



Appeal Decision

Site visit made on 24 June 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07 July 2025

Appeal Ref: APP/W1525/D/25/3362604

Linden, Maldon Road, Margaretting, Ingatestone, CM4 9JW

- 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 and Mrs Babbs against the decision of Chelmsford City Council.
 - The application Ref is 24/01715/FUL.
 - The development proposed is an additional storey and replacement roof and cladding, two storey front extension, replacement of flat garage roof with pitched roof.
-

Decision

1. The appeal is allowed and planning permission is granted for an additional storey and replacement roof and cladding, two storey front extension, replacement of flat garage roof with pitched roof at Linden, Maldon Road, Margaretting, Ingatestone, CM4 9JW in accordance with the terms of the application, Ref 24/01715/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in full conformity with the submitted plans.

Main Issue

2. The main issue in this case is the effect of the proposal on the dwelling and the character and appearance of the local area.

Reasons

3. Linden is a detached bungalow located within a residential area. The development in the vicinity consists mainly of 1.5 storey chalet-style dwellings. Immediately next to Linden, to the left as viewed from Maldon Road, is a railway embankment, beyond which is the Green Belt. Since Maldon Road passes under the railway bridge, the railway line, its power cables and the tall trees at the foot of the embankment, dominate the existing bungalow with its low-pitch roof.
4. Linden's neighbour, Kennets, is a chalet bungalow with a slightly higher ridge, but beyond that the dwellings take on a rather larger scale and a considerably different character. The first of these is set well forward of Linden and its neighbour, with a high ridgeline and prominent gabled dormers. Maldon Road then bends to the west, with the next chalet set well forward and its high gable, seen on the apex of the bend, also being prominent. The dwellings in this vicinity are very varied, with no

particular character that is dominant, and they are generally set closer to the road than Linden and its neighbour, both being set behind rather deep front gardens and driveways.

5. In this context, particularly because of the height and scale of the railway embankment, the general scale of the 2-storey proposed extension would sit well within the immediate streetscene. The proposed single storey front and side extension, which projects forward, would lead the eye across to Kennets. In fact, most of these elements have already been given permission by the council, which the appellant points out is the fallback position in the event of the appeal failing.
6. The additions in the appeal scheme, to that permitted, are that the porch, rather than being single-storey, would rise to the eaves of the roof under a low gable. The other addition to that permitted would be a single storey extension across the front, from the porch to the already permitted side/front extension. The resulting dwelling would have the appearance of a traditional 2-storey house. I do not see the appeal proposals as disrupting the streetscene, but rather forming an end stop to the group of bungalows and chalet bungalows. It would sit well in its context, largely due to the railway embankment.
7. The principal element of the scheme that is most controversial is the tall 4 sectioned window under the gable. A large window serving the first floor, within a gable, is currently a feature that is common in new houses and in alterations and extensions. In this context I especially note a recently constructed house, 'Willow Pond View, which is just beyond the railway embankment, that has a similar feature.
8. The result of these considerations is that I do not consider the appeal proposal to be of poor design, or that it is contrary to criteria i, ii, iii and iv of Policy DM23 of the Local Plan Policy, Making Places Supplementary Planning Document, and National Planning Policy Framework Chapter 12. The proposal would not have a harmful effect on the dwelling or the character and appearance of the local area. For these reasons the appeal will be allowed

Conditions

9. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a condition, in the event that the appeal is upheld, that the development shall be carried out in accordance with the approved plans. I consider that this condition is necessary for certainty and avoidance of doubt as to the development permitted.

Terrence Kemmann-Lane

INSPECTOR