



Appeal Decision

Site Visit made on 10 November 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/W1525/W/20/3254149

4 The Lindens, Stock, Ingatestone, CM4 9NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr D Sclater against the decision of Chelmsford City Council.
 - The application Ref 20/00246/OUT, dated 13 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is the erection of 1 no. dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of 1 no. dwelling at 4 The Lindens, Stock, Ingatestone, CM4 9NH in accordance with the terms of the application, Ref 20/00246/OUT, dated 13 February 2020, and the plans submitted with it, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. Since the Council issued its decision it has adopted the Chelmsford Local Plan 2020 (LP). The policies in the LP supersede those referred to in the reason for refusal. It is incumbent upon me to base my decision upon the most up to date planning policy and this is what I have done. The appellant had an opportunity to address the change in policy through his appeal submissions.
3. The planning application was made in outline with all matters of detail reserved for future consideration. I have dealt with the appeal on this basis and I have treated any details on the submitted drawings relating to access, layout, scale and appearance as being illustrative only.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site comprises part of the garden of 4 The Lindens, a two storey detached dwelling, which is part of a cul-de-sac accessed off Well Lane. Mill Road runs parallel with the boundary of the appeal site. The majority of the properties along Mill Road are set back from the road frontage to allow for parking and benefit from well proportioned plots. The linear form of

- development continues for the length of Mill Road and contributes to its overall character.
6. It has been put to me that the site has an established edge of settlement feel, however the site is located within an existing row of development, which continues beyond the appeal site. In addition, directly adjacent to the site a large development is under construction and this in combination with the siting of the appeal site within the middle of housing does not lead me to conclude that the site is characterised as being part of the edge of the settlement, nor does it contribute to a transition between a settlement with countryside beyond.
 7. The general character of Mill Road is that of frontage development, with the rear elevations of the properties within The Lindens, which are visible through the existing landscaping, creating an incongruous feature which is contrary to the overall pattern of development. Therefore, the introduction of a dwelling on the appeal site would be in keeping with the pattern of development in the locality.
 8. Whilst access is not before me for consideration, it is clear from the indicative layout of the site and the position of the existing dwelling, the access would be taken from Mill Road. This would result in the loss of some of the existing landscaping and consideration would need to be given to the impact on the protected trees which are located along Mill Road.
 9. Although the introduction of an access onto this part of Mill Road would disrupt the existing landscaping along this part of the road, there are examples of how accesses can be integrated with frontage hedges as evident on the opposite side of Mill Road. I have also had regard to the Stock Village Design Statement which encourages the design of front gardens for infill development to reflect the rural nature of the village. The precise details of landscaping of the site would be considered further as part of any future reserved matters application. Therefore, I do not consider any loss would be detrimental to the overall character of the area.
 10. The plot is of sufficient size to provide an appropriate level of amenity space and the indicative layout demonstrates that a dwelling would not appear cramped within the plot with spacing available to the side and rear. The plot is of a similar size to that of the existing dwellings on Mill Road and therefore would not be out of character with the wider area. I am also content that whilst the remaining garden area would be modest for the size of the dwelling, the subdivision would not result in an overdevelopment of the plot.
 11. The proposed siting of the proposed dwelling whilst being close to the frontage of the site, is not consider detrimental to the character of the area, having regard to the width of the road, including the existing verge and noting the similar set back of dwellings within Mill Road.
 12. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policies DM23 and DM25 of the LP which seek to ensure that the development is of high quality and is compatible with its surroundings.

Other matters

13. A large oak tree is located on the site boundary, which is subject to a Tree Preservation Order and the appellant has provided an arboricultural impact assessment. It demonstrates that a dwelling and access could be constructed on the site without detriment to the protected tree, provided that adequate mitigation is in place in terms of the overall design and construction of the access. From the evidence before me I see no reason to disagree with the findings of the Council's Natural Environment Officer who has raised no objection to the scheme.

Conditions

14. The Council has suggested 8 conditions. I have considered these in light of the Planning Practice Guide and the tests of the Framework and where necessary amended them for clarity. I have attached conditions relating to the submission of reserved matters and the time limits associated with this. I have also included a condition specifying the relevant plans as this provides certainty.
15. In the interests of the character and appearance of the area a condition in respect of floor levels is necessary. I consider that a condition to agree a scheme of landscaping, including details of the protection of existing trees would also be necessary in this case given the lack of detail on the submitted plans.
16. Noting the requirements of Policy DM25 of the LP I have also found it necessary to impose a condition relating to water efficiency.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

G Pannell

INSPECTOR

CONDITION SCHEDULE

- 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan 1:1250 and Block Plan 1:500.
- 5) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels have been submitted to and approved in

writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

- 6) The details submitted in accordance with condition 1 above shall include:
- i) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - ii) a schedule in relation to every tree identified listing:
 - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and,
 - any proposed pruning, felling or other work;
 - iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of:
 - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area;
 - the location of boundary treatments, services, utilities and drainage,
 - a full specification for the construction of the new access and parking areas, including details of the bespoke crossover and cellular confinement specification, and the extent of the areas, details must include the relevant sections through them,
 - details of site access, temporary parking, welfare facilities, loading and unloading, storage of equipment, materials, fuel and waste, and,
 - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
 - iv) areas of existing landscaping to be protected from construction operations and the method of protection.

The scheme for the protection of the retained trees shall be carried out as approved.

- 7) No works or development shall take place until a scheme of supervision for the arboricultural protection measures required by condition 6 shall have been submitted to and approved in writing by the local planning authority. This scheme shall be appropriate to the scale and duration of the works and shall include details of:
- induction of staff in awareness of arboricultural matters;
 - identification of individuals and their responsibilities;
 - statement of delegated powers;
 - timing and methods of site visiting and record keeping, including updates;
 - procedures for dealing with variations and incidents;

- the scheme of supervision will be administered by a qualified arboriculturist instructed by the applicant and approved in writing by the local planning authority.

The scheme of supervision shall be implemented as approved.

- 8) No dwelling shall not be occupied until the Building Regulations Optional requirement Part G (water efficiency) of Schedule 1 and regulation 36 (2b) to the Building Regulations 2010, as amended has been complied with.

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