



Appeal Decision

Site visit made on 20 February 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/W1525/W/23/3329721

201 Beehive Lane, Great Baddow, Chelmsford, Essex CM2 9SH

- 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 M Myatt against the decision of Chelmsford City Council.
 - The application Ref 23/00825/FUL, dated 15 May 2023, was refused by notice dated 19 July 2023.
 - The development proposed is new bungalow with associated amenity space and parking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. A revised version of the National Planning Policy Framework (the Framework) has been published since the appeal was lodged. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - The character and appearance of the area;
 - The living conditions of neighbouring residents in respect of privacy, outlook and disturbance; and
 - A protected tree.

Reasons

Character and Appearance

5. The proposed dwelling would be located to one side of the large rear garden of the host property, which is a detached dwelling facing onto the through-road of Beehive Lane. The area is suburban in character, with dwellings set back from

the highway and gardens extending to the rear. The building line in the vicinity of the site is not well-defined, with the existing dwelling on the appeal site set further back than one of its immediate neighbours, and the neighbouring dwelling of 199 Beehive Lane also set back and at an angle. However, this does not detract from the suburban character of the area or the prevailing appearance of frontage development.

6. Within that context, the proposed dwelling would appear as a contrived and incongruous feature projecting to the rear of built development. While the appeal site is of a suitable size for the proposal, the view of the proposed dwelling between two existing dwellings would give the development a constrained and jarring appearance when viewed from Beehive Lane. Although views of the proposal from Beehive Lane would be fleeting, the awkward arrangement of the dwelling behind frontage development would still be apparent. The uncharacteristic form of backland development would also be visible from nearby properties.
7. Although there are a variety of outbuildings in the rear gardens of properties in the area, these are not of a scale and arrangement which sets a context for the appeal proposal. The use of suitable materials for the proposed bungalow would also not mitigate for its awkward and unacceptable location.
8. Due to its incongruous layout and location, I conclude that the proposal would lead to significant harm to the character and appearance of the area. The proposal would therefore be contrary to Policies S1 and DM23 of the Chelmsford Local Plan 2020 (the Local Plan) with regards to high quality design and the character and appearance of the built environment. The proposal would also be contrary to the Framework which seeks to achieve well-designed places.
9. Reference has been made to the Great Baddow Village Design Statement. However, I have not been provided with a copy of this document and so have not had regard to it.

Living Conditions

10. Vehicular and pedestrian access to the site would be provided by a driveway between the host dwelling and No 199. A shared visitor parking space would also be provided to the front of the host dwelling.
11. This layout would introduce pedestrian and vehicle movements in close proximity to the side and rear of neighbouring dwellings, with an element of shared parking to the front. Even given the limited number and form of movements associated with a single dwelling, this arrangement would lead to unacceptable noise, intrusion and disturbance to neighbouring properties. This would include noise from vehicle manoeuvres, an intrusive loss of privacy from pedestrians and vehicles, and disturbance from headlights. This intrusive activity would be apparent even allowing for the potential use of electric vehicles.
12. The appellant refers to noise and activity associated with Beehive Lane. However, this emphasises the importance of the relatively secluded amenity areas to the rear of the dwellings. Although there may be activity associated with the school to the rear, including parking and vehicle movements, due to the degree of separation from dwellings on Beehive Lane I do not consider that

activity associated with the school justifies further intrusive development of the form proposed.

13. The Council's officer report refers to overlooking between the appeal proposal and neighbouring properties, although in its Appeal Statement the Council accepts that overlooking would not result as part of the proposal. Due to the design and layout of the proposal and the relationship with neighbouring dwellings I also conclude that the proposed dwelling itself would not lead to an unacceptable degree of overlooking, although this does not lead me to a different conclusion in respect of the harm arising from vehicle and pedestrian movements.
14. Due to the scale of the proposed bungalow and the set back from neighbouring properties, the proposal would not have an overbearing impact on the outlook from adjacent sites. The accommodation provided by the proposal would also not be overly cramped or have unacceptable levels of amenity space for future residents of the site.
15. Drawing the above together, I conclude that the proposal would lead to unacceptable harm to the living conditions of neighbouring residents in respect of noise, disturbance and privacy. Although I have concluded that the proposal would be acceptable on other aspects of this main issue, this does not negate the harm I have identified. The proposal would therefore be contrary to Policy DM29 of the Local Plan which seeks to protect living environments.

Protected Tree

16. There is a mature tree on the site frontage which is subject to a Tree Preservation Order.
17. The Council refers to insufficient information to establish the effect of the proposal on this tree. However, the appellant has provided substantive evidence, including an Arboricultural Implication Assessment, which indicates that there will be little or no impact on the protected tree resulting from the proposed development, subject to measures which can be secured by condition.
18. Based on the evidence before me, and subject to appropriate conditions, I conclude that the proposal would not lead to unacceptable harm to a protected tree. The proposal would therefore not conflict with Policy DM17 of the Local Plan with regard to the health of a preserved tree.

Other Matters

19. The proposal would add to the supply and mix of housing in the area. However, given the Council's healthy housing land supply, the economic and social benefits arising from a single dwelling would be very limited.

Conclusion

20. Notwithstanding my conclusions in respect of the protected tree, the proposal would lead to significant harm to the character and appearance of the area and the living conditions of neighbouring residents. The proposal would therefore be contrary to the development plan when read as a whole with regards to high quality design and the protection of the living environment. There are no

material considerations which demonstrate that the proposal should be determined other than in accordance with the development plan.

21. I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR