



Appeal Decision

Site Visit made on 21 June 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 July 2021

Appeal Ref: APP/W1525/W/21/3270099

Brooklands, Old Roxwell Road, Writtle, Chelmsford, Essex, CM1 3SU

- 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 David Bearman against the decision of Chelmsford City Council.
 - The application Ref 20/01620/FUL, dated 13 October 2020, was refused by notice dated 29 January 2021.
 - The development proposed is a replacement dwelling house.
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Decision

1. The appeal is dismissed.

Main Issue

2. The site falls within the Green Belt. The main issues are therefore:
 - Whether the development proposed would constitute inappropriate development in the Green Belt, having regard to the National Planning Policy Framework and any relevant development plan policies,
 - The effect on the openness of the Green Belt,
 - The effect on the character and appearance of the area; and,
 - Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations so as to amount to the very special circumstances required to justify the proposal.

Reasons

Whether inappropriate development

3. Policy DM6 of the Chelmsford Local Plan 2020 details criteria against which proposals for replacement buildings in the Green Belt will be assessed. Among these is a requirement that the new building is not materially larger than the one it replaces. This is consistent with the National Planning Policy Framework (the Framework).
4. In this case, the proposed house would be taller and wider than the existing with the ridge height increasing from 6.7 metres to 8.3 metres. As a result, it would be bulkier, more prominent in its surroundings, and materially larger than the building which it would replace.
5. The appeal proposal would therefore conflict with the requirements of Policy DM6 of the LP and of the Framework as set out above. It would therefore be inappropriate development in the Green Belt.

Green Belt openness

6. Given that the appeal proposal amounts to inappropriate development, it is also necessary to determine what effect there would be on the openness of the Green Belt.
7. The replacement dwellinghouse would be wider, taller and bulkier than the existing dwelling and more prominent in the street scene as a result. While there is screening from the well-established landscaping to the site boundary, the proposed house would nonetheless be more visible than the existing and so would be more harmful to the openness of the Green Belt.

Character and appearance

8. The appeal site occupies a relatively isolated location some distance from any neighbouring dwelling. The proposed dwelling would not therefore be viewed in the context of other buildings, but rather as an individual dwellinghouse in this rural location. There is mature landscaping around the site that provides some screening from the surrounding area, although the house and outbuildings are nevertheless visible from certain viewpoints.
9. The front elevation of the house would include several irregularly spaced and sized dormers and a jetty in the roofscape, where the front elevation of the existing house is relatively simple with regularly spaced glazing. In addition, the front roof to the proposed house would mainly comprise a broad expanse with a long, uninterrupted ridgeline across much of its width, where the existing house has a relatively shallow roof over the two-storey section with a lower roofline over the single-storey section to one side. However, the established landscaping at the site is at its densest immediately in front of the house, which would provide some screening of it in the street scene, especially when in full leaf. In addition, as the replacement house would be viewed in isolation without the context of near neighbours, I do not find that overall it would appear out of keeping within its context and surroundings when viewed from the road.
10. The proposed house would include substantial rear projections, but this is similar to the existing house which has a large rear wing with bulky dormers to the roof slopes. The rear projections to the proposed house would feature extensive glazing that would limit their presence. I am therefore satisfied that this element of the proposal is acceptable.
11. The appeal proposal would consequently not be harmful to the character and appearance of the area. It would therefore accord with the relevant requirement of Policy DM6 of the LP that replacement buildings in the Green Belt not be out of keeping with their context and surroundings.

Other considerations

12. There would be harm to the Green Belt by reason of inappropriateness and loss of openness arising from the proposed development. The Framework requires that this harm is accorded substantial weight.
13. The appellant contends that the removal of the existing garage and home cinema buildings would result in a more concentrated built form on the site, with a smaller volume overall than the existing, and that therefore the development would overall not be materially larger.

14. The removal of the outbuildings, and the prevention of further outbuildings being constructed, could be secured by planning condition. However, such a condition would only come into effect once the development permitted had commenced. There would be nothing to prevent the appellant from constructing other outbuildings using permitted development rights should they wish, and then implementing the proposal. In the absence of any mechanism to prevent this from occurring, I am only able to give limited weight to the benefits of consolidating the built form on this site.
15. That limited weight is not sufficient to clearly outweigh the substantial weight that must be given to the harm to the Green Belt that would result from the proposed development. In this instance, therefore, very special circumstances do not exist.

Other Matters

16. The appeal site falls within the zone of influence for the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy. If I had been minded to allow the appeal, it would have been necessary as the competent authority to carry out an Appropriate Assessment to determine whether the development would have a significant effect on protected habitat sites. However, as I am dismissing the appeal for other reasons it is not necessary to address the matter further.

Conclusion

17. There are no material considerations that indicate this appeal should be determined otherwise than in accordance with the development plan. Therefore, for the reasons given above, the appeal fails.

M Chalk

INSPECTOR