
Appeal Decision

Site visit made on 13 August 2019

by J Bowyer BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2019

Appeal Ref: APP/W1525/W/19/3229928

Good Graces, Graces Lane, Little Baddow, Chelmsford, Essex CM3 4AX

- 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 Jason Wootton against the decision of Chelmsford City Council.
 - The application Ref 19/00143/FUL, dated 25 January 2019, was refused by notice dated 4 April 2019.
 - The development proposed is entrance gates with piers and wing-walls.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. Good Graces is a recently constructed replacement dwelling located on a spacious plot within the open countryside. To the east of the site is Riffhams, a Grade II registered park and garden which extends to the north and south sides of Graces Lane, a narrow rural lane with passing places. In the main, boundary treatments to the occasional houses, agricultural buildings, fields and parcels of woodland along Graces Lane comprise established hedges supplemented with mature trees, or low-level open timber post and rail fencing. Where accesses are gated, these gates are of similarly open character and mainly of five-bar design. As a result, there is an overall feeling of spaciousness and an attractive verdant and highly rural character to the area.
4. The frontage of the appeal site is currently defined by wattle fencing and mixed hedge with temporary security gates at the access onto Graces Lane. The proposed entrance gates would be recessed around 2m from the line of the wattle fencing. However, while this means that they would be set back from the edge of the lane, they would nevertheless be clearly visible in views from Graces Lane and from the public right of way opposite the site to the south.
5. The gates would be formed of timber panels set between brick piers and wing-walls. The significant height of the gates and walls, together with their formal design and solid nature would result in a visual barrier and an inappropriate urbanising feature, at odds with the rural context of the area and the low-level open and soft boundary treatments which predominate.

6. The appellant proposes additional planting forward of the sections of wing-walls and has advised that the masonry and joinery could be treated to age and blend the new materials into the mature landscape. However, these suggestions would not mitigate the harm which results from the discordant height and closed nature of the development.
7. I therefore find that the proposed development would be an uncharacteristic, prominent and obtrusive feature resulting in unacceptable harm to the intrinsic qualities of the countryside and the green and spacious character of the area. Given this, the development would be contrary to Policy DC2 of the Core Strategy and Development Control Policies (2008) which highlights that development will be permitted where the intrinsic character and beauty of the countryside is not adversely impacted. For similar reasons, the development would also be contrary to Policies CO1 and CO6 of the emerging Local Plan, to which I have given some weight.

Other Matters

8. Riffhams registered park and garden adjacent to the site is a designated heritage asset. I have taken account of the desirability of preserving or enhancing the character or appearance of this asset in accordance with paragraph 192 of the National Planning Policy Framework. I have identified that there would be harm to the rural character of the area and I note that the development would be of greater height and would be solid in contrast to the gates to Riffhams. However, given the intervening boundary treatment and vegetation present to the frontage of the appeal site, and the separation to the gates to Riffhams which are to the south side of Graces Lane, I do not consider that there would be harm to the significance of this heritage asset.
9. I note that the Council's conservation officer has not objected to the proposal, that trees would be retained, and that the design and materials proposed reflect the dwelling being built on the site. Additionally, the appellant has advised that the dwelling is being built in accordance with Building Regulations Part Q 'Secured by Design' which requires reasonable provision to resist unauthorised access, and that the purpose of the development is to deter theft of motor vehicles. However, I have not been provided with any detailed evidence that the proposed development is the only potential solution to achieve this. As such, these are not factors which outweigh the harm that I have identified to the character and appearance of the area.

Conclusion

10. For the reasons given above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Bowyer

INSPECTOR