



Appeal Decision

Site visit made on 28 July 2020

by M Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th December 2020

Appeal Ref: APP/W1525/W/20/3249135

Springfield Hall Barns, Lawn Lane, Chelmsford CM1 7TJ

- 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 Mark Reeves against the decision of Chelmsford City Council.
 - The application Ref 19/01721/FUL, dated 14 October 2019, was refused by notice dated 24 December 2019.
 - The development proposed is self build of two dwellings for 2 self builders including repair and reconstruction of existing buildings along with change of use to residential.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council sets out within its appeal statement that the Chelmsford Local Plan (LP) has been adopted. Both parties have thus had an opportunity to comment on the implications of this to the appeal. I have considered the appeal based on the development plan which is currently in place.
3. The appellant contends that information was submitted during the planning application process and that the Council did not take into account when it made its decision. Although that may be the case, it is important that the information I consider is essentially that which has been considered by the Council and on which interested parties' views have been sought. To do otherwise would be prejudicial to the Council's position and those of interested parties.
4. The Council based its decision on the drawings and documents specified in the decision notice. Correspondence has been provided which indicates that it also considered an arboricultural report (Ref: LSDP 1407.01). At the beginning of the appeal process, the Council says it received a drawing showing distances between buildings, an ecological appraisal dated June 2018 and a vehicle movement and highway junction assessment. The Council and interested parties have therefore been able to consider this information. Accordingly, I have taken it into account in making a decision.
5. A Construction Method Statement (CMS) and accompanying structural drawings dated February 2020 were also submitted at the beginning of the appeal process. However, the structural drawings do not reconcile with the drawings on which the Council based its decision. For example, the layout, the extent of existing walls to be retained and the number, size and positions of the proposed openings in the building are different. I cannot be certain that this change to the proposal has been considered by all parties. Furthermore,

interested parties may not have commented on the application if they were content with it as submitted and thus will be unaware of the change. I have not taken the CMS and the accompanying drawings into account as a result since to do so would cause injustice.

6. The appellant has also submitted an ecological survey dated March 2020. It appears that the Council did not receive this until after interested parties had been notified of the appeal and the Council had submitted its statement. In any case, even if the Council was in receipt of it before then, I cannot be sure that all interested parties have had an opportunity to comment on it. Furthermore, interested parties raised concerns relating to ecology during the application. Consequently, I have not taken the survey into account, as doing so could prejudice interested parties. Computer generated images of the building were also submitted. I cannot be certain that all interested parties have seen these; however, I have considered them on an illustrative basis.
7. The evidence indicates that the appeal site is within the zone of influence of a European site¹, as designated under the Conservation of Habitats and Species Regulations 2017. An undated Unilateral Undertaking (UU) and a UU dated 19 June 2020 seek to mitigate the adverse effects on the European site.

Main Issues

8. The main issues are:

- the effect of the proposal on the character and appearance of the area, with due regard to heritage assets and the Green Wedge;
- whether or not the existing building is of permanent and substantial construction and the works to convert the building would result in substantial reconstruction;
- the effect of the proposal on the biodiversity of the site and the surrounding area;
- the effect of the access arrangement on the safety of vehicular and pedestrian traffic; and
- the effect of the proposal on the living conditions of the occupiers of Springfield Hall in respect of privacy.

Reasons

Character and appearance

9. The site comprises a former agricultural building, land and vegetation around it and a drive that connects to Lawn Lane. Springfield Hall is an adjacent Grade II listed building. Nearby open space, including playing pitches, are accessible via an informal pathway that runs through the site and connects to the drive. The open space provides a distinctive edge to an adjacent residential estate. Lines of vegetation within the open space provide it with a sense of separation from nearby roads. The area has an open, spacious and verdant character as a result. The site shares and makes a positive contribution to the area's characteristics. The site and the open space are designated as Green Wedge which forms part of the countryside surrounding the urban area of Chelmsford.

¹ Blackwater Estuary Special Protection Area and Ramsar site

10. I have a duty to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires decision makers to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest. Springfield Hall is an attractive farmhouse with a Georgian exterior. It faces the drive and has a large front and rear garden. The List of Buildings of Special Architectural or Historic Interest indicates that it primarily derives its significance from its features of architectural interest.
11. The appeal building has suffered from fire damage and parts of its walls and most of its roof are no longer intact. The heritage assessment sets out that its design reflects Victorian developments in farming practices and may be attributed to a notable Chelmsford architect. It is constructed from yellow stock brick laid in Flemish bond with red brick banding and dressings. Amongst other things, the assessment puts forward that the building is likely to have originally featured 3 long gabled bays, each divided into 3 bays, with entrances flanked by window openings. It notes that the side elevations are blind, with piers providing articulation between bays. Surviving features such as brick arch detailing and differences in the appearance of the brickwork are indicative of the original layout of the openings.
12. The assessment concludes that the building is a non-designated heritage asset of historic and architectural interest which makes a positive contribution to the setting of Springfield Hall. The Council contends that the building could be curtilage listed due to its degree of association with the farmhouse; however, it states there is insufficient information to reach a conclusion on this. The Council considered the proposal on the basis that, at a minimum, the building is a non-designated heritage asset. I have done the same.
13. The proposal would result in the building having 3 long gabled bays and a footprint and height that would likely reflect its original form. However, it would have a high proportion of glazing, with combined first floor windows and roof lights in its side elevations and outer roof planes. Large fibreglass box dormers projecting from the central bay's roof planes are also proposed.
14. The proposed glazed elements and the brick arch detailing above the front elevation's openings would not reflect the amount, size, position and hierarchy of the openings or the detailing around them that the building is likely to have had historically. In order to accommodate the openings, historic fabric would be lost. The proposed underground car parking would be a modern addition, which would also harm the building's traditional agrarian character. The proposal would thus be harmful to the historic and architectural interest of the building and its surviving features. The proposed use of materials to match the remains of the building and reclaimed bricks do not address these concerns.
15. Although much of the vegetation within the site would be retained, the proposed development, particularly its upper parts, would be visible behind Springfield Hall when viewed on approach from the drive. In addition, both dwellings would likely be visible from the footpath which is proposed to replace the existing one to the front of the building, albeit its route through the site has not been indicated on the drawings. From these viewpoints, the proposal would detract from and compete with Springfield Hall. The setting of the listed building would not therefore be preserved.

16. In the context of the likely appearance of the building historically, the size and height of the dwellings would not harm the open and spacious character of the Green Wedge. However, any enclosure of the gardens around the building would do. Furthermore, the glazed elements of the building, the proposed vehicular access to it, the gardens and any paraphernalia therein would have a domestic appearance and an urbanising effect on the Green Wedge. The proposal would appear intrusive in the Green Wedge and harm its role in restricting urban sprawl.
17. The harm to the significance of Springfield Hall would be less than substantial. Paragraph 196 of the National Planning Policy Framework (the Framework) indicates that the harm to the designated heritage asset should be weighed against the public benefits of the proposal. Policy DM13 of the LP sets out further criteria that proposals effecting designated heritage assets must satisfy. In addition, paragraph 197 of the Framework indicates that a balanced judgement is required having regard to the scale of the harm and the significance of the appeal building as a non-designated heritage asset. Furthermore, LP Policy DM14 states that proposals should demonstrate that harm to non-designated heritage assets is minimised through retention of features of significance, good design and mitigation measures.
18. The heritage statement says that the appeal building is of high local significance. I have no reason to reach a different conclusion. For the above reasons, the harm to the significance of the building would be considerable.
19. The appellant has put forward that the proposal is for 2 self-build homes. Government policy is supportive of the provision of housing for self-build purposes. However, firm evidence has not been provided which demonstrates that the proposal would accord with the definition of self-build and custom housebuilding² and no mechanism is before me which would ensure that it would be so. I therefore attach negligible weight to this matter.
20. The appellant contends that the proposal would enhance the best features of the appeal building and improve the setting of the listed building, but I have found otherwise. The proposal would contribute to housing supply. In addition, the dwellings could be energy efficient and landscaping and wildlife habitat enhancements could be provided alongside the replacement footpath. However, these are limited benefits.
21. Taking into account the considerable importance and weight that I must give to harm to designated heritage assets, the public benefits do not outweigh the less than substantial harm that would be caused to Springfield Hall. In addition, the benefits do not outweigh the harm to the appeal building. Paragraphs 196 and 197 of the Framework do not indicate in favour of the development.
22. The proposal conflicts with LP Policies DM13 and DM14, which seek to protect designated and non-designated heritage assets and their settings. It is also contrary to LP Policies S11 and DM10, which seek to protect the role, function and intrinsic character of the Green Wedge and require proposals to be in keeping with their surroundings and not harm the character of buildings.

² Defined by Section 1(A1) and (A2) of the Self-build and Custom Housebuilding Act 2015

Conversion

23. Based on the likely form of the building historically, most of its outer walls remain. Parts of the building are in a deteriorating condition, with cracks and leaning walls evident. However, compelling evidence has not been provided to indicate that the walls are incapable of being reused or that the building is not of permanent and substantial construction.
24. Nevertheless, the proposal would involve the undertaking of a significant amount of work to the building, with a creation of a basement and a vehicular access to the garages within it, a second storey and a largely new roof notable in this regard. Taking account of the size, number and position of the proposed openings and the location of the brick detailing, only small sections of existing wall would remain. Given the extent of the work to the building, it appears that little of the remaining parts of it that are proposed to remain could be retained without substantial reconstruction work taking place or new structural elements being created to support them.
25. The proposal is thus contrary to LP Policy DM10, which requires it to be demonstrated that the building is of permanent and substantial construction and the works to convert the building would not result in substantial reconstruction.

Biodiversity

26. The ecological appraisal indicates that there are features in the area which may support protected species. It recommends that further surveys are undertaken to establish whether great crested newts, bats and reptiles are present. However, such surveys have not been provided. In addition, the ecological appraisal was conducted towards the end of May 2018 and it sets out that the advice within it is valid for 2 years. I cannot therefore be certain that its findings are reliable, or that protected species are not present and would not be harmed by the development.
27. Circular 06/2005³ states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by development, is established before planning permission is granted. On that basis, it would not be appropriate to condition the undertaking of further surveys. A condition to require mitigation in the absence of surveying would also not be appropriate as there can be no certainty that mitigation would acceptably address any harm to protected species which may be present.
28. The proposal fails to demonstrate that its effect on biodiversity would be acceptable. It conflicts with LP Policy DM16 and paragraph 175 of the Framework, which aim to conserve and enhance biodiversity.

Access

29. Vehicular access to the site, Springfield Hall and Springfield Hall Cottage is gained from the drive, with the latter near to the junction with Lawn Lane. Springfield Hall Cottage is a House in Multiple Occupation comprising 8 units.
30. Whilst the drive is long, it is wide enough for pedestrians and cyclists to pass alongside cars at several points. Although cars can only pass side-by-side in

³ Office of the Deputy Prime Minister Circular 06/2005: Biodiversity and Geological Conservation - Statutory Obligations and their Impacts within the Planning System

very limited places, the drive would serve a small number of properties and it is unlikely that cars or other motorised vehicles would frequently travel in opposing directions at any one time. Moreover, vehicle speeds are likely to be low as the drive is narrow. In addition, the Council did not refuse an alternate scheme⁴ for one dwelling at the site due to safety concerns and the amount of traffic movements generated from one more dwelling would be minimal.

31. The access arrangement would not therefore prejudice the safety of vehicular and pedestrian traffic along it. The proposal accords with paragraphs 109 and 110 of the Framework, which seek to protect highway safety.

Privacy

32. A low brick wall and intermittent vegetation are located near to the shared boundary between the appeal building and a side garden area beside Springfield Hall. A window in the side elevation of the neighbouring building facing the site can be seen from the site boundary.
33. A high proportion of glazing is proposed to face Springfield Hall; however, there would be a significant distance between the buildings and vegetation at the boundary would limit views into the neighbour's side garden. Moreover, it is already possible for those travelling along the lane to view the side garden. Views of Springfield Hall's rear garden, which is far more secluded, would be limited from the proposed windows due to the orientation of the building and the views that would be practicably possible from them.
34. The proposal would not result in an unacceptable loss of privacy to the occupiers of Springfield Hall. It accords with LP Policy DM29, which seeks to safeguard the living environment of occupiers of residential properties and prevent unacceptable levels of overlooking.

Other Matters

35. The appellant has stated that the Council has adopted a negative approach to development proposed on this site and that similar schemes have been granted planning permission elsewhere. I have not been provided with full details of the permitted schemes; however, each proposal must be considered on their own merits and the approval of a scheme in one location does not necessarily mean that a similar scheme in another location should also be permitted.
36. If I were minded to grant permission, I would need to be satisfied that the proposal would not adversely affect the integrity of the European site. I would need to consider whether the UUs would secure the specific mitigation of any effects in this instance. However, as I am dismissing the appeal for other reasons, I do not need to reach a finding on this matter.

Conclusion

37. The proposal is contrary to the development plan taken as a whole. There are no material considerations which outweigh the conflict with the development plan. For the reasons I have identified, and taking into account all matters raised, the appeal is dismissed.

Mark Philpott

INSPECTOR

⁴ Planning application reference: 20/00456/FUL