
Appeal Decisions

Site visit made on 11 October 2016

by Simon Warder BSc(Hons) MA DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 October 2016

Appeal A Ref: APP/A1530/W/16/3152632

210 Bergholt Road, Colchester, Essex CO4 5AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Howard against the decision of Colchester Borough Council.
 - The application Ref 152290, dated 20 October 2015, was refused by notice dated 23 December 2015.
 - The development proposed is new one bedroom bungalow to rear of site.
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Appeal B Ref: APP/A1530/W/16/3153028

210 Bergholt Road, Colchester, Essex CO4 5AS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Stephen Howard against the decision of Colchester Borough Council.
 - The application Ref 160465, dated 26 February 2016, was refused by notice dated 16 May 2016.
 - The development proposed is new one bedroom bungalow to rear of property.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Preliminary Matter

2. As set out above, there are two appeals at this site. The proposals differ in the design of the bungalow and the size and location of the private external area. I have considered each proposal on its individual merits. However, to avoid duplication, I have dealt with the two schemes together, except where otherwise indicated.

Main Issues

3. The main issues are:
 - the effects of the proposals on the character and appearance of the area;
 - whether the proposals would provide satisfactory living conditions for future occupiers with particular regard to privacy (both appeals) and the adequacy of the external area (Appeal B only);
 - whether the proposals would make satisfactory provision for on-site waste management.
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Reasons

Character and Appearance

4. The appeal property is a two storey, semi-detached dwelling with a frontage onto Bergholt Holt. As such, it is typical of the essentially linear pattern of development along this section of the road. Whilst there are a small number of instances of development in depth (Nos 170a, 172a, 225a to d and 201a are cited by the appellant), they are exceptions and contribute little to the character and appearance of the area. Each proposal must be treated on its individual merits and I consider that the cited examples do not provide a robust justification for further backland development in the area. Moreover, the example closest to the appeal site, at No 210a, is located a considerable distance behind the line of the Bergholt Road houses and has a closer relationship with the dwellings in Warwick Bailey Close.
5. In the case of both appeals, the bungalow would be sited part way down the length of the appeal property garden. It would, therefore, have little visual connection with Bergholt Road and would have an awkward, disjointed relationship with both the appeal property and No 210a. Having regard also to the introduction of a new parking and turning area between the two buildings, the proposed layout would be at odds with the prevailing pattern of development in the area. Although the proposed building in both appeals would be single storey in height, it would be a substantial structure in the context of this confined residential setting, distinguishable in scale and use from the outbuildings in the garden of No 208. It would be glimpsed from Bergholt Road in views along the proposed access and would also be visible from the rear windows of neighbouring properties. Consequently, I find that both proposals would be harmful to the character and appearance of the area.
6. Accordingly, the proposals would conflict with Policies DP1 and UR2 of the Council's Development Policies 2010 (DP). Together, these policies require development to be designed to a high standard and to respect the character of the site and its context. Nor would the proposals accord with the Council's Backland and Infill Development Supplementary Planning Document to the extent that it advises that backland development should create a sense of place and integrate well with existing development. The proposals would also conflict with paragraph 59 of the National Planning Policy Framework (the Framework) which, although advising against unnecessary prescription, requires decision makers to concentrate on matters including the overall layout and access of new development in relation to neighbouring buildings and the local area more generally.

Living Conditions – Privacy

7. In both appeal proposals the private external area would be located, at least in part, to the rear of the proposed dwelling and, therefore, roughly opposite the two storey dwelling at No 210a. At first floor level, the facing elevation of this property includes windows and balcony at a distance of less than 10m from the common boundary. Although there is a 2m high close boarded fence and a single modest tree on this boundary, relatively short range views would still be available into the proposed external area from these windows and the balcony. Consequently, future occupiers of the proposed dwelling would experience a lack of privacy to the detriment of their living conditions. The proposals would

not, therefore, comply with DP Policy DP12 insofar as it requires residential development to achieve acceptable levels of privacy for sitting out areas.

Living Conditions – External Area (Appeal B only)

8. Policy DP16 of the DP requires one bedroom houses to provide a minimum of 50sqm of secure and useable private amenity space. The policy goes on to state that a higher standard may be required for backland development in order to reflect the character of the surrounding area. However, I have already dealt with the effects of the proposals on the character and appearance of the area; here I am concerned with whether the external space would be adequate to serve the needs of future occupiers with regard to sitting out, storage, clothes drying and the like.
9. The Council puts the size of the proposed external area at 45sqm whilst the appellant asserts that the area exceeds 50sqm. I have not been provided with dimensioned plans. However, I see no reason why the paved areas shown on application plan A1-101602-07 Rev 3 should not contribute to the useable external space for the proposed dwelling and I am inclined to agree with the appellant that the total area would be at least 50sqm. Whilst narrow in places, the space would be reasonably useable for the day to day activities of future occupiers. Therefore, I consider that the proposal would provide adequate external space and, to that extent, would provide satisfactory living conditions for future occupiers and accord with DP Policy DP16.

Waste Management

10. Policies DP1 and DP12 of the DP require residential development to provide necessary infrastructure, including accessible bin and recycling storage areas. The Council considers that the proposals do not demonstrate that an accessible area for bin collection would be provided. I recognise that the bin storage area immediately in front of the proposed dwelling (as shown on application plan A1-105509-5 (Appeal A)) would be unlikely to be accessible by the bin collection service. However, application plan A1-101508-5S Rev 3 (Appeal B) shows waste and recycling bins locations in front of the host dwelling and, therefore, accessible from Bergholt Road. I see no reason why such an arrangement could not also be applicable to Appeal A.
11. Further detail would be required to demonstrate that the storage of bins in this location would not adversely affect the living conditions of the occupiers of the host property. However, had I been minded to allow either appeal, this matter could have been dealt with by condition. On this basis, I find that the proposals would make satisfactory provision for on-site waste management and would comply with DP Policies DP1 and DP12.

Other Matters

12. In its statement the Council raises concern regarding the future adaptability of the proposed dwelling and highlights the lack of provision for an outbuilding. However, application plan A1-101602-07 Rev 3 shows provision for cycle storage, which could take the form of a shed. No other substantive evidence has been provided to demonstrate that the proposals would not meet the future needs of occupiers. As such, I am not persuaded that this matter, of itself, justifies withholding planning permission.

13. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

14. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together.
15. The appellant argues that the proposals would contribute to the supply of housing in the Borough and Framework paragraphs 17 and 47 seek to boost the supply of housing and the re-use of previously developed land at accessible locations. The provision of a new dwelling would make a very limited contribution to the supply of housing in the area and, therefore, to the social role of sustainability. This consideration weighs in favour of the proposals.
16. However, I have found that the development would be harmful to the character and appearance of the area and to the living conditions of future occupiers with regard to privacy. In these respects, the proposal would have negative effects on the environmental and social roles of sustainability. The absence of harms in respect of the adequacy of the external area and bin collection facilities do not amount to positive points in favour of the proposals. There is nothing to suggest that the proposals would make a material contribution to the economic role. Overall therefore, I find that the proposals would not be sustainable and do not benefit from the presumption in favour of sustainable development.
17. For the reasons set out above, both appeals should be dismissed.

Simon Warder

INSPECTOR