



Appeal Decision

Site visit made on 20 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/W1525/D/23/3318879

31 Church Lane, Springfield, Chelmsford, Essex CM1 7SQ

- 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 Ms Bhanisha Gobin against the decision of Chelmsford City Council.
 - The application Ref 22/01908/FUL dated 08 November 2022, was refused by notice dated 05 January 2023.
 - The development proposed is described as replacement wooden fence.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the development was in place. The application form made clear that the scheme had been submitted retrospectively and I have dealt with the appeal on that basis.
3. The Council changed the description of development from that stated on the application form in the interests of clarity. With the removal of the word retrospective, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

5. The main issues in this appeal are the effect of the development on the character and appearance of the Springfield Green Conservation Area and area in general.

Reasons

6. The appeal site is a detached property located on a prominent corner between Church Lane and Lawn Lane.
7. The appeal site is within the Springfield Green Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning

(Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.

8. The Conservation Area in the vicinity of the appeal site is characterised by predominantly detached properties of varying forms within large plots. When combining the low-density style of development in the area, as well as the abundance of trees and hedges throughout, this creates a setting with a verdant, semi-rural feel. This character is reinforced by the open green space of Pollard Sports Field nearby. All of these natural elements reflect the dominance of the landscape within the Conservation Area.
9. Boundary treatments in the area vary, with a mixture of low-level treatments which provide open frontages. However, there are some boundary treatments which are a similar height and solid enclosures (brick wall and fencing) to the appeal proposal before me. Notwithstanding this due to the prominence of the corner plot, horizontal boards and the length of the boundary the fencing appears stark and dominant in the streetscene.
10. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
11. The proposal would detract from the semi-rural setting. The character and appearance of conservation area and area in general and the immediate surroundings would not be preserved. The Appellant suggests that a landscaping condition could be imposed or the fence could be dark-stained to soften the appearance, I am not persuaded that this would mitigate to a satisfactory degree the stark appearance of the fence.
12. I find that the proposed fence would lead to less than substantial harm of the significance of the Conservation Area. Paragraph 202 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal. I find that there are no public benefits which would outweigh the harm caused by the proposed development.
13. I conclude that the replacement wooden fence, harms the character and appearance of the Springfield Green Conservation Area and area in general.
14. There is conflict with Policies DM13 and DM23 of the Chelmsford Local Plan (2020) which amongst other things seeks to support the delivery of high quality developments which respects the character and appearance of an area and heritage assets.
15. I find conflict with the Framework, which seeks to ensure good design of developments which protects the historic environment.

Other Matters

16. The site is located within the vicinity of a Listed Building, The Old Rectory. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the

listed building or its setting or any feature of special architectural or historic interest which it possesses. The Council confirmed that The Old Rectory site is well screened within its owner curtilage, therefore the fence has a minimal impact on its setting. I do not disagree.

17. Whilst the timber fence offers a degree of privacy and security for occupiers of the appeal site I have not been provided with demonstrable evidence to convince me that the proposed development is the only way of achieving privacy or security. I give this limited weight.
18. The Appellant contends that the fence is permitted development as it is a replacement fence of similar height to that it replaces. I have not been provided with substantive evidence to demonstrate that the fence would be permitted development. I give this limited weight.

Conclusion

19. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR