

Appeal Decision

Site visit made on 18 October, 2016

by S. J. Buckingham, BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 17th November, 2016

Appeal Ref: APP/A1530/W/16/3151263

Plots 1 and 293, Wyvern Farm, North of London Road, Stanway, Colchester, Essex, CO3 8PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by Mr Steve Read, Bellway Homes against the decision of Colchester Borough Council.
 - The application Ref 160696, dated 14 March 2016, was refused by notice dated 4 May 2016.
 - The development proposed is creation of 2 no. four-bedroom houses with private drives and double garages to the front of the properties and soft landscaping on the street frontage (update to the scheme approved under reference 152421).
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Decision

1. The appeal is allowed and planning permission is granted for creation of 2 no. four-bedroom houses with private drives and double garages to the front of the properties and soft landscaping on the street frontage (update to the scheme approved under reference 152421) at Plots 1 and 293, Wyvern Farm, North of London Road, Stanway, Colchester, Essex, CO3 8PB in accordance with the terms of the application, Ref 160696, dated 14 March, 2016, and the plans submitted with it, subject to the conditions set out in the schedule to this decision.

Preliminary Matter

2. The Council and the appellant have disputed whether a drawing, reference BEL/1257/15 rev D, which shows details of the proposed landscaping of the appeal site, was submitted as part of the original planning application. It has been provided by the appellant as part of the appeal process, and the Council has commented on it.
3. The plan gives further information on details of the proposal which are set out in other places, including the Design and Access Statement, rather than constituting a revision to it. I have therefore determined the appeal on the basis that plan BEL/1257/15 rev D forms part of the proposal, as I do not believe that any party would be unfairly prejudiced by my doing so.

Main Issue

4. The main issue is the effect on the character and appearance of the area.
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Reasons

5. The appeal site comprises two development plots sitting on the north side of London Road and on either side of the westernmost access road leading into the Wyvern Farm development. I noted on site that the two houses which form part of the appeal proposal have been built. The points of contention are the introduction of a double garage in to the front of each of the houses rather than a single garage to the rear, and the treatment of the two open spaces between the houses and the London Road frontage. These spaces are currently landscaped, and the westernmost one contains a temporary sales office and parking area.
6. London Road on its north side at this point is largely characterised by early to mid-twentieth century ribbon development of houses or bungalows in brick and render. Those to either side of the appeal site are set behind generous front gardens enclosed by walls and hedges with some containing garage buildings and hard standings. Some also have thick shielding vegetation providing some privacy and a reduction in noise from the busy road.
7. The basis for refusal includes a number of points as follows; the erosion of the avenue character of this part of the wider site at an important entrance area, the effect on the openness of the open spaces fronting London Road, and the failure as a result to attain a good standard of design. I will consider these points in turn.
8. Consideration of "avenue character" has two aspects; firstly the effect on "The Avenues", a character area identified in the Design and Access Statement to the original application, and secondly the effect on the character and appearance of "The Avenue" itself, which forms the principle access route through the site.
9. The houses in the appeal proposal are as previously approved. They have principle frontages facing London Road, following the general building line of properties along that road, but would be set behind open spaces rather than enclosed front gardens, which would mean that they would not appear to form part of the ordinary run of development along it. On the other hand they are located on and also address The Avenue through the presence of a bay window to a principal living room. They are clad in timber weatherboarding set on a brick plinth, and would therefore, while in contrast with London Road properties, reference the materials used in some of the houses set out along The Avenue. They therefore create a designed transition between London Road and the new housing development of Wyvern Farm rather than simply forming a continuation of The Avenue which leaves it to terminate where it approaches London Road.
10. In each having a double garage building to the front the appeal dwellings would be taking a design cue from London Road itself, but by virtue of the above factors this would not be out of keeping with nor undermine their transitional role or their relationship with The Avenue. They would therefore continue to comply with the objectives of the original Design and Access Statement submitted in support of application ref. 145494, and would not harm the character and appearance of "The Avenues" character area.
11. The Avenue itself is designed in a formal style created by regularly repeated pairs of trees and a grassed verge. Views into the site and along this avenue from the frontage would lead the eye into site and, along with the prominent paired houses on either side of the appeal site, be a point of arrival announcing

the presence of the housing development as something which is different from its surrounds. The appeal proposal would leave the design of the avenue unchanged, with a pair of trees adjoining the access points to the garages and a pair set in the open spaces fronting London Road and thereby framing views into the site.

12. The proposed double garages would be set back from the frontage of The Avenue and, while visible from London Road, would only enter into views into the entrance of the avenue from very obliquely placed vantage points. They would not therefore form a particularly obtrusive element in views of the avenue. I do not therefore find that the appeal proposal would weaken the visual impact of The Avenue nor that it would have a harmful effect on its character and appearance.
13. The openness of the frontage spaces adjoining London Road is effectively another aspect of the transitional and gateway function of this part of the Wyvern Farm development. Retaining their openness would allow for appreciation of the entrance to the site and the presence of The Avenue. Retaining these spaces in the public realm and under an appropriate management regime would ensure that they would subsequently neither become cluttered with domestic paraphernalia nor lose key landscape features, and in particular the proposed pair of trees. The Council has confirmed that if drawing BEL/1275/15 Rev D is accepted to be part of the proposal, it would not oppose the development on account of the enclosure of these spaces and their loss to the public realm.
14. The amount of open space to be created by the appeal proposal is not materially different from that previously approved. The proposed garages would be set back some distance from the London Road frontage and towards the outer margins of their respective plots. They would not therefore form an intrusive element in the open space or in views through it towards The Avenue and into the Wyvern Farm development. I conclude therefore that the appeal proposal would not have a harmful effect on the openness of the spaces fronting London Road.
15. In terms of the overall design of the appeal proposal, in addition to specific points raised above, I note that the proposed garages would be clad in weatherboarding to conform with the houses, and would present a side elevation containing two small windows facing London Road. They would be set sufficiently towards the margins of the site to allow the majority of the front elevations of the dwellings to be viewed from London Road when facing the site, and would only obscure parts of these frontages in oblique views.
16. Views of the outer edges of the housing plots would anyway be of limited interest, and the garages, in masking these corners would meet the design intention of resolving what would otherwise be weak detailing and adding depth and framing to the frontage as viewed from London Road. They would not therefore have a harmful effect on the appearance of that frontage as a whole.
17. I conclude therefore that the proposed double garages would not compete with or unduly intrude into perceptions of the frontage dwellings when viewed from London Road and would not have a harmful effect on the character and appearance of the area in respect of this gateway into the Wyvern Farm development as a whole.

18. I have considered the Council's assertion that the appeal proposal is motivated by the possibility of using the double garages and hard standings as show office space and parking respectively while the Wyvern Farm development is marketed. This does not however alter my conclusion on the effects of the appeal proposal on character and appearance in the long term.
19. As the appeal proposal would continue to create a locally distinctive place and an appropriate transition between London Road and the Wyvern Farm development, in line with the context appraisal and design aspirations of the previously approved scheme, it would not conflict with Policy UR2 of the Adopted Core Strategy 2008, with adopted revisions 2014, which seeks a high quality of design, nor with Policy DP1 of the Adopted Development Policies 2010 which seeks development proposals that respect and enhance the character of the site, its context and surroundings. For these reasons I also conclude that it would not conflict with the provisions of the Framework.

Conclusion

20. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be allowed.

Conditions

21. I have taken account of the conditions put forward by the Council, the comments of the appellant, and the provisions of the Framework. For clarity a condition is added requiring implementation in accordance with the approved plans.
22. Notwithstanding the fact that the appeal dwellings have been built, a condition requiring prior approval of facing materials is reasonable in the interests of protecting the character and appearance of the area. Details of hard and soft landscaping and of boundary treatments are required by condition in the interests of protecting the character and appearance of the area.
23. A condition requiring the retention of the approved garages in use for parking cars and not for other purpose is added in the interests of highway safety and the character and appearance of the scheme.
24. A condition is added setting out the measures to be taken if contamination is unexpectedly found in the course of construction, to minimise the risks to future users of the land, to controlled waters, property and ecological systems, and to ensure that the development can be carried out without unacceptable risks to workers, neighbours or other offsite receptors.
25. Planning conditions restricting the future use of permitted development rights rarely pass the test of necessity, and should only be used in exceptional circumstances. No clear justification has been provided for doing so, and I have therefore not added any such conditions. In the interests of maintaining the openness of this entrance point to the residential development, and protecting the character and appearance of the area, a condition is added requiring that the area of public open space approved shall be maintained in that use for perpetuity.

S J Buckingham

INSPECTOR

Schedule

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: BW165- PH3-PL001; BW165- PH3-PL002; BW165- PH3- PL003; BW165- PH3- ST001; BW165-PH3-Mul-0; BW165-PH3-DG-01 & BEL/1257/15 rev. D.
- 3) No development shall commence until details or samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples.
- 4) No development shall commence until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - i) proposed finished levels or contours;
 - ii) means of enclosure;
 - iii) boundary treatments;
 - iv) hard surfacing materials;
 - v) minor artefacts and structures;
 - vi) proposed and existing functional services above and below ground;
 - vii) planting plans;
 - viii) written specifications, including cultivation and other operations associated with plant and grass establishment;
 - ix) schedules of plants, noting species, plant sizes and proposed numbers/densities where appropriate; and
 - x) an implementation programme, including phasing of work where relevant and monitoring programmes.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and maintained in accordance with an approved scheme of management and maintenance.

- 5) The garages hereby permitted shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.
- 6) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the relevant phase of development is resumed or continued.
- 7) The public open space approved in this permission shall be retained in that use in perpetuity.