



Appeal Decision

Site visit made on 8 March 2022

by Jonathan Price BA(Hons) DipTP MRTPI DMS

an Inspector appointed by the Secretary of State

Decision date: 28th March 2022

Appeal Ref: APP/W1525/W/21/3279788

6 Well Lane, Stock, Ingatestone, Essex CM4 9LT

- 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 Richard Edwards against the decision of Chelmsford City Council.
 - The application Ref 21/00143/FUL, dated 20 January 2021, was refused by notice dated 8 April 2021.
 - The development proposed is demolition of existing dwelling and construction of two detached dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dwelling and construction of two detached dwellings at 6 Well Lane, Stock, Ingatestone, Essex CM4 9LT in accordance with the terms of the application, Ref 21/00143/FUL, dated 20 January 2021, subject to the conditions set out in the Schedule attached to this decision.

Main Issue

2. The effects of the proposal on the character and appearance of the area.

Reasons

3. The proposal is to redevelop a single bungalow plot to provide two large, detached houses. The property is within a residential part of the parish of Stock and is surrounded by other dwellings. The area mainly comprises medium to large scale detached homes of varied design. These are generally set back comfortably from the road with quite large back gardens. Whilst this provides for a quite spacious and verdant suburban character, the homes are in the main not set widely apart. In some sections, such as along Mill Road close to its junction with Well Lane, the houses are spaced closely together along the road frontage, with just narrow gaps in between.
4. The two houses proposed would fill most of the width of the two plots created by subdividing this site. The resulting arrangement in this section of Well Lane would then reflect the layout of the adjacent housing along Mill Road. Sited between the existing properties at Nos. 4 and 8, the two new dwellings would observe their building line and have similar roof/eaves heights. The plot 1 dwelling would reflect the gabled roof design of the next-door house at No. 4 and, whilst wider at the front, be of a reasonably coherent design. The plot 2 dwelling has a crown roof design, hipped to all sides other than a projecting front gable. This would copy the design of the adjacent No. 8 and, like that older property, the flat part to its roof would be hidden from view.

5. The two houses have clearly been designed to reflect their respective neighbours so themselves differ, but without harmful contrast due to their comparable scale and height. The front elevations to each are well balanced, suitably proportioned and generally in keeping with the houses to each side. The new houses would not appear incongruous and succeed in preserving a satisfactory appearance and consistent rhythm to the street scene. I find no harm from using the roof spaces for accommodation and, where there are dormer windows and small rooflights to permit this, these fit in with the overall designs. The parking spaces would be set behind front hedges to limit any visual harm from replacing lawn with hardstanding, avoiding an unduly car-dominated appearance.
6. The dwellings are both large, but their plan depth would not create an appearance of excessive bulk due to the approach to massing. The scheme keeps the wider sides of the two houses together, so the quite narrow gap means these broader elevations are largely screened from the street. This gap would still allow the two houses to read visually as separate buildings, and for them not to appear unduly cramped. The overall bulk is reduced to the other sides, with narrower gabled sections or roofing that is hipped away from the boundary. Seen only from private viewpoints, both the rear elevations would be as well balanced and proportioned as those to the front. The dwellings would have quite large back gardens; adequate for their size and broadly reflective of the prevailing plot ratio in this location.
7. The Stock Village Design Statement¹ (SVDS) seeks to preserve the rural character of the village. This is by encouraging soft landscaping to front gardens and seeking to prevent spacious bungalow and chalet plots from being crowded out by executive housing. The SVDS is adopted by the Council as a supplementary planning document, so weight is given to the degree of conflict with its objectives. However, this acts only as guidance to an assessment of proposals on the basis of statutory development plan policy. For this, the Council's decision cites conflict with Policy DM23 of the Chelmsford Local Plan² (LP).
8. The two houses would be well-proportioned and compatible with their built surroundings in terms of siting, scale, form, massing and detailing; all in accordance with LP Policy DM23 and the high quality of design this seeks. The scheme would thus comprise the good architecture sought by paragraph 130 of the National Planning Policy Framework (the Framework). The proposal would therefore be acceptable in terms of its effects on the character and appearance of the area.

Other Matters

9. Interested parties raised other concerns in response to the planning application. There would be some noise and disturbance arising from the construction work, but this would be for a temporary period and insufficient grounds for resisting this proposal.
10. The two spaces per dwelling meet the adopted Essex parking standards. The integral garages could also provide a further space for each dwelling and would

¹ Village Design Statement – Planning Guidance for the Parish of Stock Supplementary Planning Document October 2011

² Chelmsford City Council formally adopted the Chelmsford Local Plan 2013-2036 on 27 May 2020.

not be too small to accommodate a vehicle. The local highway authority had no concern over the amount of on-site car parking proposed. I am unable to substantiate any material harm to highway safety, on account of likely overspilling of car parking onto Well Lane.

11. The angles of view from upper floor windows, or the distances from these to other properties, would avoid any material harm to the living conditions of neighbouring occupiers due to overlooking or a loss of privacy. Along with the distances to their rear boundaries, the proposed massing of the dwellings would avoid either house having an unacceptably overbearing impact on the outlook from any neighbouring dwelling.
12. The plot 1 dwelling would be adjacent and to the south of the neighbouring house at No. 4. The two-storey gable to the plot 1 house would be roughly in line with that of this neighbour, with mainly single storey elements extending beyond its rear building line. No. 4 has side windows to its gable, to which the existing bungalow already has some impact at ground floor level. There could be some degree of loss of daylight/sunlight to a small first floor side window. However, despite this, I concur with the Council's assessment that this proposal would not cause material harm to the residential living conditions provided for occupiers at No. 4 due to loss of sunlight/daylight. The same conclusion would apply to other adjacent properties.
13. There would be the scope to compensate for the loss of front hedges through the requirement for replanting, securable through a landscaping condition. A further condition might address any surface water run-off from the site and the concerns raised in this regard.

Habitats Regulations Assessment

14. The appellant has made the financial contribution required towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). This supports measures in place to mitigate the likely significant effects of this proposal, in combination with other housing growth, in respect of increased recreational disturbance upon coastal habitats of importance to breeding and non-breeding birds. Most of the Essex coast is designated under the Habitats Regulations for this importance and the RAMS contribution enables me to conclude that this proposal would have no adverse effect on the integrity of these protected sites.

Conditions and conclusion

15. To be satisfactory, this proposal would need to be the subject of planning conditions. I considered those suggested by the Council against the tests set out in paragraph 56 of the Framework. In addition to ones applying the standard commencement period and plans compliance, another condition is necessary requiring an agreed programme of archaeological investigation. This has to be a pre-commencement condition to provide the opportunity for this to be carried out. To ensure the development is built to suitable finished levels, a condition requires approval and adherence to such details.
16. In the interests of character and appearance, conditions are necessary for external materials, boundary treatments and landscaping to be as first agreed with the Council. In the interests of highway safety, conditions address requirements for sealed entrance surfaces, on-site car parking and surface

water run-off. To cater for electric vehicles, should development commence prior to this being addressed by the Building Regulations, a condition is needed securing the charging infrastructure for each house.

17. A condition is required to ensure the dwellings achieve the water efficiency standards sought to comply with LP Policy DM25. Finally, in the interests of the privacy of the next-door neighbours, a condition is necessary to remove permitted development rights for any further windows to the elevations facing the external sides of the appeal site.
18. I have found the proposal to be satisfactory in respect of its effects upon the character and appearance of the area and in all other regards. Subject to the conditions listed below, I conclude that the appeal be allowed.

Jonathan Price

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing nos. 2981/01/B; 2981/10/A; 2981/11; 2981/12; 2981/13.
- 3) No demolition, development or preliminary ground works shall take place within the site until a written scheme of investigation for a programme of archaeological work has been submitted to and approved in writing by the local planning authority. No demolition, development or preliminary ground works shall take place until such time as the programme of archaeological work has been carried out in accordance with the approved written scheme of investigation.
- 4) Prior to any construction works, detailed drawings and sections showing the finished levels of all parts of the development in relation to the levels of the surrounding area and neighbouring buildings 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 details.
- 5) The development hereby permitted shall not proceed above slab level until details of the materials to be used in the construction of the external surfaces have been submitted to and approved in writing by the local planning authority. That development shall thereafter be carried out in accordance with the approved details.
- 6) The development hereby permitted shall not proceed above slab level until details of the proposed treatment of all boundaries, including drawings of any gates, fences, walls, railings or piers, have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the boundary treatments have been provided in accordance with the approved details.
- 7) No development above slab level shall commence until there shall have been submitted to and approved in writing by the local planning authority

a scheme of hard and soft landscaping. The scheme shall include a) hard surfacing including pathways and driveways, other hard landscape features and materials; b) existing trees, hedges or other soft features to be retained; c) planting plans including specifications of species, sizes, planting centres, number and percentage mix; d) details of planting or features to be provided to enhance the value of the development for biodiversity and wildlife; e) management details and a five-year maintenance plan. The development shall thereafter be carried out in accordance with the approved details of hard and soft landscaping.

- 8) No unbound material shall be used in the surface treatment of the vehicular accesses hereby permitted within six metres of the highway boundary.
- 9) Neither dwelling shall be occupied until the parking spaces have been laid out in accordance with the approved plans and those spaces shall thereafter be kept available at all times for the parking of vehicles.
- 10) Neither dwelling shall be occupied until measures to prevent the discharge of surface water from the development site onto the public highway have been provided in accordance with details that shall have had the prior written approval of the local planning authority.
- 11) Neither dwelling shall be occupied until charging infrastructure for electric vehicles has been installed for each of the houses hereby permitted and these facilities shall thereafter be retained for the lifetime of the development.
- 12) The two dwellings hereby approved shall be constructed to achieve increased water efficiency to a standard of no more than 110 litres of water per person per day in accordance with Building Regulations Approved Document Part G (2015 - as amended).
- 13) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no windows or other openings other than those expressly authorised by this permission shall be constructed or inserted within the northern wall or roof of plot 1 or the southern wall or roof of plot 2 of the development hereby permitted.
