

Appeal Decision

Site visit made on 11 October 2016

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

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

Decision date: 14 November 2016

Appeal Ref: APP/A1530/D/16/3155812

Southbourne, Colchester Road, Chappel, Essex CO6 2DQ

- 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 and Mrs Jason Bloor against the decision of Colchester Borough Council.
 - The application Ref 160620, dated 16 March 2016, was refused by notice dated 11 May 2016
 - The development proposed is a first floor extension and associated alterations of existing dwelling. Demolition of existing garage/workshop building and construction of new garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Planning permission for the alterations and extension to the existing dwelling was granted under application reference 160521. The garage now proposed was not part of that scheme and is the focus of the Council's concern. I have framed the main issue accordingly.

Main Issue

3. The main issue is the effect of the proposed garage on the character and appearance of the area and the setting of the Grade II listed Colne Valley and Chappel Viaduct.

Reasons

4. The appeal property forms part of a cluster of dwellings to the east of the listed viaduct. By virtue of its height and length this monumental structure dominates local views and its setting includes this cluster of properties. The dwellings are detached and set back from the road on higher ground behind generally well planted front gardens. Garages and substantial outbuildings, including the existing garage at the appeal property, are located to the side or rear of the dwellings. Collectively therefore, the front gardens are green and relatively open. As such, they attractively frame views of the viaduct and make a positive contribution to its setting. Although other parts of the settlement are within visual range of the viaduct, on its east side, the cluster of properties including the appeal property has the most direct relationship.
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5. The proposed garage would be positioned immediately behind the hedge and low embankment which marks the front boundary of the appeal property. The proposed retention of the hedge and embankment would help to filter views of the garage. However, the roof of the garage would be visible above the hedge. The full height of the building would also be visible through the wide gap in the hedge which extends across more than half of the site frontage. Therefore, notwithstanding that it would be at a lower level than the enlarged appeal dwelling and others in the cluster, the proposed garage would be a prominent feature in the street scene. Its location would be out of keeping with typical locations of outbuildings in the cluster and would intrude into the green and open framing of views of the viaduct.
6. As the appellant points out, the National Planning Policy Framework (the Framework) does not impose a requirement for new development 'to match existing'. However, paragraph 60 is clear that it is proper to promote or reinforce local distinctiveness. Whilst there is nothing to indicate that the architecture or the external materials of the proposed garage would be objectionable, Framework paragraph 61 advises that good design should also address the integration of development into the built and historic environment. For the reasons set out above, the appeal proposal would not meet this objective.
7. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area and the setting of the listed building. As such, it would conflict with Policies DP1, DP13, DP14, ENV1 and UR2 of the Council's Development Policies 2010. Whilst these policies do not refer specifically to the form of development currently proposed, together, they require development to be designed to a high standard, to respect the character of the site and its context and to preserve or enhance the setting of listed buildings. Nor would the proposal meet the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) or paragraph 131 of the Framework which require special regard to be had to preserving the setting of listed buildings.
8. In reaching this conclusion I have had regard to the extensive works to form the parking area at the front of the appeal property. I recognise that these works are different in character from other driveways in the cluster. Nevertheless, notwithstanding the use of the retaining walls, the works are at low level and, therefore, have relatively minor effect on views of the viaduct compared with the proposed garage.
9. The appellant has drawn my attention to a number of examples of properties in the locality where the garage is located in front of the dwelling. However, each proposal must be treated on its merits. The exact locations of the cited examples have not been provided, although none are within the same cluster of dwellings as the appeal property and there is nothing to suggest that any of them contribute to the setting of the viaduct. As such, they carry limited weight in my decision.

Other Matters

10. The appellant argues that the location of the proposed garage would offer more usable external space for occupiers of the appeal property than retaining the existing garage. However, there is nothing to suggest that the property provides an unsatisfactory level of external space with the garage in its current

position. Consequently, having regard to the extant planning permission for the other extensions to the dwelling, the proposed garage would not add materially to the stock of housing and, accordingly, derives little support from the presumption in favour of housing development set out in Framework paragraph 49.

11. In terms of the assessment required by Framework paragraph 134 therefore, although the harm to the heritage asset would be less than substantial, the claimed public benefit of the proposal would not be sufficient to outweigh it.

Conclusion

12. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR