
Appeal Decision

Site visit made on 24 November 2020

by Simon Warder BSc(Hons) MA DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 December 2020

Appeal Ref: APP/W1525/W/20/3257809

Great Oaks, Main Road, Little Waltham, Chelmsford CM3 3PA

- 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 and Mrs I and S Roberts against the decision of Chelmsford City Council.
 - The application Ref 20/00708/REM, dated 12 May 2020, sought approval of details pursuant to condition No 3 of planning permission Ref 19/01106/OUT, granted on 13 August 2019.
 - The application was refused by notice dated 17 July 2020.
 - The development proposed is the demolition of existing workshop building and construction of new dwelling.
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located towards the end of a short cul de sac along which are ranged a small number of dwellings and related outbuildings. The dwellings are irregularly spaced, vary in their appearance and include single and two storey heights. As such, there is no clear pattern of development, although the spacing of the buildings and the areas of intervening vegetation gives the area a semi-rural character.
 4. The area falls outside of the settlement boundaries as defined in the Chelmsford Local Plan 2020 (LP), but is within a Green Wedge. Amongst other things, Green Wedges are intended to maintain openness and a sense of place and identity for neighbourhoods. Policy DM7 therefore seeks to restrict new buildings, but does allow for the redevelopment of previously developed land subject to considerations including the size, scale, massing and visual impact of the proposal compared to the existing development.
 5. The appeal site comprises part of the garden area of Great Oaks, although it is located closer to the neighbouring two storey dwelling (Willow Tree House). The site accommodates a substantial single storey outbuilding. The outline
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permission for the new dwelling included an informative advising that a two storey dwelling is unlikely to be acceptable on this site. That is consistent with pre-application advice given to the appellant. A reserved matters application for a single storey dwelling has been approved (application ref: 19/01838/REM).

6. Whilst the current proposal would have the same footprint as the approved dwelling, it would be two storeys in height. It would, therefore, have considerably greater scale and bulk than the existing building on the site, notwithstanding the use of a mansard style roof at the front of the proposed dwelling. As such, it would materially reduce the openness of this part of the Green Wedge compared with the existing building. The appellant argues that the new building would have the same ridge height as Willow Tree House. However, Policy DM7 requires the comparison to be made with the existing development on the site, rather than with neighbouring buildings.
7. Having regard to the variety and spacing of existing buildings along the cul de sac, a single storey building on the appeal site would not appear out of character. Conversely, the scale and height of the proposed two storey building, located in such close proximity to the road and to Willow Tree House, would result in an intensification of built form that would be at odds with the semi-rural character of the area.
8. The appellant has referred to the approval of the replacement of a workshop building with a 'substantial detached bungalow' (application ref: 14/01458/FUL) on the opposite side of the cul de sac. That building is within a Conservation Area, whereas the appeal site is not. However, that building is single storey in height, set well back from the road frontage and relatively unobtrusive in the street scene. Moreover, the Council's evidence indicates that it is of similar scale to a previous building on that site. Consequently, it does not provide a robust justification for the scale and height of the appeal proposal.
9. Whilst I recognise that the appeal proposal would provide more accommodation than a single storey dwelling, there is no substantive evidence to suggest that a single storey dwelling would not provide future occupiers with a satisfactory standard of accommodation.
10. Overall therefore, I find that the proposal would have a harmful effect on the character and appearance of the area. As such, it would conflict with LP Policy DM7.

Conclusion

11. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR