
Appeal Decision

Site visit made on 2 October 2019

by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2019

Appeal Ref: APP/W1525/D/19/3234890

Oak Dean, Little Green, Chelmsford, Essex CM3 1BU

- 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 T Butling against the decision of Chelmsford City Council.
 - The application Ref 19/00285/FUL, dated 11 February 2019, was refused by notice dated 13 June 2019.
 - The development proposed is described as 'proposed vehicular access to the north of the site onto the highway'.
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Decision

1. The appeal is allowed and planning permission is granted for development described as 'proposed vehicular access to the north of the site onto the highway' at Oak Dean, Little Green, Chelmsford, Essex CM3 1BU in accordance with the terms of the application reference 19/00285/FUL, dated 11 February 2019, subject to the following conditions:
 - 1) The development hereby permitted relates to approved plan reference 01A/OD/19 Revision C.
 - 2) Notwithstanding the details shown on the plan hereby approved, details of the construction, design and surfacing of the access and vehicular crossover hereby permitted shall be submitted to and approved in writing and completed in accordance with the approved details on site within six months of the date of this planning permission.

Procedural Matter

2. The development subject of this appeal has been carried out. Planning permission is therefore sought retrospectively.

Main Issue

3. The main issue is, with the above in mind, the effect of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises a detached single storey dwelling set back from and facing Little Green Road. There are two vehicular access points to the north and south of the dwelling. The southernmost access is not the subject of this appeal. Each point of access is laid to hardstanding, splaying outwards as it meets the back edge of the surfaced carriageway. Little Green Road is a

single width surfaced rural lane with grass verges either side. Dean House is the furthest south dwelling of a small cluster in the open countryside. Undulating agricultural fields characterise the wider area. The aforementioned cluster of built development has a mix of planted and built front boundaries but there is a prevailing verdant feel to the road edge where a number of private vehicular access points feature. Hedges also adorn some field edges where they meet Little Green Road.

5. Both access points at the appeal site have curved top metal gates and supporting brick pillars. These are the subject of a separate appeal and as such I have not considered them further.
6. As I have alluded to above, vehicular access points off Little Green Road are not uncommon. They serve parking areas to the front and side of dwellings and land around them. The net addition of one more in the case of the appeal scheme does not strike me as either excessive or overly harmful in this context. The appeal site is the last dwelling in the group and it faces open agricultural land but the access is surrounded by characteristic grass verges which it does not subsume a significant proportion of. The front boundary retains a mature hedge which, whilst not native, does assist in reinforcing the area's verdant character where property and field boundaries are concerned.
7. I acknowledge that the addition of more urban features in a predominantly rural area can have an adverse effect. However, given the scale of the access in isolation and in this case its lack of associated gates, walls or other means of enclosure (which are the subject of a separate appeal) in the context of a number of others contained within the spread of an existing cluster of built form it would not substantially alter the main characteristics of the area in either landscape or visual terms. The appeal site is sat on a low level in the landscape and the breach in the hedge to facilitate the access is not substantial. To my mind, these factors further reduce the overall visibility of the access in the wider landscape context and any harm it accordingly causes.
8. The development does not therefore adversely affect the character or appearance of the area such that it would not conflict with Policy DC2 of the Core Strategy and Development Control Policies Development Plan Document 2008. Amongst other things, this policy seeks to ensure that new development in the countryside beyond the Green Belt does not adversely affect the intrinsic character and beauty of the countryside. It would also be compliant with the aims of section 12 of the Framework which sets out, amongst other things, that developments are sympathetic to local character.

Other Matters and Conditions

9. The Council's highways advisors do not object to the appeal scheme on highway safety grounds. Indeed, they confirm that the visibility provided is sufficient. They do however express concerns in regard to the fact that the works, some of which are in the public highway, were not permitted, with particular regard to the surfacing materials. Having seen the layout of the access on site I note that a bound material has been used which obviously ensures that no loose material will be deposited in the highway which will aid its proper unimpeded function.
10. Nevertheless, without approving the works in the highway with the relevant authority, it is not clear that the design is appropriate to ensure the highway

can operate acceptably in other areas, namely drainage. Whilst I have not found that the access in itself would give rise to planning harm, I do recognise that the design and surfacing of the access should be to a specification that would ensure proper function of it and the highway. I have therefore imposed a condition that would require the agreement and implementation of a detailed design within a timescale following this planning permission that is mutually acceptable to both main parties. The timescale would be, in my opinion, sufficient. Considering the level of detail that would be needed, a reasonable time for the Council to consider details and then the extent of works that would be necessary on site.

11. I have also imposed, in accordance with general practice and for enforcement purposes, a condition setting out the approved plan.

Conclusion

12. For the reasons and subject to the conditions set out, the appeal is allowed.

John Morrison

INSPECTOR