



Appeal Decision

Site visit made on 29 August 2023

by S J Warder MA BSc(Hons) DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 September 2023

Appeal Ref: APP/W1525/W/22/3306094

The Maisonette, Bicknacre Road, Bicknacre, Chelmsford CM3 4ES

- 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 Thames and Newcastle (Properties) against the decision of Chelmsford City Council.
 - The application Ref 21/02099/FUL, dated 19 October 2021, was refused by notice dated 3 March 2022.
 - The development is the proposed demolition of the existing dwelling and outbuildings and the erection of 4 no. dwellings
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposal on:
 - the character and appearance of the site and surrounding area; and
 - protected species with particular regard to bats.

Reasons

Character and Appearance

3. The appeal site is adjacent to, but outside of, the settlement boundary for Bicknacre defined by Chelmsford Local Plan (2020) (LP) Policy S11. Policy DM8 Part A allows for certain types of development in the Rural Area where it would not adversely impact the identified intrinsic character and beauty of the countryside. Such development includes the redevelopment of previously developed land (PDL) (Part B) and replacement buildings (Part C). The appeal site is acknowledged to be PDL. Policy DM23 of the LP seeks high quality and inclusive design and development that respects the character and appearance of the area in which it is located.
4. The appeal site occupies a broad frontage on the east side of Bicknacre Road and, in spite of the existing vacant dwelling and extensive outbuildings, views to it are dominated by established planting. This gives the site a rural, green and loosely developed appearance which contributes positively to the character of the area, notwithstanding the development taking place on the opposite side of the road at Oak House.

5. The proposed dwellings would be arranged around a fairly formal courtyard close to the street frontage. Notwithstanding the retained and proposed planting, the new buildings would be significantly more prominent than the existing buildings in views from Bicknacre Road. They would spread further across the site, be considerably taller and have a greater volume. Together with the extensive courtyard, access and parking areas, the development would have a substantially urbanising effect on the site. The resulting loss of the green and rural appearance would be harmful to the intrinsic character of the area. In reaching this conclusion I recognise that the proposal is smaller and less widely spread across the site than that considered under appeal reference APP/W1525/W/20/3250370.
6. The prevailing pattern of development elsewhere along Bicknacre Road is a linear arrangement of dwellings facing the road and set back behind well planted front gardens. The proposed courtyard arrangement, with Houses 1 and 2 positioned side on and close to the road, would be at odds with this pattern. Houses 1 and 2 would be unduly prominent in the street scene and Barns 1 and 2, while set further back, would be sited very close together. The proposed arrangement would, therefore, undermine the locally distinctive pattern of development.
7. Although named Barn 1 and Barn 2, the design of these buildings would not be very different from House 1 and House 2. Even allowing for the roof extending down to ground floor eaves height along part of the front elevation, they would be unmistakably two storeys on height. Moreover, the almost square footprint of the buildings and resulting roof form, incorporating a half hip at one end, would not reflect traditional rural built forms.
8. Nor would the fenestration pattern of the proposed buildings. It includes a conspicuous double height arrangement of glazed doors extending into a flat roof dormer and flanked by a series of rooflights on the front elevations and large glazed doors and flat roof dormers on the rear elevations. Although some of these features would help to break up the visual bulk of the buildings, the design would also reinforce the urban feel of the built form and layout to the detriment of the rural character of the site. The use of vertical black weatherboarding and zinc detailing would do little to off-set this effect.
9. Overall, therefore, the proposal would have a significantly harmful effect on the character and appearance of the site and surrounding area. As such, it would not comply with the requirements of LP Policies S11, DM23 or DM8 Parts A, B or C due to its impact on the character of the area, its scale, massing, spread and visual impact compared with the existing buildings on the site and its form and design being out of keeping with its surroundings. Nor would it accord with National Planning Policy Framework (the Framework) paragraph 174 insofar as it has similar aims.

Protected Species

10. The Ecological Impact Assessment accompanying the appeal confirms that the roof of the existing dwelling accommodates a maternity roost of Soprano Pipistrelle bats. The Assessment was supplemented by an update and Outline Mitigation Strategy. The roost would be lost if the building were demolished resulting in a high impact as defined by the Bat Mitigation Guidelines (2004). The bats are a protected species under the Conservation of Habitat and Species Regulations 2017. The appellant's ecological update confirms that the

demolition would need to be carried out under a European Protected Species Mitigation licence (EPSL) issued by Natural England (NE) in order to avoid an offence under the 2017 Regulations. The Outline Mitigation Strategy proposes a replacement roost and sets out the required siting, specification and timing.

11. One of the tests applied by NE when considering whether to grant an EPSL is whether the development is necessary for preserving public health or public safety or other imperative reasons of overriding public interest. The proposal would make a modest contribution to the supply of housing. Although there is nothing to suggest that there is a shortfall in supply in the Borough, the Framework seeks to boost the supply of housing in any case.
12. Nevertheless, having regard to my conclusions on the significantly harmful effects of the proposal on the character and appearance of the area, there would not be an overriding public benefit from the proposal. As such, I consider it unlikely in principle that an EPSL would be granted. In the absence of a licence, the high impact of the loss of the bat roost would not be adequately mitigated. Consequently, the proposal would not accord with LP Policy DM16 which, among other things, requires proposals to conserve and enhance species of statutory international and national importance.

Other Matters

13. The proposal derives some support from Framework paragraph 119 in making effective use of PDL, although this is tempered because the site falls outside the settlement boundary (Framework paragraph 120c). I have already recognised that it would contribute to the supply of housing. Bicknacre is a key service settlement for the purposes of LP policy and there is nothing to suggest that the appeal site is poorly located with regard to local facilities and services. However, even taken together these benefits do not outweigh the identified harm to the character and appearance of the area and protected species.

Conclusion

14. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR