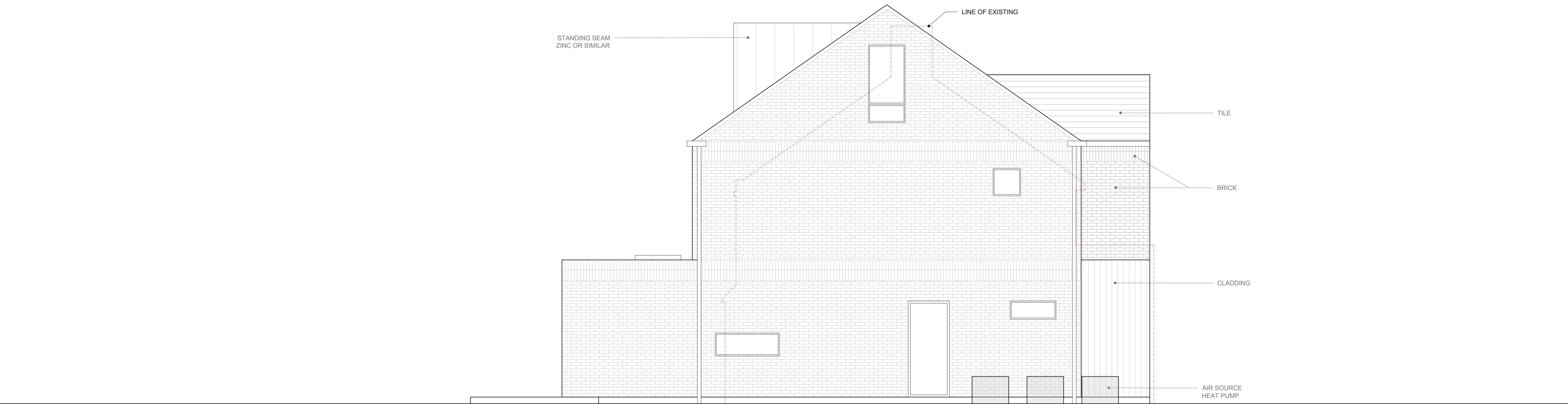
www.method.studio | 01245 373 588 | 0203 409 8865 | hello@method.studio

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PROPOSED RIGHT ELEVATION  
1:50



PROPOSED LEFT ELEVATION  
1:50

PLANNING

P5	Door Update	22.05.24
P4	Revised Design	21.05.24
P3	Revised Design	30.04.24
P2	General Update	06.01.24
P1	First Issue	17.11.23
REV	DESCRIPTION	DATE

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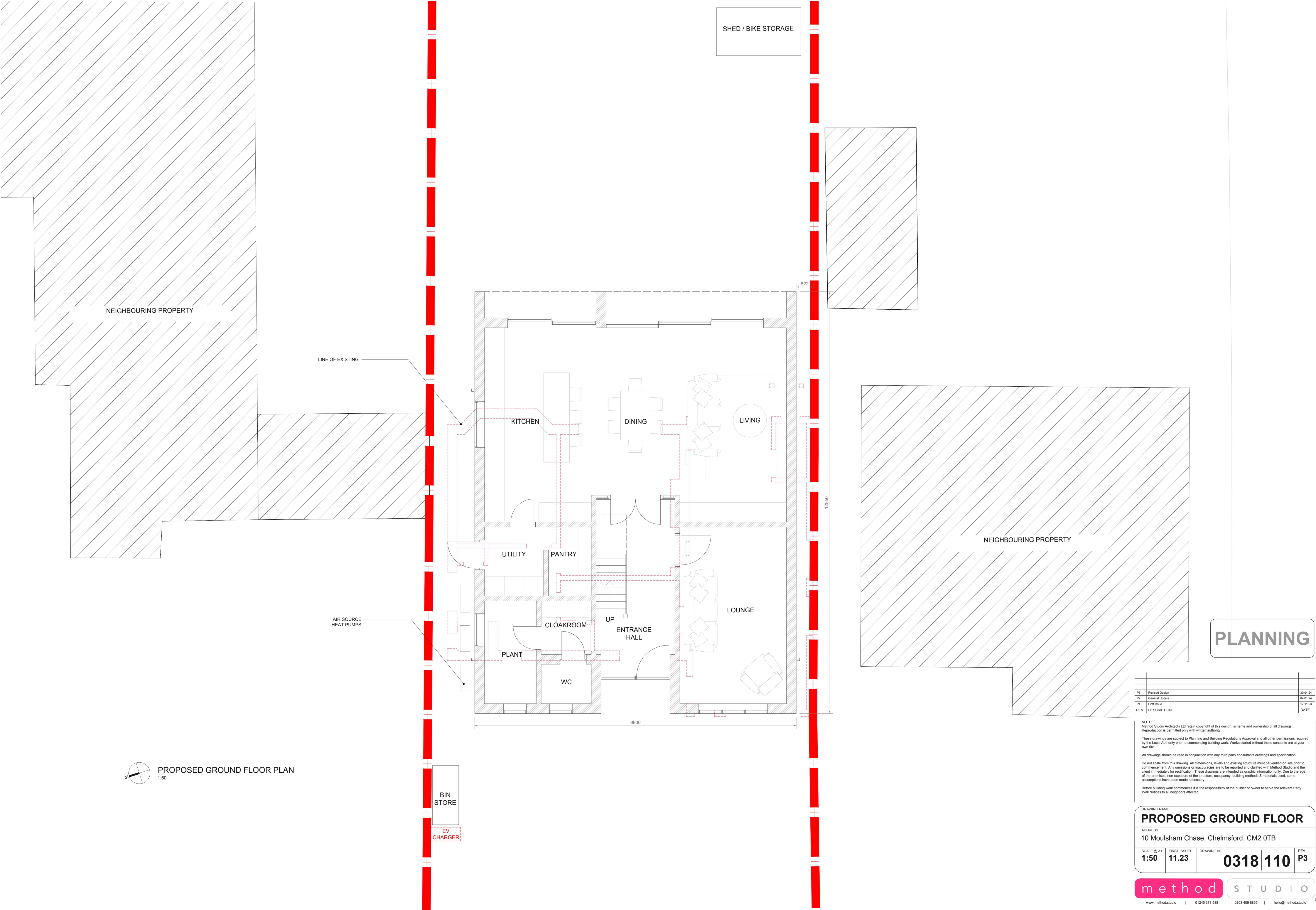
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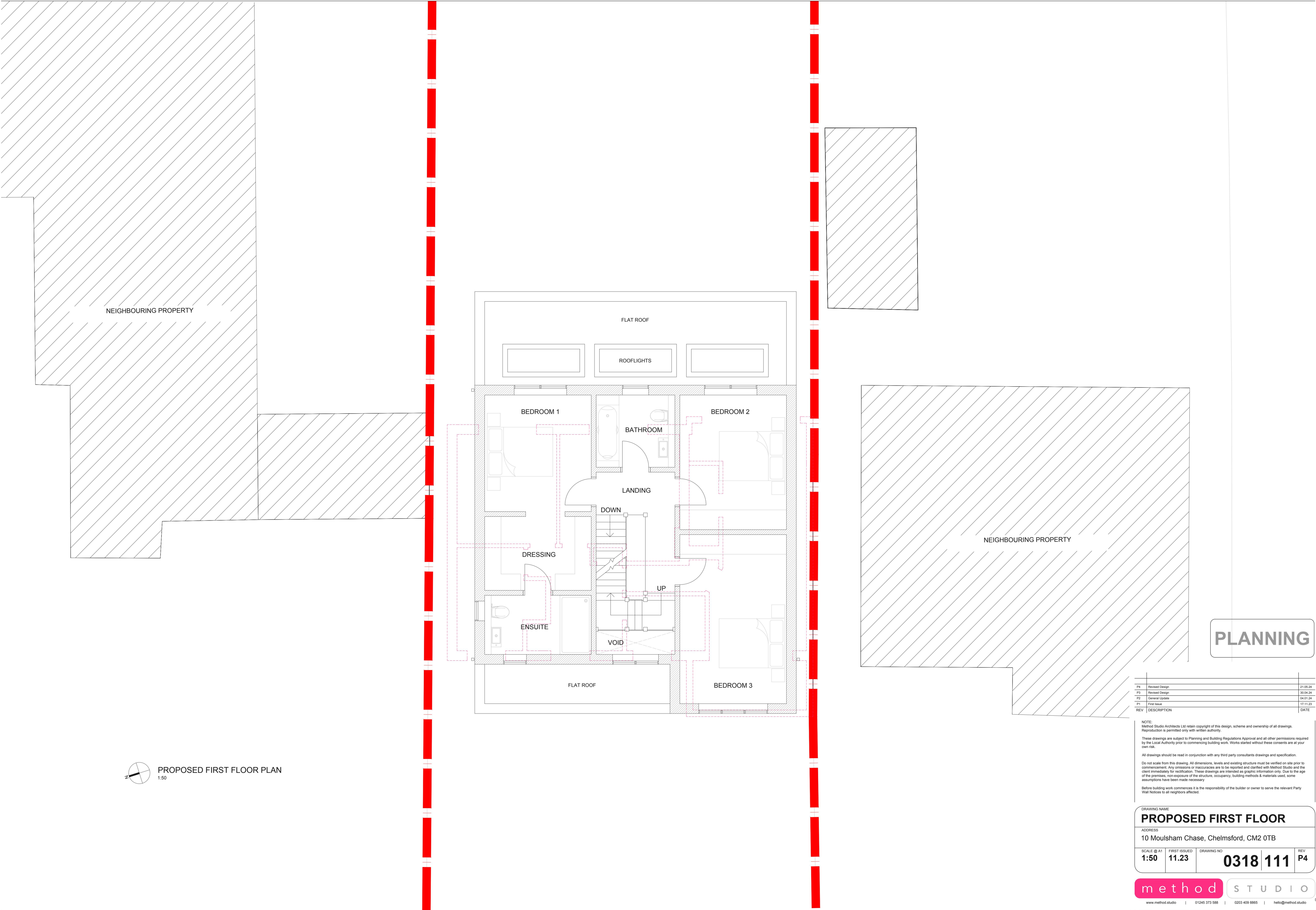
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DRAWING NAME			
PROPOSED LEFT AND RIGHT ELEVATIONS			
ADDRESS			
10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A1	FIRST ISSUED	DRAWING NO	REV
1:50	11.23	0318 211	P5









PLANNING

REV	DESCRIPTION	DATE
P4	Revised Design	21.05.24
P3	Revised Design	30.04.24
P2	General Update	06.01.24
P1	First Issue	17.11.23

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DRAWING NAME			
PROPOSED FIRST FLOOR			
ADDRESS			
10 Moulsham Chase, Chelmsford, CM2 0TB			
SCALE @ A1	FIRST ISSUED	DRAWING NO	REV
1:50	11.23	0318 111	P4



