



Appeal Decision

Site visit made on 5 September 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 October 2024

Appeal Ref: APP/W1525/W/24/3342745

Land rear of 21 to 23a Broomhall Road, Broomfield, Chelmsford, Essex CM1 7HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr D Pearce against the decision of Chelmsford City Council.
 - The application Ref is 23/01254/FUL.
 - The development proposed is demolition of Nissen hut and construction of one storey dwelling using the existing access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of No 21 Broomhall Road, with particular regard to noise, disturbance and visual intrusion.

Reasons

Character and appearance

3. The appeal site consists of a roughly rectangular parcel of land, with an access strip extending northward between the residential properties of Nos 19 and 21 Broomhall Road. It is situated within a predominantly residential area, characterised by a variety of street-fronting homes. The site's boundaries are mainly defined by close-boarded fencing along the rear and side garden boundaries of neighbouring properties.
4. Currently, the site is vacant and overgrown, with the remnants of a Nissen hut near its centre. Surrounding the main portion of the site, excluding the access strip, are the generous gardens of the neighbouring properties, with the dwellings themselves set farther back. This layout creates an open character and a sense of spaciousness. Although some adjoining gardens have outbuildings near the appeal site boundary, these structures are generally low and are largely screened, preserving the site's spacious character.
5. A previous appeal for 2 dwellings on the site was dismissed in 2024¹, and I have had regard to that decision in the current appeal. The current proposal,

¹ APP/W1525/W/23/3326474

reduced to a single dwelling, is of more modest scale, being set further from the site boundaries and less visible from both Broomhall Road and neighbouring properties than the previous proposal.

6. However, the backland location would still result in a proposal of markedly contrasting character to the surrounding built environment. Although the reduced scale would limit its visibility from public vantage points along Broomhall Road, it would still be considerably taller than the outbuildings in neighbouring gardens, making it prominently visible from neighbouring homes and gardens.
7. Additionally, while the activity generated by a single dwelling would likely be less intensive than the previous proposal, I am unconvinced that reducing the proposal to a single dwelling would overcome my colleague's previous concerns regarding the effect of lighting on the surrounding environment.
8. Illustrative details of landscaping aimed at mitigating these effects and enhancing biodiversity are shown on the submitted plan, and the appellant has suggested that additional details could be secured by condition. However, even if I were to accept this approach, the current submission lacks important details such as an indication of species and the timeframe for the landscape scheme to establish. Therefore, I am not convinced that this would overcome the identified harm.
9. While the site is currently overgrown, its undeveloped nature, openness and spaciousness, positively contribute to the surrounding area. Given the factors discussed above, the proposal would fail to preserve these qualities and would result in a discordant and uncharacteristic development that would not relate positively to its surroundings.
10. I therefore conclude that the proposed development would harm the character and appearance of the area and would conflict with Policy DM23 of the Chelmsford Local Plan, Adopted 27 May 2020 (the CLP), which requires development to respect the character and appearance of the area in which it is located.

Living conditions

11. Access to the appeal site would be via the strip of land connecting to Broomhall Road, running between Nos 19 and 21 Broomhall Road. Compared to the previous appeal proposal, the current proposal's driveway would be slightly narrower and would provide a marginally greater separation to the side wall of No 21.
12. No 21 is understood to be occupied as a house in multiple occupation. While a full illustrated floor layout has not been provided, it has 3 side-facing windows that overlook the proposed access route. The appellant notes that these windows serve bedrooms whose sole outlook is via these windows.
13. The proposed layout illustrates a narrow, landscaped strip running along the side wall of No 21, directly adjacent to its side-facing windows. Beyond this would be close-boarded fencing.
14. Although No 21 is currently subject to comings and goings associated with the appeal site, the nature of the site and my observations at my visit suggest that such movements associated with its current use are infrequent. As such,

even though the scale of the development would be less than previously proposed, the proposal would still introduce an increased level of vehicular traffic along this access route, outside of the bedroom windows of No 21. Therefore, my colleague's observations in the previous appeal decision, which noted that the development would intensify the use of the access route, remain valid.

15. Furthermore, the marginal increase in separation between the windows and the driveway would not be significant enough to alter my colleague's previous conclusion. Given the proximity of the bedroom windows to the access route, the occupiers of No 21 would likely experience harmful levels of noise and disturbance from the regular comings and goings related to the proposed development.
16. The submitted plans illustrate a 1.2-metre high close-boarded fence adjacent to the access route, with 2-metre-high acoustic fencing enclosing the rear garden of No 21. However, the appellant's statement suggests the installation of 2-metre-high acoustic fencing between the windows and the access route. Even if 2-metre high fencing was deemed appropriate to mitigate the effects of noise and disturbance, its proximity to the bedroom windows would severely restrict their outlook to the extent that it would still harm the living conditions of occupiers.
17. I therefore conclude that the proposed development would harm the living conditions of the occupiers of No 21 Broomhall Road and would conflict with Policy DM29 of the CLP, which requires development to safeguard the living environment of the occupiers of nearby residential properties.

Other Matters

18. The proposal would provide a new dwelling and would make efficient use of the land, providing a small but meaningful contribution to housing stock and aligning with the government's objective to boost the supply of homes, as set out in the National Planning Policy Framework. It would also contribute to local employment and the supply chain during the construction phase. Whilst these benefits offer some weight in favour of the proposal, they do not outweigh the previously identified harm resulting from conflict with the development plan.
19. The site lies within the Zone of Influence of one or more European Sites comprising the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). A financial contribution is understood to have already been secured to mitigate the additional recreational pressure on the European Sites arising through the proposed development. In the event that I was minded to allow the appeal, it would have been necessary to consider this matter within an appropriate assessment. However, because I am dismissing the appeal for other reasons, I have not done so.

Conclusion

20. For the reasons given above, I conclude that the appeal should be dismissed.

P Storey

INSPECTOR