



Appeal Decision

Site Visit made on 16 November 2021

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 29th November 2021

Appeal Ref: APP/W1525/D/21/3277664

152 Broomfield Road, Chelmsford CM1 1RN

- 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 Dr Abidhar Prasad against the decision of Chelmsford City Council.
 - The application Ref 20/02101/FUL, dated 20 December 2020, was refused by notice dated 31 March 2021.
 - The development proposed is described as, 'wall and installation of new access gate'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The site lies in a prominent position on the corner of Broomfield Road and First Avenue. The existing boundary treatment along the front and part of the side of the site consists of a low-level timber fence with a tall hedge behind. Along the rear part of the side of the site lies a tall brick wall.
4. The boundary treatments of the properties to the north of the site on Broomfield Road are primarily characterised by brick walls roughly 1m in height. The opposite side of the road is largely occupied by properties with low level walls and tall hedges at the boundary. The properties on First Avenue are also largely characterised by low level walls with hedges. While the dwelling on the other side of the junction of Broomfield Road with First Avenue has a significant length of brick wall, it appears to be of a lower height than that proposed. The tall wall bounding the rear part of the appeal site therefore appears as an anomaly in this street scene.
5. As such, the area surrounding the appeal site generally has low level boundary treatments and hedges that give the area a pleasant, spacious and green character and appearance.
6. The proposal is for a brick wall roughly 1.3m high with slightly taller piers that would replace the existing low level timber fence. The height of the proposed wall would be noticeably higher than those in the immediate vicinity and of a significant length. In addition, since it would be in a prominent position at the corner of two roads, the height of the proposed wall and access gate would

greatly diminish the spacious green character provided by the existing low level timber wall at the front of the site. While there are taller brick walls in the wider area, the site relates more closely to the low-level boundary treatments in the immediate vicinity. As such, the proposal would appear discordant in the street scene, unacceptably affecting the spacious character and appearance of the area.

7. The existing hedge provides a sense of enclosure to the site and would remain unchanged. However, the proposed brick wall would nonetheless unacceptably reduce the sense of spaciousness given the greater height of the wall compared with the adjacent boundary treatments on Broomfield Road.
8. While the proposal would continue the height of the wall which exists along the rear part of the site, since it would be in a more prominent location near the junction, the wall around the front of the site would be seen from a greater number of views. As such, this matter has not altered my overall decision.
9. Consequently, the proposed development would unacceptably harm the character and appearance of the area. Therefore, it would conflict with Policy DM23 of the Chelmsford Local Plan Adopted May 2020 which seeks development that is compatible with its surroundings having regard to scale, siting and boundary treatments among other things. The scheme would also conflict with the National Planning Policy Framework in this respect.

Other Matters

10. I acknowledge the evidence regarding permitted development rights. However, for the reasons given above, the proposal would not be less harmful than the fall-back position set out by the Appellant. Accordingly, this matter has not altered my overall decision.

Conclusion

11. For the reasons given above, the proposed development would conflict with the development plan and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR