



Appeal Decision

Site visit made on 10 September 2025

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04 December 2025

Appeal Ref: APP/W1525/W/25/3369089

47A Duke Street, Chelmsford, Essex CM1 1JA

- 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 Burcak Nizamoglu (Tropiway) against the decision of Chelmsford City Council.
 - The application Ref is 25/00054/FUL.
 - The development proposed is construction of single storey rear shop extension to provide storage and preparation and toilet facilities.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have removed the term 'retrospective' from the description of development in the banner header above as this is not a term of development.
3. At the time of my site visit the extension had already been constructed. During my visit I noticed that there was a discrepancy between the submitted drawings and what has been constructed, specifically that the extension does not appear to have been built up to the service road/footpath but is set back slightly with an area used for bin storage between the extension and service road.
4. Where an appeal is submitted it is made against the decision of the Council to refuse permission for the specific development at the application stage. It is not the purpose of the appeal process to amend or evolve a scheme but to consider whether the Council's decision to refuse a particular proposal was justified. I have therefore determined this appeal on the basis of the submitted drawings.

Main Issues

5. The main issues are:
 - The effect of the extension on the character and appearance of the building and wider area;
 - Whether, as a result of the extension, the site provides an adequate waste storage area; and
 - Whether the extension preserves or enhances the character or appearance of the West End Conservation Area (CA).

Reasons

Character and appearance of the building and wider area

6. The appeal site constitutes a retail unit within a commercial parade. To the rear of the parade are the service areas for the commercial units and a service road. The units have all previously been extended to the rear, with the adjacent units retaining modest service areas, creating a degree of consistency in the appearance of the units. The extension at the appeal site has taken up the remaining service area, with the submitted drawings showing the extension abutting the service road.
7. The extension is not visible from Duke Street and is screened from Railway Street by the ongoing development to the rear of the site. However, as a result of the lack of a service area, the extension is an unduly large and incongruous addition which is out of proportion with, and therefore detracts from, the appeal building and surrounding commercial units.
8. The grey-painted timber panels are out of keeping with the exteriors of the surrounding buildings, which are largely finished in brick or render. However, a condition could require the submission and approval of amended external materials. A condition could also be used to require the submission and approval of eaves and roof detailing.
9. Nevertheless, the extension, through its scale and massing, causes harm to the character and appearance of the appeal property and the wider area. The development therefore conflicts with Policy DM23 of the Chelmsford Local Plan 2013-2036 (CLP), insofar as it requires development, including extensions to existing buildings, to be well-proportioned and compatible with the character and appearance of the area and the host building, including with regards to its scale and massing.

Waste storage

10. The appellant asserts that the area to the rear of the extension where the bins are currently stored is within their ownership. However, no bin storage area is shown on the submitted drawings, which appear to show the rear extension projecting up to the edge of the service road/footpath. It has therefore not been suitably demonstrated that appropriate bin storage could be provided within land owned or controlled by the appellant, that would not prevent access to the appeal property or adjacent buildings that use the service road. Moreover, it has not been shown that the development would be compatible with the adjacent properties.
11. As the drawings show the extension projecting up to the service road, it would not be possible to use a condition to secure a designated bin storage area within the site boundary.
12. The development therefore conflicts with CLP Policies DM23 and DM29, insofar as they require development to create safe, accessible and inclusive environments, and to be compatible with neighbouring uses by avoiding unacceptable polluting emissions by reason of smell or other issues.

Conservation Area

13. The part of the CA around the appeal site is characterised by predominantly two- and three-storey terraced buildings, many of which have ground-floor commercial units with active frontages. This built form together with the architectural and historic interest of the buildings on the northern side of Duke Street contribute strongly to the significance of the CA.
14. The proposed extension is at the rear of the property and is not visible from Duke Street to the front or Railway Street to the rear. Consequently, the extension does not affect the historic and architectural interest of the terrace or the frontages of the surrounding buildings. Subject to a condition requiring suitable external materials, the extension does not detract from the significance of the CA.
15. As such, the extension therefore preserves the character and appearance of the CA. The development therefore accords with CLP Policy DM13 and Strategic Policy S3, insofar as they seek to preserve and conserve the historic environment including Conservation Areas.

Conclusion

16. I conclude that the proposal conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

D Ellis

INSPECTOR