
Appeal Decision

Site visit made on 25 October 2016

by Richard Aston BSc (Hons) DipTP MRTPI

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

Decision date: 16th November 2016

Appeal Ref: APP/A1530/W/16/3150745

Victoria Place, Eld Lane, Colchester, Essex CO1 1LP

- 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 Clacton Family Trust against the decision of Colchester Borough Council.
 - The application Ref 152151, dated 2 October 2015, was refused by notice dated 26 November 2015.
 - The development proposed is 5 No. penthouse apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the Colchester Town Centre Conservation Area and the setting of Eld Lane Baptist Church, a Grade II listed building.

Reasons

3. The appeal site consists of a three storey red brick former financial building and offices with a shallow apex roof configuration and a two storey flat roofed rear projection. It is within the Colchester Town Centre Conservation Area ('CTCCA') and immediately abutting the building to the side and fronting onto Eld Lane is the Eld Lane Baptist Church ('ELBC'), a Grade II listed building.
 4. In my judgement, the significance of this part of the CTCCA mainly derives from its medieval street pattern and historic hilltop layout. The historic groupings of listed and non-listed cultural, residential and commercial buildings of varying sizes, types and from different periods combine to form a tight urban grain with frequent plot divisions.
 5. Buildings range from the historic two storey terraces on Eld Lane, built into or on top of the town wall, to more modern additions such as those around Lion Walk and the appeal property. Eld Lane is set against a backdrop of substantial retail and commercial premises with projecting mansard roofs, mock roof frontages and parapets that hide extensive areas of flat roof. Nonetheless, in this part of the CTCCA development above three storeys and at rooftop level is not prevalent and I was able to view at my site visit that the rooftops are relatively free from significant additional or similar built form.
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6. Paragraph 132 of the National Planning Policy Framework ('the Framework') makes it clear that when considering the impact of a proposed development on the significance of a designated heritage asset great weight should be given to the asset's conservation.
7. The proposal would be constructed from a mix of grey horizontal cladding, rendered panels and galvanised steel balustrades and the existing apex roof would be replaced with taller flat roofed elements. Despite being set back from the sides of the building, the combination of the materials proposed and the amount of additional built form across the majority of the depth of the building would create an overly horizontal emphasis and increase the prominence of an already prominent building within the Eld Lane street scene. In my view, the overall scale, height and appearance of the proposal would result in the eye being unacceptably drawn to it in views from Lion Walk and Eld Lane, notwithstanding that existing landscaping would partially restrict some of these views at certain times of the year.
8. Furthermore, because of the hilltop topography of this part of the town the proposal would be clearly conspicuous in wider views, in particular from around the junction of St John's Street and Stanwell Street. Overall, it would sit in stark contrast to the existing roofscape, appearing as an alien and incongruous addition that would fail to preserve the character and appearance of the CTCCA. In its context I do not consider that it would represent such an innovative or high quality design that it would be considered to be an enhancement.
9. Turning to the setting of the ELBC, the Framework states that the setting of a heritage asset is the surroundings in which it is experienced and that this can be more extensive than its curtilage. Heritage assets are clearly influenced by the comprehension of external factors and development within their setting, the extent of which is not fixed and can evolve over time.
10. In this case, the setting of the ELBC is influenced by a variety of building styles, designs and sizes, of a variety of different forms and from different periods. The surroundings in which it is experienced include much larger and more modern buildings located further along Eld Lane in Lions Walk and the appeal property forms the boundary with the deep forecourt of the ELBC.
11. Located in such close proximity to the roof of the ELBC, a further storey of development of such a modern appearance would appear visually jarring and form an overall dominant backdrop to the ELBC when viewed from Eld Lane. It would diminish the perception and attractiveness of the ELBC and the significance of it as a designated heritage asset, in terms of its setting.
12. For these reasons, the proposal would fail to preserve the character or appearance of the CTCCA and would cause harm to the setting of the ELBC. It would therefore conflict with Policy UR2 of the Colchester Local Development Framework Core Strategy 2008 and Policies DP1 and DP14 of the Colchester Local Development Framework Development Policies. Amongst other things, these seek to secure a high quality of design, that development respects and enhances the character of the site, its context and surroundings and that the historic environment is preserved or enhanced.

13. In the context of the Framework I find that the harm would be less than substantial but on the evidence before me, the public benefits in terms of the provision of five residential units would not outweigh this harm. Accordingly, the proposal would also conflict with the heritage and design objectives of the Framework.

Other Matters

14. I have been referred to what the appellant contends to be a similar proposal at St. Nicholas House, High Street that was approved by the Council in 2015. However, on the basis of the evidence before me that building appears to be of an overall lower scale and moreover, it is located in a different part of the town centre. I have no substantive evidence that it is located within a similar context and therefore it is not directly comparable to the appeal proposal before me and in any event, each case must be determined on its own merits.
15. I acknowledge the lack of objections from consultees and third parties and that the Council raises no other objections to the proposal. Furthermore, that the proposal before me is a resubmission following the refusal of earlier schemes and appears to be of a reduced scale and amended appearance, following discussions with the Council. However, these matters do not outweigh the considerable weight I give to the failure to preserve or enhance the CTCCA and the less than substantial harm to the significance of a designated heritage asset, in terms of its setting. Therefore such matters do not alter my findings in relation to the main issues.

Conclusion

16. For the reasons set out above, the proposal would conflict with the development plan, when read as a whole and the Framework. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR