



Appeal Decision

Site visit made on 15 September 2020

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2020

Appeal Ref: APP/W1525/W/20/3252782

Barr House, Writtle Road, Margaretting, Ingatestone CM4 0EH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Tom Scott against the decision of Chelmsford City Council.
 - The application Ref 17/0815/DOC/2, dated 14 March 2020, sought approval of details pursuant to condition No 16 of a planning permission Ref 17/01815/MAT, granted on 5 April 2018.
 - The application was refused by notice dated 7 May 2020.
 - The development proposed is variation of condition 3 of planning permission 17/01815/FUL (Demolition of existing building and proposed replacement dwellinghouse with detached 3 bay cartlodge) to create a mezzanine area with revised fenestration.
 - The details for which approval is sought are: Condition 16 (Details of the proposed treatment of all boundaries).
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Decision

1. The appeal is allowed and the details submitted pursuant to condition 16 of planning permission Ref 17/01815/MAT, granted on 5 April 2018, in accordance with the application Ref 17/0815/DOC/2, dated 14 March 2020 and the plans submitted with it, are approved.

Procedural Matters

2. Chelmsford City Council adopted its new Local Plan in May 2020. The relevant policies have been identified by the Council and the appellant has commented on them. The appeal has been determined in accordance with the new Local Plan.

Main Issues

3. The main issues in the determination of this appeal are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and,
 - The effect of the development proposed on the character and appearance of the surrounding area.

Reasons

Whether inappropriate development

4. The site is in the Green Belt, and the National Planning Policy Framework (the Framework) states that the fundamental aim of Green Belt policy is to prevent

urban sprawl by keeping land permanently open. The Framework further states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Policies S11 and DM6 of the Chelmsford Local Plan 2020 (the LP) state, amongst other things, that the openness and permanence of the Green Belt will be protected and inappropriate development will not be approved except in very special circumstances.

5. The proposed gates and piers would form part of the front boundary to the site. The boundary treatment as seen from the street presently comprises an established hedge that would be extended across the full site frontage. The gates and piers would be no higher than the hedge and would be a relatively small part of the overall boundary treatment. The gates would replace lower five bar gates. However, the effect on openness from the introduction of solid gates and brick piers would be negligible given the span of the front boundary and the relatively small size of the openings.
6. The development proposed would not be harmful to the openness of the Green Belt and would not therefore be inappropriate development. It would therefore accord with Policies S11 and DM6 of the LP and the requirements of the Framework.

Character and Appearance

7. The gates and piers would be set within the hedgerow, which once expanded would form a solid boundary to the street frontage. Within the wider street scene there is a variety of boundary treatments, but hedgerows of varying heights are most common. Most properties on this stretch of Writtle Road have enclosed frontages.
8. The gates would be different in appearance to the five bar gates that were previously in place at the appeal site, and this would result in a change in character of the appeal property. Properties on Writtle Road in the vicinity of the appeal site feature a variety of gate designs, including five bar gates, solid gates and railings. The details of these gates, and whether they have permission, have not been provided. They therefore only attract limited weight in the determination of this appeal.
9. The gates and piers would be modest in size, relative to the span of the site boundary. They would not be prominent features of the street scene, with no footpaths on either side of the road and most traffic passing the site at speed. Within this context, the addition of the gates and piers would not be harmful to the character of the surrounding area.
10. The appeal proposal would therefore accord with Policy DM23 of the LP which requires, amongst other things, that new buildings be compatible with the character and appearance of the area.

Conclusion

11. For the reasons set out above, the appeal succeeds.

M Chalk

INSPECTOR