
Appeal Decision

Site visit made on 22 March 2021

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 06 May 2021

Appeal Reference: APP/W1525/W/20/3262868

Land at 'The Gables', Priory Lane, Bicknacre, Chelmsford CM3 4EZ

- 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 G & P Finch, of G W Finch (Builders) Limited, against the decision of Chelmsford City Council.
 - The application (reference 20/01022/FUL, dated 3 July 2020) was refused by notice dated 11 September 2020.
 - The development proposed is described in the application form as "demolition of existing detached chalet dwelling and outbuildings and replacement with new detached chalet dwelling and new garage".
-

Decision

1. The appeal is allowed and planning permission is granted for "demolition of existing detached chalet dwelling and outbuildings and replacement with new detached chalet dwelling and new garage", at 'The Gables', Priory Lane, Bicknacre, Chelmsford CM3 4EZ, in accordance with the terms of the application (reference 20/01022/FUL, dated 3 July 2020), subject to the conditions set out in the attached Schedule of Conditions.

Main issues

2. The first main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings. The second is the effect of the proposals on biodiversity (specifically in relation to bats).

Reasons

3. The appeal site is located in a residential area of Bicknacre, on Priory Lane which is a turning off the through route at Priory Road. Priory Lane is an unmade road, of poor quality, even though it serves a significant number of dwellings in Priory Lane and Hill View (which is a permanent road construction). The dwellings in Priory Lane are architecturally undistinguished, on the whole, and are varied in style and size. Although many properties in Priory Lane are modest bungalows, some are larger chalet bungalows, with accommodation at first floor level. There are also two small bungalows opposite the appeal site, in Hill View, but, by contrast with Priory Lane, Hill View is a larger scale

- development of more modern two-storey houses in a conventional form, with access also from The Grove.
4. 'The Gables' stands in a prominent location at the junction of Priory Lane and Hill View, with access from both. It is a rendered and painted building, under a mixture of tiled and flat roofs, and like some others it is partially single-storey, with rooms at first floor level, including large box dormers. It has a large footprint, as well as a detached garage, but it is sited on a substantial plot and has the benefit of private garden areas behind fences and well grown hedges. It is currently vacant, having been empty for some years, and, in consequence, it is now somewhat run down, though it is by no means dilapidated and could be brought back into use and extended.
 5. It is now proposed to demolish the existing house and to build a replacement. The new house would have most of its accommodation on the ground floor, with three bedrooms and a bathroom on the first floor, contained within the pitched roofs.
 6. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing residential amenities and providing good standards of accommodation, and it is underpinned by the 'National Design Guide'. At the same time, of course, the NPPF acknowledges that planning policies "should allow a suitable degree of variety where this would be justified".
 7. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy DM23 of the 'Chelmsford Local Plan' which was adopted in May 2020. Policy DM23 highlights the importance of "high quality and inclusive design", emphasising the need for new development to respect the character and appearance of the area in which it is located among other things.
 8. In relation to the biodiversity issue, Section 15 of the 'National Planning Policy Framework', expresses the need to protect and enhance biodiversity, while Policy DM16 of the Local Plan identifies similar concerns, including the need to "avoid negative impacts on biodiversity and geodiversity, mitigate unavoidable impacts and as a last resort compensate for residual impacts".
 9. The proposed new house would be located on a prominent corner plot at the junction of Priory Lane and Hill View, with the front elevation facing Priory Lane and a side elevation facing Hill View (and those approaching from the north along Priory Lane). It would be a substantial building in the streetscene, with strong gabled features, but it would not be so large as to be unacceptable in the suburban environment.
 10. The new house would display a number of distinctive architectural elements, with some large windows and a combination of brickwork and rendered external walls, for example. The building would have a main eaves at ground floor level, with large expanses of roof and inserted dormer windows. The design would be complex and the roof would be a dominant feature but the architectural composition would make a positive contribution to the

- streetscene, in my opinion. Moreover, the existing properties in Priory Lane exhibit considerable diversity in design and the new building, though different, would not be alien to the existing character.
11. In short, I have concluded that the proposed development would be clearly acceptable in terms of its architectural design and its effect on the character and appearance of the surroundings. It would produce an interesting new building on the appeal site and would improve the housing stock overall, albeit in a very limited way.
 12. Turning to the biodiversity issue, the submitted 'Ecology Report', dated 30 June 2020, concluded that the site as a whole contains habitats of "low ecological value" and that there are "no significant ecological constraints that would prevent the proposed works".
 13. It was, however, also noted that the dwelling itself was assessed as having a "moderate roost suitability" for bats, bearing in mind the condition of the building, with some activity by bats being observed. In the light of this, mitigation measures have been proposed by the appellant in relation to bats. Specifically, a further survey would be carried out, with detailed mitigation measures to be dependent on the findings of the survey (although some recommended measures have already been indicated in the submitted 'Ecology Report').
 14. The appellants have suggested that a condition be imposed to secure this and I accept that such a condition would overcome the objection that has been raised (subject to modification in the interests of clarity and enforceability).
 15. More generally, it has been noted that the pollarded oak tree close to the south-west corner of the site would be protected during the building operations but that the nature of the project (the construction of a replacement dwelling on an existing residential plot) would not realistically produce a meaningful net gain in biodiversity, in any case.
 16. Evidently, the appeal site lies within an established suburban area, which is "sustainable" in planning terms, and the proposed new dwelling would improve the housing stock in the locality. I have concluded that the project would not be in conflict with the Development Plan, in principle, and that the objection to the scheme which has been raised in relation to bats can be overcome by the imposition of a suitable condition. In short, I am persuaded that the scheme before me can properly be permitted, subject to conditions and, although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
 17. In reaching my conclusions I have had regard to the previous appeal decisions to which I have been referred by the main parties to this appeal, though I note that those appeals related to rather different proposals, for three new dwellings in each case.
 18. I have also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), as well as to suggestions made by the appellants, subject to modifications necessary, in my opinion, in the interests of clarity and enforceability.

19. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. I have also imposed a condition to require a further bat survey to be undertaken and mitigation measures to be implemented if necessary, as indicated above.
20. In addition, the Council have suggested a number of conditions relating to different aspects of the site layout, including boundary treatment and access details. These can most conveniently be incorporated in a hard landscaping plan to be submitted to and approved by the local planning authority in due course and thereafter adhered to, although some of the Council's proposed conditions are unnecessary or unduly onerous and I have not included the same level of detailed requirements.
21. Moreover, I am not convinced that the site levels are so sensitive that a condition is required for them to be approved by the Council in detail, prior to the commencement of development, bearing in mind the information that is contained in the approved drawings, in any case. Nor am I persuaded that it is necessary for a charging point for electric vehicles to be made a formal requirement of the planning permission.
22. Similarly, there is no convincing justification for the removal of permitted development rights, bearing in mind that they are normally of general application.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number 3560/LP (Location Plan);
 - drawing number 3560/BP (Block Plan);
 - drawing number 3560/TPP (Tree Protection Plan);
 - drawing number 3560/1B (Site Plan as Existing);
 - drawing number 3560/101 (Site Plan as Proposed);
 - drawing number 3560/102 (Plan and Elevations as Proposed);
 - drawing number 3560/103 (Detached Garage Details);
 - drawing number 3560/104 (Streetscape Elevations).
3. Prior to the commencement of any demolition work in connection with the development that is hereby approved, at least one dusk emergence and dawn re-entry survey must be undertaken during May to August inclusive, in order to determine with confidence whether bats are roosting. Should this be the case, the recommended bat mitigation strategy included in the Ecology Report, dated 30 June 2020 shall be modified as appropriate based on the results. No demolition shall take place until a bat mitigation strategy shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved bat mitigation strategy.
4. Prior to first occupation of the development hereby permitted, details of hard landscape works, to include all boundary treatment and all hard surfacing within the site shall have been submitted to and approved in writing by the local planning authority. All hard landscape works shall be carried out in accordance with the approved details, prior to the occupation of any part of the development.
5. Prior to first occupation of the dwelling hereby permitted, the area shown on the approved hard landscaping scheme as being dedicated to car parking and manoeuvring shall be laid out and brought into use as such, with a suitable crossover in the highway. It shall be retained and used for no other purpose thereafter.