

Appeal Decision

Site visit made on 8 November 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/W1525/W/21/3271136

Land West Of Le Corbiere, Main Road, Boreham, Chelmsford, CM3 3JG

- 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 C&B Homes Ltd against the decision of Chelmsford City Council.
 - The application Ref 21/00065/FUL, dated 14 January 2021, was refused by notice dated 11 March 2021.
 - The development proposed is erection of three bedroom detached house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the Council's decision, the National Planning Policy Framework (the Framework) was revised on 20 July 2021. The Council and appellant have had an opportunity to comment on the implications of these changes through their submissions.

Main Issue

3. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Reasons

4. The appeal site comprises a strip of land which runs parallel to Dudley Close and has a frontage onto Main Road. The area is characterised by a mix of semi-detached, detached and terraced dwellings and is predominately residential in character. The dwellings within the vicinity of the appeal site comprise both a loose linear pattern of development fronting Main Road and then cul-de-sacs off Main Road being arranged in a more organic form. However, there is a consistency to the scale of the built form which contributes to the pleasant suburban character.
5. The appeal site provides a degree of spacing between the development facing Main Road and the development in Dudley Close. The proposed dwelling, due to the relatively narrow width of the plot, would be sited close to the side elevation of Le Corbiere. The development would result in an increase in the density of development within the locality and would lead to a cramped form of development. In addition, as a result of the width of the plot, the proposed dwelling would have a narrow frontage which would be both out of character and harmful to the overall appearance of the area.

6. I have taken into account the previous planning permission on the site for a dwelling, which was approved in 2012, (12/01028/FUL). Whilst no plans have been submitted of this scheme, the evidence before me indicates that this permission included a dwelling which was 2 bedrooms and had a maximum ridge height of 7.2m which is not the same as the development before me.
7. Furthermore, I have not been provided with any evidence to indicate that this consent is extant or remains capable of implementation. In addition, having regard to the age of the decision, which predates both the Framework and the recently adopted Local Plan, I have given it limited weight, such that it has not altered my overall decision.
8. I therefore conclude that the proposed development would introduce a discordant built form to the locality that would be out of keeping with and harm the character and appearance of the surrounding area. This would be contrary to policy DM23 of the Chelmsford Local Plan 2020 which requires development to respect the character and appearance of the area, having regard to scale, siting and form.

Other Matters

9. It would appear that the appeal site falls within a 'Zone of influence' for a designated site. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on designated sites are compliant with the Habitats Regulations. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.

Conclusion

10. For the reasons given above, the proposal would therefore conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. Therefore, I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR

