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# Appeal Decision

Site Visit made on 1 September 2021

**by H Miles BA(hons), MA, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 15<sup>th</sup> September 2021**

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**Appeal Ref: APP/W1525/W/21/3268484**

**346 Baddow Road, Great Baddow Chelmsford CM2 9RA**

- 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 R Drogman against the decision of Chelmsford City Council.
  - The application Ref 20/01920/FUL, dated 24 November 2020, was refused by notice dated 1 February 2021.
  - The development proposed is conversion and extension of existing building to form 8 dwellings.
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## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs was made by Chelmsford City Council against Mr R Drogman. This application is the subject of a separate Decision.

## Preliminary Matters

3. The application was refused on the basis that the development would result in harm to biodiversity of the Blackwater Estuary Special Protection Area SPA/Ramsar (the SPA) and Essex Estuaries Special Area of Conservation (the SAC). A Unilateral Undertaking (UU) has been submitted which includes a mechanism to contribute towards mitigation of the effects of the proposed development on the SPA and SAC. I will return to this matter later in this decision.

## Main Issues

4. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect on the living conditions of neighbouring occupiers with particular regard to privacy.

## Reasons

### *Character and Appearance*

5. The site includes the former Beehive pub which is a two storey building with a low pitched roof. Its location on the corner of Beehive Lane and Baddow Road, set back from the pavement, openings and retained signage are indicative of its previous use as a public house. There are single storey outbuildings on the site, subservient to the main building which are linked to the public house use which are appropriate in this context. The building is sited on land higher than the surrounding public highway and frontages of nearby buildings.

6. The building is included in the Register of Buildings of Local Interest. Its significant features include its architecture which indicates its historic use as a public house in a prominent location. The site also includes a Sarsen Stone which is a local geological site. The former Beehive Pub is therefore a non-designated heritage asset which has a degree of heritage significance meriting consideration in planning decisions, although it has no statutory protection.
7. The proposed development would retain the original pub building and convert it to flats, with an extension to the rear. The extension would be larger than the retained pub in terms of both its width, footprint and overall height, albeit that it would be two storeys high. This would result in a dominant addition, which harmfully detracts from the prominence and character of the important original building. The extension also includes features such as bay windows and balconies which further draw attention to the new addition, undermining the status of the original building. Given that I find the existing outbuildings to be appropriate to this site, their removal does not weigh in favour of the scheme.
8. There are limited details of the proposed ground levels, although the proposed floor levels appear to be broadly at the level of the highway. Taking into account that the existing building is set higher than those nearby, a lower land level for the proposed extension, as shown on the submitted drawings, would be acceptable.
9. The loss of the public house use would result in harm to the functional aspect of this site's heritage significance. Furthermore, although the architecture of the former Beehive pub would be retained, due to its size and prominence the proposed extension would dominate and undermine the appearance and traditional pub features of the original building. As such, these matters, in combination, would result in moderate harm to the non designated heritage asset.
10. Therefore, the proposed development would result in harm to the character and appearance of the area including moderate harm to the non-designated heritage asset. This would be contrary to Policy DM23 and DM14 of the Chelmsford Local Plan (May 2020) (the Local Plan) which set criteria to achieve high quality design and require that where proposals would lead to harm to the significance of a non-designated heritage asset a balanced judgement of harm and the significance of the asset is made.
11. Policy DM16 of the Local Plan relates to ecology and biodiversity. Therefore, the policies listed above are more relevant to this main issue.

### *Living Conditions*

12. The main outlook from the balcony to plot 7 would be to the north west. I am satisfied that it would be possible to require screening to the side of the balcony to prevent any views to the south west. As such, any views towards the windows or gardens to 37 Gerard Gardens would be at an obscure angle and would not be likely to lead to an unacceptable loss of privacy.
13. Therefore, the proposed development would result in an acceptable standard of living conditions for existing occupiers. As such, it would not be contrary to Policy DM29 of the Local Plan which requires that development safeguards the living environment of the occupiers of any nearby residential properties.

## **Planning Balance**

14. The proposed development would result in the economic and social benefits associated with the provision of 8 dwellings. The lack of harm to living conditions is a neutral factor that does not weigh in favour of the development. On the other hand, I have identified environmental harm with regard to the permanent and highly visible harm to the character and appearance of the area including to the non designated heritage asset. Consequently, the limited benefits do not outweigh the harm to the character and appearance of the area identified above.

## **Other Matters**

15. The SPA and SAC are habitats sites that have high levels of protection. They are designated because of use by breeding and non breeding birds and natural habitats including sandbanks, estuaries mudflats and sandflats. The Council has a strategy that seeks to mitigate the impacts on the SPA and SAC arising from recreational pressure, which increases with new housing. A financial contribution towards the Essex Recreational disturbance Avoidance and Mitigation strategy is included in the submitted UU. However, there is no need to consider the implications of the proposal on the protected site in this case because the scheme is unacceptable for other reasons.

## **Conclusion**

16. The proposal would not accord with the development plan and there are no other considerations, including the provisions of the Framework, to indicate that the appeal should be determined otherwise. Therefore, for the reasons given above, I conclude that this appeal should be dismissed.

*H Miles*

INSPECTOR