
Appeal Decision

Site visit made on 25 April 2022

by J L Cheesley BA(Hons) DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/W1525/D/22/3293085

184 Maldon Road, Great Baddow, Chelmsford, Essex CM2 7DG

- 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 Allan Smith against the decision of Chelmsford City Council.
 - The application Ref 21/01941/FUL was refused by notice dated 22 December 2021.
 - The development proposed is brick pillars and wooden gate.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the surrounding area; and

the effect of the proposal on highway safety.

Reasons

3. The appeal site lies within a primarily residential area where front boundaries predominately comprise low level brick walls, fences, railings or soft landscaping. These front boundaries make a positive contribution to the characteristic openness of the frontages in the vicinity.
4. The proposed development is partially constructed with the pillars of some 2 metres in height already erected. The proposal includes bifold vehicular gates some 1.8m in height and 4.41m in width, which would open inwards. In addition, there would be a pedestrian gate some 1.83 metres in height and 0.9 metres in width.
5. The appeal property lies within a prominent location. Due to the height and prominent location of the pillars together with the height of the proposed gates and width of the proposed vehicular gates, I consider that the proposal would be an unacceptably incongruous addition to the streetscene. It would be in stark contrast to the characteristic low front boundary treatment and openness

- of the frontages. This would be to the detriment of the character and appearance of the surrounding area.
6. The appeal property lies adjacent to the junction of Maldon Road and Molrams Lane. Maldon Road is classified as a Main Distributor Road. At the time of my visit the volume of traffic was high and I see no reason to assume that this was unusual. The proposed gates would not be set back the recommended 6 metres minimum distance from the metalled carriageway edge. This would result in vehicles waiting in the Maldon Road carriageway junction, while the gates were opened or closed. On such a busy road and so close to the junction with Molrams Lane, there is a strong probability that this would lead to increased pedestrian and vehicular conflict, resulting in an unacceptable degree of hazard detrimental to the safety of both pedestrians and drivers. This would be to the detriment of highway safety.
 7. In reaching my conclusion, I have had regard to all matters raised including examples of gates elsewhere. None is directly comparable to the proposal before me, which I have determined on its individual merits. I note concern regarding vandalism and security. These are material considerations. Nevertheless, such concerns should not be overcome by poor design.
 8. For the reasons stated above, I conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area and on highway safety. Thus, the proposal would be contrary to Policy DM23 in the Chelmsford Local Plan (2020), where it seeks to ensure that new development respects the character and appearance of the surrounding area. I consider Policy DM23 to be broadly consistent with the National Planning Policy Framework, especially where the Framework seeks to ensure good design. In addition, the proposal would be contrary to the Framework where it seeks to ensure that development proposals do not have an unacceptable impact on highway safety.

J L Cheesley

INSPECTOR