



Appeal Decision

Site visit made on 9 March 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 April 2020

Appeal Ref: APP/W1525/W/19/3241928 64 Moulsham Street, Chelmsford CM2 0JA

- 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 Chris Collins of Laptop LTD against the decision of Chelmsford City Council.
 - The application Ref 19/01420/FUL, dated 13 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is described as development of four residential apartments in a single 2.5 storey block with associated works.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have adopted the description of the development included in the Council's decision notice as it more accurately describes the proposed works.
3. Although work is progressing to an advanced stage, the emerging local plan has not yet been formally adopted by the Council. I have therefore taken the policies contained in the emerging plan into consideration albeit I can only afford them limited weight given that they may be subject to further changes.

Main Issues

4. The main issues are:
 - the effects of the proposal on the character and appearance of the area, particularly in regard to massing, scale and design;
 - whether the proposal would preserve or enhance the character and appearance of the Moulsham Street Conservation Area (the CA) and whether any harm to the significance of the CA is outbalanced by any public benefit;
 - the effects of the proposal on the living conditions of future occupiers and occupiers of nearby properties, particularly in regard to light, outlook and privacy.

Reasons

Character and appearance

5. Moulsham Street is a busy, vibrant, mainly commercial street, characterised by a predominance of 2 to 3 storey buildings with retail and service uses on the ground floor and, in some cases, residential above.

6. The appeal site consists of an area of land, currently used as a private car park, to the rear of 64-68 Moulsham Street, accessible via Godfreys Mews.
7. The character and appearance of the immediate surrounding area is heavily influenced by the design and appearance of Godfrey Mews and MacMillan Court. Both buildings share common architectural features that help tie them together and create a cohesive harmonious design, such as the use of similar types of facing brick forming cohesive terraces composed of buildings of similar heights and with similar roof lines.
8. The proposed development has been designed in a contrasting style to Godfrey Mews and MacMillan Court. The surface treatment of the proposed building makes significant use of feather-edge timber cladding, rather than brick as the immediately surrounding buildings. The tallest part of the building would also feature a gambrel inspired roof, in clear contrast with the immediately adjacent buildings, although there are some examples of similar types of roof in the wider area.
9. Although the site is surrounded on all four sides by development, the area does not feel cramped or over development as buildings are suitably spaced from each other. Consequently, it has an open and unobstructed feel which contributes to its character and appearance.
10. The proposed development would considerably increase the density of the urban form within the area thereby undermining its spacious character and appearance.
11. The proposal would tower over Godfreys Mews and MacMillan Court on the 2 and half storey high section of the building, exerting a dominant presence in relation to the immediately surrounding built form, further emphasising its effect on the character and appearance of the area.
12. The proposed development would therefore have a harmful effect on the character and appearance of the area. Consequently, the proposal would be contrary to Policies DC45 of the Our Planning Strategy for the Future Development Plan Document 2011-2021 (2008) and MP1 of the emerging Local Plan which aim to ensure that new buildings are designed in such a way as to be compatible with its surrounding area in terms of scale, form, materials and boundary treatments, and paragraph 127 of the National Planning Policy Framework (the Framework).

Effect on the Conservation Area

13. The appeal site is located within the Moulsham Street Conservation Area (the CA), which is characterised by its mixed-use and domestic scale with buildings organised in a broadly linear manner. The CA has a very organic feel which derives from subtle variations in scale.
14. The significance of the CA comes from its history, which dates back to Roman times, how it reflects the architecture of different time periods, and the eclectic mix of specialist shops, restaurants, pubs, offices, residences and community uses along Moulsham Street. The scale of the street is domestic and this is reflected in the height and size of the buildings. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.

15. The appeal site can be seen from Moulsham Street, through the car park of a car dealership, which provides largely unobstructed oblique views into and out from the site. The car dealership building is identified in the Conservation Area Appraisal as an 'eye-sore' and The Moulsham Street Conservation Area Character Appraisal (2007) states that small awkward gaps in the street frontages where enclosure is lost, such as here, have had a negative influences on the character of the area.
16. The appellant's Design and Access Statement (3386/RJH/EBH) states that the proposed apartment block is designed to provide a traditional character and appearance, alluding to ancillary stabling and storage buildings which once existed to the rear of the Moulsham Street.
17. Although a significant part of the design of the proposed development mimics that of an industrial or mill style building from the Victorian period, the scale and height of the development is at odds with what would be expected from an industrial or mill style building that might have been found in this sort of location. Furthermore, the proposed juliet balconies would not be found in such a building.
18. I recognise that stock brick is proposed, at least in part, as a response to the facing materials used in Godfreys Mews. However, the use, in the same building, of feather-edge timber cladding and brick neither reflects accurately the type of historic building that the proposal is trying to mimic, nor the more recent development that dominates the appeal site.
19. In addition to this, the proposal would not effectively restore the enclosure of the street frontage, as it would not respect the established building line of buildings located along Moulsham Street.
20. For all the foregoing reasons, the proposed development would harm the significance of the CA by failing to preserve its character and appearance. The magnitude of this harm would be less than substantial in the terms of the Framework. In these circumstances, the Framework requires that, where a development proposal leads to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
21. No specific public benefits have been brought to my attention in relation to the proposed development, albeit I recognise there would be some, for instance, in terms of increasing and improving housing stock and some benefits to the local economy. However, as any such public benefits would be very modest given the reasonably small scale of the development, these would be substantially outweighed by the relatively significant harm arising, bearing in mind the importance and protection given to designated heritage assets by statute and national and local planning policy.
22. The appeal proposal would not, therefore, preserve or enhance the character or appearance of the CA. Consequently, it would conflict with Policy DC17 of the Our Planning Strategy for the Future Development Plan Document 2011-2021 (2008) and HE1 of the emerging Local Plan. These policies seek, amongst other things, preserve or enhance the character or appearance of conservation areas.

Living Conditions

23. Due to the constraints of the site and the proximity of the proposed development to other buildings, the living conditions of future occupiers and occupiers of nearby properties could potentially be effected by the proposed development, particularly in regard to light, outlook and privacy.
24. In order to reduce overlooking to any of the neighbouring properties, the development would include conservation roof lights and high-level windows in order to secure appropriate levels of daylight into habitable rooms, while providing some outlook. While roof lights and high level windows would minimise potential overlooking issues as well as provide reasonable amounts of daylight, these would only offer a limited amount of outlook to future occupiers.
25. Outlook from bedroom 1 of flat B1, for example, would be limited as its only angled window would be facing directly onto the back elevation of properties fronting onto Moulsham Street. This is also the case for bedroom 1 and bedroom 2 of unit 1C, which, although both have windows, these are very narrow and offer unreasonably constrained levels of outlook, particularly in the case of bedroom 1, which faces directly onto a blank side wall elevation.
26. In addition, due to the site's limitations and constraints, the proposed balconies on the North East Elevation as detailed within the submitted plan 3386:01 (2018) would face onto Goodfreys Mews, leading to loss of privacy to the occupants of those flats.
27. Although I find that the proposal would provide reasonable levels of daylight, I conclude that the proposed development would have a harmful impact on the living conditions of future occupiers of the development and of nearby properties, in terms of outlook and loss of privacy. Therefore, the proposal would, in that regard, be contrary to Policies DC4 of the Our Planning Strategy for the Future Development Plan Document 2011-2021 (2008), which seeks to safeguard the amenities of the occupiers of any nearby properties, including prejudice to outlook or privacy, and MP4 and PA1 of the emerging Local Plan, which seek to safeguard amenities of occupiers of nearby properties, ensure dwellings have sufficient privacy and adhere to the Nationally Described Space Standards.

Conclusion

28. For the reasons given above, I conclude that the appeal should be dismissed.

Andre Pinto

INSPECTOR