

Appeal Decision

Site visit made on 12 April 2022

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th April 2022

Appeal Ref: APP/W1525/W/21/3282931

Village Hall, Common Road, Stock, Billericay CM4 9NF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Terence Marett against the decision of Chelmsford City Council.
 - The application Ref 21/00162/S73, dated 12 July 2021, was refused by notice dated 10 September 2021.
 - The application sought retrospective planning permission for the construction of an entrance gate with associated landscaping without complying with a condition attached to planning permission Ref 21/00162/FUL, dated 16 April 2021.
 - The condition in dispute is No 1 which states that: *Within 2 months of the date of this planning permission a landscaping scheme as indicated on drawing reference: Elevations of gate and enclosure & Site Plan, shall be submitted the Local Planning Authority. The agreed landscaping shall then be carried out in accordance with the approved details and within the first planting season following the agreement of the landscaping scheme.*
 - The reason given for the condition is: *To ensure the proposed development is visually satisfactory and does not detract from the character or appearance of the Conservation Area in which the development is situated in accordance with Policy DM13 of the Chelmsford Local Plan.*
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Stock Conservation Area.

Reasons

3. The approved sliding gate is in place at the front of the village hall with timber cladding front and back, encasing the black metal gate and housing as required by condition No 2 of the planning permission. The appeal asks that condition No 1 be set aside so that landscape planting is not required in association with the gate and housing structure.
4. The appeal site is within the Stock Conservation Area where special attention must be paid to the desirability of preserving or enhancing the character or

appearance of the area¹. This part of Common Road is mainly characterised by green frontages with hedges, trees and grass. The general absence of solid frontage enclosures gives it an open, leafy appearance which contributes significantly to the rural village character of this part of the conservation area.

5. The gate and housing are set back from the frontage by a few metres, partly behind a tree and shrubs, but are clearly seen in views from the street. Despite the good quality timber cladding, this is an uncharacteristically solid and bulky feature which detracts from the street scene and the area's character. The proposed landscape planting, details of which I understand are still to be agreed, is needed in order to soften, though not necessarily fully screen, these views, helping the structure to blend in.
6. I therefore find that the proposal would harm the character and the appearance of this part of the conservation area. The level of harm caused, in the terms of the National Planning Policy Framework (the Framework), would be 'less than substantial' - and would be towards the lower end of that broad spectrum. As set out in Framework paragraph 202, any less than substantial harm should be weighed against the public benefits of the proposal.
7. The appellant argues that obscuring the gate structure with planting would detract from its purpose of deterring late night/inappropriate use of the car park. The (permissive) use of the car park and public safety/security are both matters of public interest. No expert evidence has been submitted to substantiate the security point, however. It is not clear that there would be any significant impact in this regard from a well-planned landscaping scheme, which could for example take account of the need for public notices. Although the harm caused by the installation without landscaping is relatively minor, it is significant and I find no public benefit that would outweigh the harm.
8. I conclude that the condition is necessary to preserve the character and appearance of this part of the conservation area. Deleting it as proposed would conflict with the aims of Policy DM13 of the Chelmsford Local Plan 2013-2036 and the Framework, to conserve heritage assets such as conservation areas.
9. I furthermore find that the condition meets the other tests set out in paragraph 56 of the Framework. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR

¹ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990