



Appeal Decision

Site visit made on 28 January 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th July 2025

Appeal Ref: APP/W1525/W/24/3345613

2-4 Hamlet Road, Chelmsford, Essex CM2 0EU

- 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 N Gardener against the decision of Chelmsford City Council.
 - The application Ref is 24/00482/FUL.
 - The development proposed is the change of use from hotel (C1) to HMO (C4), including external landscaping and construction of a bin store.
-

Decision

1. The appeal is allowed and planning permission is granted for the change of use from hotel (C1) to HMO (C4), including external landscaping and construction of a bin store at 2-4 Hamlet Road, Chelmsford, Essex, CM2 0EU, in accordance with the terms of the application, Ref 24/00482/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 001; 100; 101; 102; 200; 201; 202.
 - 3) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 200 for bicycles to be stored and that space shall thereafter be kept available for the storage of bicycles.
 - 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - a statement setting out the design objectives and how these will be delivered;
 - earthworks showing existing and proposed finished levels or contours;
 - means of enclosure and retaining structures;
 - boundary treatments;
 - vehicle parking layouts;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials;
 - minor artefacts and structures e.g. furniture, refuse or other storage units, signs, etc;

- proposed and existing functional services above and below ground e.g. drainage, power, communications cables, pipelines etc. indicating alignments, levels, access points, supports as relevant;
- renewable energy installations where relevant;
- lighting, floodlighting and CCTV;

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

- 5) Before the development is first occupied a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the local planning authority. All landscaping shall be managed in accordance with the approved landscape management plan.

Preliminary Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 12 December 2024. On the basis that the latest revisions have no material implications for the outcome of this appeal, it has not been considered necessary to request any related observations from the main parties.

Main Issues

3. The main issues are:
- the effect of the proposal on the living conditions of neighbouring occupiers with particular regard to noise and disturbance; and
 - the effect of the proposal on the Essex Estuaries Special Area of Conservation (SAC) and Blackwater Estuary Special Protection Area (SPA) and RAMSAR site.

Reasons

Living conditions

4. No 2- 4 Hamlet Road comprises a pair of late nineteenth century semi-detached houses that have previously been amalgamated and, until recently, operated as a hotel. It features a large single storey rear extension. The surrounding area is varied in character. Hamlet Road is typified by a mix of terraced, detached and semi-detached dwellings. The appeal building is located close to the junction between Hamlet Road and Moulsham Street, which is a busy local shopping street. It is connected to the town centre and contains a variety of shops, restaurants, pubs and other amenities.
5. The proposed House in Multiple Occupation (HMO) would have 13 bedrooms capable of accommodating 14 occupiers. The Council state that the day-to-day activities of the residents would generate more noise and disturbance than the hotel use. However, the hotel use would generate noise related to the frequent collection and delivery of laundry and other commercial deliveries and visits associated with the commercial use. Whilst hotel guests are transient, I note that

the hotel would be capable of accommodating a higher number of guests than the total number of proposed occupiers. It is unlikely the guests of the hotel would occupy their rooms all day, but this would also be true of the future occupiers of the proposal who would be likely to leave their residence to go to work during the day.

6. Noise from hotel guests can be controlled by guest rules and the owner's supervision. However, there is no evidence to suggest that future occupiers of the proposal would be unacceptably noisy or troublesome. The potential intensity of comings and goings between the established use and that likely to occur from the proposed use are not, in my view, likely to be considerably different. Therefore, there is no evidence before me to substantiate that an unacceptable impact in terms of noise and disturbance would occur.
7. Furthermore, the main outside amenity space would be located to the rear of the building and would abut a neighbouring car park and the outdoor play area of a day nursery. As such, neighbouring occupiers would not be unduly affected by the use of this space. An access path to a bike store would abut the common boundary with the rear garden of 6 Hamlet Road. To my mind, the momentary use of this path to access the bike store would not generate adverse noise levels to an extent that it would unduly disturb the neighbouring occupiers of No 6.
8. The small outside amenity spaces and proposed refuse bins located near the north-western boundary of the site would be adjacent to the rear gardens of the neighbouring properties on Moulsham Street. Given the length of the rear gardens, and the outbuildings positioned on the boundary, I am satisfied the neighbouring occupiers would not be unreasonably disturbed by the proposal.
9. The noise generated by the future occupiers from the use of the front entrance is unlikely to be significant in a location where comings and goings at different times of the day, including early in mornings and late in evenings, are an established feature. I therefore do not find that it would have an undue impact on the living conditions of the occupiers of the properties located on the opposite side of Hamlet Road.
10. The noise emanating from the comings and goings of 14 occupants, their domestic activities, and occasional visitors would not be excessive. There is no substantive evidence before me which would lead me to find that the proposed HMO use would lead to unreasonable levels of noise and disturbance. The domestic activities and movements of the future occupiers would be residential in character and would thus be in-keeping with the surrounding residential context.
11. Furthermore, the increase in waste can be satisfactorily dealt with through the provision of appropriately sized refuse bins. The increase in waste storage requirements would not adversely affect surrounding residents.
12. For these reasons, I conclude that the proposal would not harm the living conditions of neighbouring occupiers with regards to noise and disturbance. It would therefore not conflict with Policy DM29 of the Chelmsford Local Plan (CLP) which seeks to ensure that proposals safeguard the living environment of nearby occupiers and do not result in excessive noise and activity.

Effect on protected sites

13. The appeal site is located within the recognised 'Zone of Influence' for one or more of the European designated sites scoped into the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the protected sites.
14. These protected sites are primarily designated for endangered or vulnerable populations of seabirds, which often overwinter or breed at these sites, as well as the wider coastal ecosystems and functions that support these and other populations (for example, plants and invertebrates).
15. The Essex Estuaries SAC is the second largest estuarine site on the east coast of England. It contributes to the essential range and variation of estuaries in the UK as the best example of a coastal plain estuary system on the British North Sea coast. The SAC contains a significant proportion of the UK saltmarsh resource which are highly productive biologically, providing nutrients which support other features within the marine ecosystem, such as mudflats, sandflats and subtidal areas, and wildfowl which graze the shoots of saltmarsh flowers and grasses or feed on the seeds of saltmarsh plants.
16. The Blackwater Estuary SPA and RAMSAR is one of the largest and most important estuaries in East Anglia and Essex's largest estuary. It hosts a wide diversity of habitats and species. It is a site of significant international ornithological importance for overwintering waterfowl, including raptors, geese, ducks and waders. The diversity of estuarine habitats provides good quality feeding areas for a diversity of waterfowl species. At high tide, the birds roost along the shoreline and salt marsh fringe. The site is also important in summer for breeding terns. The more sheltered inner reaches of the Blackwater Estuary, where the sediments are fine and muddy, appear to support the highest concentrations of feeding birds across the Mid-Essex suite of SPAs.
17. The conservation objectives of these sites are to ensure that, subject to natural change, the integrity of the sites are maintained or restored as appropriate, and that the sites contribute to achieving the Favourable Conservation Status of their qualifying features, by maintaining or restoring:
 - the extent and distribution of qualifying natural habitats and habitats of the qualifying species and features
 - the structure and function (including typical species) of qualifying natural habitats
 - the structure and function of the habitats of the qualifying species
 - the supporting processes on which qualifying natural habitats and the habitats of qualifying species rely
 - the populations of each of the qualifying species
 - the distribution of qualifying species within the sites
18. New residential development at the appeal site has the potential to cause disturbance to the Blackwater Estuary SPA and RAMSAR site and the Essex

Estuaries SAC through increased recreational activities and pressure, as a result it has the potential to individually contribute to a likely significant effect on the SAC, SPA and RAMSAR site when taken in-combination with other plans and projects. Therefore, the development must provide appropriate mitigation.

19. Natural England were consulted with regards to the proposal. They have stated they are content that the proposed RAMS measures are sufficient to avoid an adverse impact to the integrity of the European Sites and relevant features. The Essex Coast RAMS was developed to provide a strategic solution to address the issue of increased recreational disturbance (arising from additional housing) to internationally important assemblages of birds and other qualifying features of the Habitats Sites on the Essex Coast. The Essex Coast RAMS aims to deliver the mitigation necessary (under the Habitats Regulations) to address the likely significant effects from the “in-combination” impacts of residential development within a defined Zone of Influence, thus protecting the Sites from adverse effect on site integrity.
20. The Essex Coast RAMS details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SAC, SPA and RAMSAR site.
21. The appellants have indicated that they have made a financial contribution to fund the Essex Coast RAMS. The Council have confirmed receipt of the payment. This approach can be problematic as there is no obligation on the Council to spend the money as envisaged and in a particular timescale. However, the evidence before me indicates that as a responsible public body it will transfer the funds to Chelmsford City Council, which is the organisation responsible for administering the mitigation strategy. Therefore, I am satisfied that the mitigation measures have been secured and would be used for their intended purpose.
22. The contributions would be necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of the Community Infrastructure Levy Regulations. As such, the contributions toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites. It follows that I am satisfied that with the mitigation measures secured and in place, the proposal would avoid an adverse effect on the integrity of the Essex Estuaries SAC and Blackwater Estuary SPA and RAMSAR site.
23. Given this, I conclude that the proposal would not harm the Essex Estuaries SAC and Blackwater Estuary SPA and RAMSAR site. It would therefore comply with the Habitat Regulations and with Policy DM16 of the CLP which seeks to ensure that developments that are likely to have an adverse impact on European Designated Sites must satisfy the requirements of the Habitats Regulations, determine site specific impacts and avoid or mitigate against impacts where identified.

Other Matters

24. The site is located within the Moulsham Street Conservation Area (CA). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the

character or appearance of the CA. The significance of the CA derives from its historic townscape with buildings dating from the late medieval period and Victorian period. Its significance is also linked to its function as a local high street. As the proposal does not seek any extensive external changes, it would not detract from the significance of the CA or harm its appearance.

25. A local resident raised concerns regarding the future occupants. I have not been provided with evidence that the development would serve as accommodation for the homeless or individuals in need of care. There is no indication that the change of use would lead to an increase in anti-social behaviour. This matter does not therefore alter my overall assessment of the scheme.

Conditions

26. In addition to the standard commencement condition, a condition requiring compliance with the submitted plans is necessary for reasons of certainty. I have also imposed a condition requiring the installation of bike storage prior to the occupation of the building.
27. As requested by the Council, I have imposed a condition requiring the submission of details relating to hard and soft landscaping. This would include details pertaining to hard surfacing materials, external lighting, outdoor furniture, refuse storage, and planting. Furthermore, to ensure the landscaped areas are well maintained and managed, I have imposed a condition requiring the submission of a landscape management plan.

Conclusion

28. The proposal, subject to the recommended conditions, would comply with the development plan read as a whole. Material considerations do not indicate that a decision should be made other than in accordance with it.
29. For the reasons given above the appeal should be allowed.

Thomas Courtney

INSPECTOR