



Appeal Decision

Site visit made on 30 April 2025 by K Hole BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 4th August 2025

Appeal Ref: APP/W1525/D/25/3362396

8 Jigger Gardens, Chelmsford, Essex CM3 3FR

- 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 Shahbaz Nawaz against the decision of Chelmsford City Council.
 - The application Ref is 24/01492/FUL.
 - The development proposed is the conversion of garage into habitable space and provision of three parking spaces within site boundary with enhancement of green lawned space to front of proposed site.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of garage into habitable space and provision of three parking spaces within site boundary with enhancement of green lawned space to front of proposed site at 8 Jigger Gardens, Chelmsford, Essex CM3 3FR in accordance with the terms of the application, Ref 24/01492/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. 211/P1, 212/P1, 210/P2, 002/P1, 213/P2, 201/P2 and 001/P1.
 - 3) The external materials of the conversion hereby permitted shall match those used in the existing dwelling.
 - 4) The materials to be used for the new paving area hereby permitted shall match those used in the existing driveway.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect the proposal would have on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal property is a modern, detached dwelling located within a row of dwellings of similar design which face onto a large area of green open space. All dwellings within the row have built-in double garages with two further parking spaces on the hardstanding directly in front. As with 4 Jigger Gardens which is

located on the opposite side of the highway junction, the appeal property has garden space to the side which is enclosed by a boundary wall which wraps around to the rear of the property. There is a pedestrian access gate to the front wall with a small area of grass landscaping to the front.

5. The proposal seeks to convert the built-in double garage into habitable space. Parking standards require at least three parking spaces, and the proposal would include a new parking space within the garden space to the side of the appeal property. This would be to replace one of the spaces that would be lost through the proposed garage conversion. The pedestrian access gate would be replaced with a vehicle access gate and part of the grass landscaping to the front would be replaced to allow vehicular access.
6. Most of the dwellings within the street scene have established shrub planting to the front garden space. Along with the adjacent large area of green open space, this contributes positively to the character and appearance of the area. The small area of grass landscaping to the front of the appeal property and at 4 Jigger Gardens, although serving a useful purpose as a visibility splay, makes a neutral visual contribution to the character and appearance of the area. While the proposed hardstanding would result in the loss of some of this grass landscaping and would marginally alter the symmetry seen between the front of 4 Jigger Gardens and the appeal property, the impact would be negligible.
7. Consequently, the proposal would not cause any undue harm to the character and appearance of the area and would therefore accord with policy DM23 of the Chelmsford Local Plan 2020 which requires new development to respect the character and appearance of the area in which it is located and must be compatible with its surroundings including boundary treatments and landscape.
8. The Council have provided a previous appeal decision which relates to a similar proposal at Grantham Drive. The Inspector dismissed the appeal finding that the combined effect of the loss of part of the boundary wall and associated planting would cause harm, and that the proposal would create views of open parking that would not have existed before, therefore upsetting the character and appearance of the area. The proposal before me is not directly comparable because there would be a minimal loss to boundary wall and no loss of associated planting. In any event, the proposal has been determined on its merits.

Conditions

9. In addition to the standard time limit for commencement of the development, I have imposed a condition requiring the development to be carried out in accordance with the approved plans to provide certainty. I have also imposed a condition requiring the external materials to match the existing dwelling in the interests of safeguarding the character and appearance of the existing dwelling. Finally, whilst it is acknowledged that the Appellant would be content to accept a planning condition that would require the use of different materials for the proposed parking area, I have imposed the condition suggested by the Council to ensure that the hardstanding matches that of the existing driveway to protect the character and appearance of the appeal property and the surrounding area.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr A Spencer-Peet

INSPECTOR