



Appeal Decision

Site visit made on 27 May 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/W1525/D/25/3359951

Foxwood, Moulsham Street, Chelmsford, Essex CM2 0JJ

- 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 Bina Salam against the decision of Chelmsford City Council.
 - The application Ref is 24/01342/FUL.
 - The development proposed is increased height of front wall with an electric gate and new side wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the proposed development from the Council's decision notice as this limits the description to solely reflect the act of development.
3. The information provided on the planning application form indicates that the development has commenced. It is not clear whether such works would conform with the plans that are subject of this appeal. I have therefore considered the proposal on the basis of the plans that are before me.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issues

5. The main issues raised by this appeal are the effect of the proposed development on the character and appearance of the area and highway safety.

Reasons

Character and appearance

6. The front boundaries along Moulsham Street comprise low or mid height brickwork with some hosting landscaping as part of the frontage. There is a general absence of gated driveways, which gives the street scene a sense of openness to its character and appearance. This provides New London Conservation Area a distinctive visual quality and gives this area architectural significance. The appeal property falls within the CA and, therefore, forms part of its significance. Further to this, the site is opposite Chelmsford Museum, a Grade II Listed Building. As such,

the appeal site is within the setting of the museum and forms part of the significance of this Listed building.

7. The increased height of the front boundary wall would not be substantially higher than some of the other wall frontages within this street scene. Nonetheless, the gate would create a fully enclosed frontage that would have an enclosing appearance to the front of the dwelling. A full width frontage would be out of keeping with the other frontages within this street scene. Consequently, the full width frontage would have a harmful visual impact upon the character and appearance of the area.
8. I acknowledge that the appellant is willing to reduce the proposed height of the wall in line with the height of the frontage of a neighbouring property. However, I am required to consider the proposal as presented to the Council and upon which the Council made its determination.
9. Given the size and scale of the proposal in the Conservation Area, along with its close proximity to the Listed museum, I consider there would be less than substantial harm to the character or appearance of the Conservation Area and the setting of the Listed building. In accordance with paragraph 215 of the Framework, I must weigh the harm against the public benefits of the proposal. The proposal would provide a more secure boundary for the dwelling. However, this would be limited to providing a personal benefit for the appellant. There would be no clear benefit to the public that would sufficiently outweigh the harm identified. I conclude therefore that the proposed development would fail to accord with national policy.
10. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would, therefore, conflict with Policies DM13 and DM23 of the Chelmsford Local Plan. These policies seek, amongst other matters, development to respect the character and appearance of the area in which it is located and to preserve designated heritage assets

Highway safety

11. Both the wall with its piers and gate would be of a height that would prevent the driver of a vehicle leaving the site to anticipate approaching pedestrians on the footpath. As such, a vehicle would be required to manoeuvre onto the public footpath to facilitate visibility along the footway. This manoeuvre would bring about conflict with those using the footpath. Furthermore, there is the potential for some delay in the opening of the electric gate. This would require the vehicle to wait on the vehicular highway causing an obstruction for other road users, noting that Moulsham Street is a busy arterial road.
12. Consequently, the proposal would give rise to an increased risk of accidents to pedestrians and increased danger to other road users. This would be so even if driving with care and attention and the driveway being wide with oncoming pedestrians able to see the drive on their approach.
13. It is contended that a vehicle can temporally park up where vehicles can park on the highway and reverse into the driveway. However, if vehicles were parked along the highway this would prevent this manoeuvre and a vehicle would be required to wait on the public highway until the gate opens. Consequently, this offers little weight in favour of the proposal.

14. I acknowledge that the boundary of the adjoining property along with its vegetation currently obstructs visibility and that there may be other front boundaries where restricted visibility may occur. There are also a small number of dwellings that have frontage gates. However, these matters do not justify a development that would increase the dangers to the public. As such, these matters offer little weight in support of the proposal.
15. For these reasons, I conclude that the proposed development would be harmful to highway safety. The proposal would, therefore conflict with Policy DM23 of the Chelmsford Local Plan. That policy seeks, amongst other matters, development to create safe, accessible and inclusive environments.

Conclusion

16. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR