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# Appeal Decision

Site visit made on 5 August 2019

**by J L Cheesley BA(Hons) DIPTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 16 August 2019**

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**Appeal Ref: APP/W1525/D/19/3230817**

**Glenmore, Blasford Hill, Little Waltham, Chelmsford, Essex CM3 3PF**

- 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 Mr and Mrs V Manning against the decision of Chelmsford City Council.
  - The application Ref 19/00338/FUL was refused by notice dated 30 April 2019.
  - The development proposed is a new vehicular access and forward parking area with associated landscaping works.
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## Decision

1. The appeal is dismissed.

## Main Issues

2. I consider the main issues to be:
  - the effect of the proposal on highway safety; and
  - the effect of the proposal on the setting of a Grade II listed building.

## Reasons

### *Highway Safety*

3. The appeal property is situated on the B1008, which is a heavily trafficked highway and main distributor road connecting Braintree and Chelmsford. The proposed parking bay would be aligned parallel to the carriageway.
  4. For vehicles to enter or exit the parking bay it would require oblique vehicle manoeuvres, with restricted visibility. Visibility could be severely restricted if vehicles are parked on the highway nearby. Vehicles would either have to reverse into the parking bay or reverse out of the parking bay. From my observations, I consider that the associated manoeuvring on such a busy road and with limited visibility for both emerging and approaching vehicles would result in an unacceptable degree of hazard to all road users to the detriment of general highway safety.
  5. In reaching my conclusion, I have had regard to all matters raised including the proposed parking arrangements for a development site adjacent to the appeal
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site and other parking arrangements in the vicinity. It does appear that the parking at some other properties may result in vehicles reversing onto Blasford Hill. A number of these appear to be historic and usually allow for the possibility of some on site manoeuvring. In my opinion, the presence of unsatisfactory parking arrangements elsewhere is not a reason to allow further hazard to drivers.

6. The Council has raised concern regarding precedent. I have determined the proposal on its individual merits, but acknowledge that to allow the proposal would make it difficult for the Council to resist similar access and parking proposals.
7. For the reasons stated above and having taken into consideration all matters raised, I conclude on this issue that the proposal would have an adverse effect on highway safety.

#### *Listed Building*

8. The Planning (Listed Buildings and Conservation Areas) Act 1990 imposes duties requiring special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
9. The National Planning Policy Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
10. Glenmore together with the adjoining dwelling is a Grade II listed building. The listing describes them as *C18 timber-framed and plastered cottages*. They have small front garden areas behind low white picket front boundary fences. I consider the setting of these cottages includes the front garden areas and front fences.
11. The proposed vehicular access would require the removal of most of the front picket fence. There would be hard surfacing of much of the front area, with a planter on a side border. The front garden area at present predominately comprises various hard finishes with some soft landscaping. Whilst not a cottage garden full of plants, the fence provides a level of containment to the frontage, which I consider makes a positive contribution to the traditional setting of the cottage. The proposed removal of the fencing and the construction of the proposed new hard surfacing for parking would unacceptably open up the frontage and erode the traditional garden setting of the cottage. This would adversely affect the setting of the listed building, but would be less than substantial harm as set out in the Framework.
12. The proposed parking area would provide off street parking. However, I have found that in doing so, it would have an adverse effect on highway safety, which I consider to be so significant as to outweigh any public benefit of the off street parking. I have attributed considerable importance and weight to the duty and the presumptive desirability of preserving the setting of the listed building, which, having regard to the Framework, I do not consider, for the reasons stated above, are outweighed by any benefits of the proposal.

*Conclusion*

13. I have found that the proposal would have an adverse effect on the setting of a listed building and on highway safety. The proposal would be contrary to the Framework, where it seeks to ensure that new development minimises the scope for conflicts between vehicles. In addition, the proposal would be contrary to Policy DC18 in the Chelmsford Core Strategy and Development Control Policies Development Plan Document (2008), where it seeks to ensure that development does not affect the setting of a listed building. I consider this policy is broadly consistent with the Framework where the Framework seeks to conserve and enhance the historic environment.

*J L Cheesley*

INSPECTOR