



Appeal Decision

Site visit made on 24 October 2019

by Mr JP Sargent BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 November 2019

Appeal Ref: APP/W1525/W/19/3231582

Writtle Wick, 62 Chignal Road, Chelmsford, Essex CM1 2JB

- 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 Ian Costello of Boncas Limited against the decision of Chelmsford City Council.
 - The application Ref 19/00144/FUL, dated 25 January 2019, was refused by notice dated 7 June 2019.
 - The development proposed is the change of use from Class D1 (children's day-centre) to 3 residential dwellings (Class C3) and 4 additional terraced houses, also in Class C3, including garages, parking spaces and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are
 - a) whether the development would preserve the setting of this Grade II listed building or any features of special architectural or historic interest it possesses, and its consequent effect on the building's significance;
 - b) the impact on the living conditions at Writtle Wick Cottage;
 - c) the impact on the character and appearance of the area due to the relationship to the protected trees and
 - d) the impact on highway safety resulting from the refuse storage facilities.

Reasons

Impact on the listed building

3. Section 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* says

in considering whether to grant planning permission for development which affects a listed building or its setting ... the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features or special architectural or historic interest which it possesses.

Therefore, although the Council raised no objections to the effect of the proposal on this Grade II listed building, it is nonetheless a matter I need to address.

4. Writtle Wick is a large property that dates back to the 16th or 17th Century, but it has been subsequently and significantly extended. Both internally and externally the phases of development are clearly visible, with detailing, proportions and structural elements reflecting their differing periods of construction. To my mind these elements, and the evolution they display, comprise part of the building's special architectural and historic interest and contribute to its significance. Particularly striking is the Victorian extension at the southern end, with its heavy timberwork, its stone window surrounds, its varied rooflines and its tower feature.
5. The building stands in spacious grounds. Whilst suburban development has occurred to 3 sides, this is not readily apparent when approaching from the south along Chignal Road due to existing planting and the sizeable garden area. To my mind this setting contributes to the significance of the building as it reflects its status and means its attractive southern elevation is visually unchallenged.
6. I raise no objections to the works relating to the conversion of the building, as they would allow a sensitive reuse for this property. I consider as well that the partial demolition of the outbuildings to allow an access would be acceptable in this regard and would not harm the building's significance.
7. The proposal also includes the erection of a 3-storey terrace of 4 houses to the east of the existing main building. It was said the terrace would be subservient as it would be 1m lower than the ridge of the main house and there would only be discreet glimpses of it from the public highway. However, given how high the existing building is, this height difference would have only a limited effect on reducing the prominence of the terrace. Moreover, in my opinion when looking from the road to the south-west the terrace would be clearly visible as it would project an appreciable distance beyond the southern elevation of Writtle Wick. It would also receive added attention because of detailing such as its end tower and its bays.
8. I consider the scale, detailing and size of the terrace would mean it would relate poorly to the listed building, as it would be an unduly large and dominant presence close by within the curtilage. As a result, it would visually challenge Writtle Wick to an unacceptable degree. It would also appreciably erode the space around it, undermining the sense of status that it currently displays in this context and confusing the site's historical evolution. Whilst it may be the continuum of the site's 500 years of development, to my mind that does not overcome this concern. Therefore, it would cause harm, albeit less than substantial, to its significance as a designated heritage asset.
9. The *National Planning Policy Framework* (the Framework) says that any harm to the significance of a designated heritage asset should require clear and convincing justification, adding that where harm would be caused to a designated heritage asset this harm should be weighed against the public benefits. In this instance I have been told that the terrace is 'enabling development' necessary to fund the reuse of the principal building. No details of this have been forthcoming though, and so I cannot afford it significant weight. Whilst the scheme would also be providing additional housing, I consider this benefit is not sufficient to outweigh the harm identified.
10. Accordingly, I conclude that the new terrace would adversely affect the setting of this Grade II listed building, causing less than substantial harm to its

significance as a designated heritage asset. In the absence of any public benefits to outweigh this harm, I further conclude the proposal to be unacceptable in this regard. It would therefore conflict with Policy DC45 in the *Core Strategy and Development Control Policies Development Plan Document 2001-2021* (the Core Strategy), which requires new buildings to have an appropriate relationship with their surroundings, and with guidance in the Framework.

Living conditions

11. Although the window serving a first-floor bedroom to one of the proposed units in the existing building would allow a view over a parking area, it would also enable overlooking of the rear courtyard of Writtle Wick Cottage. As the boundary of this is some 3.5m away, such a relationship would result in a significant loss of privacy for those neighbouring residents when in this outside area. This courtyard is the most private outside amenity space connected with that house and so it is fair to assume it is much used by its occupiers.
12. Accordingly, I find that the proposal would cause an unacceptable loss of privacy for the residents at Writtle Wick Cottage, in conflict with Core Strategy Policy DC4, which seeks to protect neighbouring living conditions.
13. However, the relationship of this window to Writtle Wick Cottage has existed for many years. Indeed, although Writtle Wick has recently been used for commercial purposes there would still have been overlooking, albeit generally confined to the working day. Furthermore, there is a need to find a new use for this listed building, and residential units appear to be, in many respects, the most suitable. Given this there are few other activities to which the room served by the window could be reasonably put, as in my opinion it is too large to be a bathroom or some other utility area. Mindful of the heritage value of the building and the room's limited external elevations, I also cannot be confident that a new window could be inserted elsewhere. Consequently, in these circumstances I consider the harm caused by overlooking is outweighed by the need to find a use for the building and the long-standing relationship that has existed.
14. Concerning the impact on the residents to the north, the refuse store need not be a source of odour or vermin if suitably designed, while any effect on their outlook would not be unacceptable given what they currently see.
15. Therefore, I have found there would be an unacceptable loss of privacy for residents at Writtle Wick Cottage in conflict with Core Strategy Policy DC4. However, to my mind the reuse of the listed building and the historic relationship that has existed constitute material considerations that justify a decision in relation to this issue otherwise than in accordance with the development plan.

Effect on trees

16. To the south of the proposed terrace is a group of tall sycamores subject of a tree preservation order. The parties agreed that the development would not cause them direct physical harm and, subject to conditions relating to working method, this is a view I share. Instead, the contention was that pressure for their felling or pruning would occur because of the shading effect they would have on the rear garden of the terrace's end properties.

17. The trees would provide some shadowing of the gardens at certain parts of the day as they would be to the south and west, and this would no doubt be more pronounced at different times of the year. However, they would not shadow any of the rooms as the houses have an east/west orientation. Moreover, trees in and around gardens are a common occurrence and do not necessarily give rise to an unsatisfactory relationship. Indeed, the properties would still have a relatively open eastward aspect and so the trees would not be unduly dominant.
18. On balance, I therefore conclude the layout would not create an unacceptable level of overshadowing in the rear gardens of the terrace's properties, and so would not give rise to undue pressure for their removal or pruning. As such the proposal would not be in conflict with Policy DC14 in the Core Strategy and emerging Policy NE2, which seek to safeguard protected trees.

Highway safety

19. The vehicular access to the development would be via a private drive that also serves the housing scheme to the north. I consider that visibility would be sufficient at the junction of this private drive with Chignal Road to allow vehicles to enter and leave safely.
20. The Council said refuse lorries would need to enter the site as 2 of the refuse storage areas were too far from the public highway to allow it to be collected by the refuse operatives, yet it was contended that the private drive was not of a sufficient standard to carry such traffic.
21. The appellant noted these 2 refuse stores were not the only ones on the development, but a third was to be in front of the main house. That though seems to be within the curtilage of one of the proposed units to be formed in Writtle Wick. Moreover, there is no direct route from the terrace to this area. Rather, it could only be accessed from the new houses behind by walking to the site access, along the private drive and then down Chignal Road, and to my mind such a distance means it is unlikely that would occur. Given the number of units I also find that leaving all the bins on collection day at the junction of the private drive with the road would compromise the safety of the access and be unsightly. It therefore seems inevitable that refuse vehicles would need to enter the site.
22. I have no evidence to show the private drive is suitably constructed to carry refuse traffic, though it could be upgraded. The Council said this would be a disproportionate expense, but it is not uncommon for housing developments of this size to have to provide accesses of such a standard. However, as it would be on land outside the appellant's control, any such requirement would have to be through a negatively-worded condition so it was completed before the development within the application site otherwise started. This is not therefore a matter that would justify a refusal.
23. Noting the level of parking provision inside the site I also consider that a parking space could be satisfactorily deleted to allow the refuse vehicle sufficient turning space. Finally, the use of this access, even if greater than when Writtle Wick was last used, would not compromise highway safety with regard to the use of the front door and garage at Writtle Wick Cottage, as it is sufficiently wide to avoid undue conflict.

24. Accordingly, I conclude that the proposal would not compromise highway safety to an unsatisfactory degree, and so would not conflict with Policy DC42 in the Core Strategy, which requires efficient and safe access points to new development.

Conclusions

25. Accordingly, I have found the effect of the scheme on the setting of the listed building would cause less than substantial harm to its significance as a designated heritage asset, and no public benefits outweigh this harm. Moreover, although the refusal of the development would not be justified on the basis of its effect on the living conditions of neighbours, the impact on protected trees or its consequences for highway safety, these do not support allowing the scheme given the harm to the designated asset identified. For these reasons the scheme is therefore unacceptable.
26. I have considered a split decision allowing the conversion but refusing the terrace to the rear. However, mindful of the provision of shared parking and garaging, I am not satisfied of the distinctness and severability of these 2 elements.
27. It was also contended that the scheme would have caused harm to a protected European designated wildlife site and this harm needed to be mitigated. However, as such mitigation would not give rise to benefits that offset the adverse impact on the designated heritage asset, this is not a matter I need to explore further as it would not affect my overall decision.
28. I therefore conclude the appeal should be dismissed.

J P Sargent

INSPECTOR