



Appeal Decision

Site visit made on 17 December 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 January 2021

Appeal Ref: APP/W1525/W/20/3257916

The Mount, Meadow Lane, Runwell, Wickford, SS11 7DY

- 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 & Mrs A Braham against the decision of Chelmsford City Council.
 - The application Ref 20/00425/FUL dated 10 March 2020, was refused by notice dated 16 July 2020.
 - The development proposed is demolish existing outbuildings. Construction of new dwelling and detached cart lodge.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have utilised the Council's description of the development as per the decision notice as I feel it more concisely describes the development.

Main Issues

3. The main issues are:
 - i) Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework 2019 (the Framework) and relevant development plan policies;
 - ii) The effect on the openness of the Green Belt;
 - iii) The impact of the proposal upon the amenity of neighbouring residents at Beaumont with regard to overlooking.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

4. The appeal site is accessed via an unmade road and stands within a large plot which extends back from Meadow Lane. The proposal seeks to construct a one and a half storey dwelling, and cart lodge, between The Mount and neighbouring property, Beaumont. It would be accessed by a new access from Meadow Lane and would replace existing storage buildings which are single storey and set back away from the lane along a field boundary. The Mount itself is a one and half storey dwelling as is neighbouring property, Beaumont.
5. The Framework is clear that construction of new buildings in the Green Belt should be regarded as inappropriate except in defined circumstances. This is

reflected in LP¹ Policy DM6 (new buildings in the Green Belt). Both the appellant and the Council agree that the site is previously developed land (PDL) and that the proposal falls to be assessed under paragraph 145 g) of the Framework which allows, as an exception, the partial or complete redevelopment of PDL which would not have a greater impact on the openness of the Green Belt than the existing development. From the evidence before me I find no reason to conclude differently on this point.

6. Paragraph 145 g) is specific in that in order to be considered not inappropriate development there must be no greater impact on openness. It therefore falls to consider the actual effect on openness, as an essential characteristic of the Green Belt, compared to the existing development.

Openness

7. LP Policy DM6 B) sets out four criteria against which proposals will be assessed. I note there is some disagreement relating to the statistics and figures surrounding size, footprint etc. I do not find that an increase in height automatically results in a greater impact on the openness of the Green Belt and do not concur that development should, as a rule, avoid being at a greater height, any increase in size or spread of development. The physical dimension most relevant for the purpose of assessing relative size of the existing and proposed development depends on the circumstances of the particular case. It falls to assess the actual impact of the proposals or such proposed changes and increases.
8. Assessment as to openness is reliant on several factors and an assessment as to openness of similar proposals, at differing sites, could well result in differing impacts upon openness as a result of this. Whether any change would cause harm to the openness can depend on factors such as locational context, how built up the Green Belt already is, its spatial or visual implications, as well as scale or numerical calculations. Consideration of scale, or a volumetric approach, alone is not sufficient to support that the development would cause greater harm to Green Belt openness than the existing development especially as, in this case, the location/context for the actual built form differs between existing and proposed.
9. In considering the scale of the proposal in its locational context it would be viewed within the same context as the two existing dwellings either side. The proposal would see an increase in height, and volume as well as a change in location of the built form. There would be some change to the site in spatial terms due to the introduction of a building where no such building is currently in place. Despite this change, in crude spatial terms, it is relevant to take into account visual perception as a factor which may reduce the spatial harm from the effect of a development on the openness of the Green Belt and to assess whether this has a greater impact than the existing development.
10. The visual dimension of the Green Belt is an important part of designating land as Green Belt. The perceived effect upon openness could be less than might be expected because, for example, the development would have a limited effect upon people's perception of openness from beyond the boundary of the site. At the time of my visit I noted a large volume of development along Meadow Lane including traveller and gypsy pitches. The level of development around

¹ The Chelmsford Local Plan 2013-2036 (2020)

the appeal site itself is not as intense as the other end of Meadow Lane, however, the site is still within a cluster of buildings. I note that the Council contend that the development pattern, around the appeal site, is more spacious but I find the development pattern to be ad-hoc with varied plot and building sizes.

11. Beyond the appeal site, on the opposite side of Meadow Lane, is an area of woodland and to the rear of the appeal site there is a cluster of trees and open countryside. Any views from the rear of the site would mean the proposal would be seen in the context of existing development which adjoins the appeal site either side. The largest visual impact would be from Meadow Lane itself. Whilst this impact is noted I consider the impact would be limited in the short time users of the lane of way are passing and the existing views from the lane, and through the site are already limited/glimpsed by the established trees and vegetation present around the site. The site does not present as particularly open when stood in front of the appeal site as a result of this. Landscaping could be secured by condition to maintain planting around the proposed new access. I find views of the proposed dwelling would be, overall, very limited and it would not be prominent within the street scene between two existing dwellings set back from the lane and that this would have a limited effect upon people's perception of openness from beyond the boundary of the site
12. The existing buildings to be removed, away from the dwelling, I find currently represent more of an encroachment into the countryside than the proposal which seeks to move built form to in between two existing dwellings and which would reduce the spread of development across the site. The proposal would not, therefore, conflict with the purposes of including land within the Green Belt outlined within paragraph 134 of the Framework. Both the existing and proposed development have some limited impact on the openness of the Green Belt in their own, albeit slightly differing, ways. Given this, and the site context, it is key that I find the proposal would not have a greater impact upon the openness of the Green Belt than the existing development.
13. The Council have not raised issue with the sustainability of the site and note that there are public transport options from Church End Lane nor has any issue been raised with the activities/use of the new development compared to the existing. The proposal is therefore considered consistent with other elements outlined within LP Policy DM6.
14. The proposal would be consistent with LP Policy DM6 which allows the redevelopment of previously developed land where the development would not have a greater impact upon the openness of the Green Belt and the purpose of including land within it than the existing use and/or development. It therefore follows that the proposal would also be consistent with paragraph 145 g) of the Framework. No very special circumstances are required to justify the proposal.

Amenity of neighbouring residents

15. The proposed dwelling would be located in relatively close proximity to the shared boundary with the neighbouring property known as Beaumont. There are no windows proposed in the side elevation facing Beaumont. General, more limited, views into neighbouring gardens associated within the natural use of a bedroom window I do not find would cause impacts sufficient enough to warrant refusal in the case of this site. It is key to consider whether an acceptable proportion of rear amenity space is maintained, for occupiers of

Beaumont, to carry out household and leisure activities with an appropriate level of privacy.

16. The gable element is forward of the rear elevation of Beaumont which I find, with natural use of a window alone and the existing built form at Beaumont, would allow an appropriate level private amenity space to be maintained in the space adjacent to the rear elevation of Beaumont.
17. The projecting gable element does, however, propose a balcony which is sufficiently large enough for occupants to walk out on to. I find that it is the balcony element which would allow intrusive views and an unacceptable level of overlooking into the neighbouring garden. I do not find that the existing trees which are present along the boundary are sufficient to overcome the issue identified nor that frosted glass could overcome this issue as suggested. The Framework is clear, in paragraph 127, that developments should create places which do not undermine quality of life and places emphasis on good design.
18. The proposal would be contrary to LP Policy DM29 which requires proposals to safeguard the living environment of the occupiers of any nearby residential property by ensuring development does not result in unacceptable overlooking.

Other Matters

19. I note the appellant's contention that the Council have failed to act consistently during the handling of this application. Concerns regarding the processing and/or handling of the application are not issues which I can assess as part of this appeal. The validity or not of such matters does not affect the planning merits or impacts of the proposal before me. Whilst each proposal must be considered on its own merits it is stressed that the starting point for determination is the Local Plan in accordance with S38 (6) of the Planning and Compulsory Purchase Act 2004.
20. A lack of conflict with the spirit and purpose of the Framework, and no conflict with other policies in the adopted Local Plan, on other matters which did not form the basis for refusal is noted but is a neutral consideration.

Conclusion

21. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR