



Appeal Decision

Site visit made on 5 October 2020

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/W1525/D/20/3248190

Blenheim Cottage, Back Lane, Little Waltham, Chelmsford CM3 3PP

- 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 Paul Harrison against the decision of Chelmsford City Council.
 - The application Ref 19/02020/FUL, dated 4 December 2019, was refused by notice dated 30 January 2020.
 - The development proposed is an open cart lodge/garage with garden equipment store.
-

Decision

1. The appeal is allowed and planning permission is granted for an open cart lodge/garage with garden equipment store at Blenheim Cottage, Back Lane, Little Waltham, Chelmsford CM3 3PP in accordance with the terms of the application, Ref 19/02020/FUL, dated 4 December 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: E1724-19-20, E1724-19-21, E1724-19-22 and E1724-19-23.

Procedural matters

2. Since the appeal was submitted, the Council adopted the Chelmsford Local Plan 2013-2036 (LP) on 27 May 2020. My decision shall be made on the basis of the LP policies.
3. I have used the address given on the appeal form in my decision as that given on the application form contains a typographical error.

Main Issue

4. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site consists of a chalet style dwelling in a large garden. Close to the frontage there is a former garage building which has planning permission for conversion to a physiotherapy clinic and I understand is in the process of being converted. This will allow the appellant to work from home rather than having to travel to health facilities.

6. The property is at the end of a gated private road which leads from Back Lane that in turn connects to Essex Regiment Way. The property is close to the latter road but is visually separated from it by trees growing on a raised bank. I noted on my visit that there is some development on the eastern side of Essex Regiment Way but that the area west of that road is open countryside. The extensive garden of the appeal property blends in with that rural character.
7. The LP replaces the Core Strategy Development Plan and Development Control Policies and its Focused Review. Policy DM7 is relevant to the proposal, this having been re-numbered from Policy CO3 of the emerging plan which is referred to in the Council's decision. The Council's reason for refusal is on the basis that the building would be intrusive in the open countryside and specifically within the Green Wedge which is a designated area in the LP. I have not been provided with a map showing the Green Wedge designation, but I understand that this covers the open river valley area which extends to the west of the site.
8. Policy DM7 of the LP allows for new buildings in the designated Green Wedge where the development does not conflict with the purposes of that designation. Residential outbuildings must be proportionate in size and scale and ancillary in appearance to the host dwelling, and in keeping with their context and surroundings. The supporting text to Policy DM7 explains that the purpose of the policy is to ensure that the openness, role and function of the landscapes are not adversely affected.
9. The proposed building would provide car port garaging for two cars and a store for garden machinery. Its dimensions of almost 9m by 6m are not in my view excessive for these purposes. From what I saw on site, the height of 6.075m would be similar to that of the existing building, which did not appear to me to be out of scale or dominant in relation to the dwelling. Although the proposal would add to the extent of built form adjacent to the frontage, the distance of the buildings from the dwelling would ensure that they would maintain an ancillary appearance.
10. In the context of its large garden, the proposal would have little impact on the openness of the area. It would be grouped with the existing building and not visually intrusive. It would be largely screened from view from Essex Regiment Way when the trees along that road are in leaf. During winter months the trees would still provide some screening, but the building would in any case not be prominent or intrusive because it would be set back from that road. Overall, the site is quite secluded, and the proposal would have limited impact on views from public viewpoints.
11. For these reasons I find that the proposed development would accord with the requirements of Policy DM7 of the LP and the development plan as a whole. It would not unacceptably harm the character and appearance of the area.

Conditions

12. The Council has suggested the imposition of two conditions which I have not imposed for the following reasons. The first of those conditions would prevent construction of the garage if an extension to the dwelling was to be built. Permitted development rights have been removed in respect of extensions to the dwelling. As the Council would have control over any proposed extension such a condition would not be necessary or reasonable.

13. Because the site is on a private road and there is ample parking space available, there is no need for a condition requiring the building to be available for car parking purposes at all times. A condition requiring the development to be carried out in accordance with the approved plans is necessary to provide certainty.

Conclusion

14. For the reasons given, I conclude that the appeal should be allowed.

Nick Palmer

INSPECTOR