
Appeal Decision

Site visit made on 15 November 2016

by A Napier BA(Hons) MRTPI MIEMA CEnv

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

Decision date: 09 December 2016

Appeal Ref: APP/A1530/D/16/3158669

Ballast Quay Lodge, Rectory Hill, Wivenhoe CO7 9LB

- 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 Mrs Julia Boulton against the decision of Colchester Borough Council.
 - The application Ref 161491, dated 10 June 2016, was refused by notice dated 5 August 2016.
 - The development proposed is described as 'demolition of 28sqm existing single storey 'garage' extension containing 2 bedrooms and erection of 34sqm ground floor and 37sqm first floor extension containing 4 bedrooms'.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of 28sqm existing single storey 'garage' extension containing 2 bedrooms and erection of 34sqm ground floor and 37sqm first floor extension containing 4 bedrooms at Ballast Quay Lodge, Rectory Hill, Wivenhoe CO7 9LB in accordance with the terms of the application, Ref 161491, dated 10 June 2016, subject to the following conditions:
 - 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: 031 P 002, 031 P 003, 031 P 004, 031 P 005, 031 P 010 Rev A, 031 P 011 Rev B and 031 P 012 Rev A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located adjacent to a main road, within but towards the edge of the settlement. The extensive vegetation and relatively limited development opposite the site gives this part of the road a semi-rural character. The appeal dwelling fronts a narrow unmade track, which is lined by hedgerows and this adds to the quasi-rural character of its immediate setting. However, a modern residential estate and school exist nearby, with development adjacent to the
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appeal site and beyond the nearby area of open space, which results in this wider area having a largely suburban character.

4. The side boundary of the appeal site fronts the main road. From this direction, although vegetation and a detached garage provide some partial screening of the dwelling, as it is set back some distance from the side boundary, at a materially higher level than the carriageway, it is clearly visible in views from the road. However, by their nature, these views are transitory and there is an absence of footways adjacent to the main road, so that most views of the dwelling from this direction will be obtained from passing vehicles. In addition, due to the local topography and screening provided by nearby vegetation, other public views of the appeal dwelling are largely restricted to those obtained from the adjacent track. As such, overall, the dwelling is not particularly prominent within the streetscene and its visual impact on the wider area is relatively limited.
5. From the evidence provided, the appeal dwelling is a relatively modest single-storey property, the plan form and appearance of which reflect, to a certain extent, its origins as the lodge for a larger house nearby. The dwelling retains a distinctive character, which clearly distinguishes it from the neighbouring dwellings and makes a positive contribution to the character and appearance of the area. However, the dwelling has been significantly altered and extended over time, such that, although still readable, its historic origins are not immediately apparent. Furthermore, the development of the modern housing estate immediately adjacent to the site appears to have largely eroded its previous historic relationship with the main house and to have materially diminished the significance of the appeal dwelling in this regard. Consequently, whilst the dwelling makes a positive contribution to the area, I consider that this is mainly derived from its immediate setting and individual design approach.
6. The proposed development would result in a limited increase in the footprint of the dwelling, with much of the existing extension forming the ground floor of the proposal. Whilst two-storey in form and notably higher than the existing, the extension would be set back significantly from the front elevation of the dwelling, which would materially reduce the visual impact of the proposal and enable the existing gable and bay window projection to remain visually dominant elements within the front elevation. Furthermore, due to its sensitive design and overall scale, the gable extension would not appear as unacceptably dominant or obtrusive, but would complement the gable element of the existing dwelling, resulting in an asymmetrical and dynamic composition that would enhance its overall appearance.
7. As a result, overall, although the proposal would materially alter the overall form and scale of the property, I consider that the careful design of the extension would be a positive addition to the dwelling, which would not detract from its appearance or materially diminish its distinctive character. Moreover, for similar reasons and given the setting and context of the dwelling, I also consider that the proposed increase in its scale and change to its form would not have a detrimental effect on its relationship to neighbouring properties or adversely affect its contribution to the streetscene.
8. Accordingly, I conclude that the proposal would not be harmful to the character and appearance of the local area. It would not conflict with the *Colchester*

Core Strategy 2008 Policy UR2 and Colchester Development Policies 2010 Policies DP1 and DP13, where they collectively seek to protect local character and appearance. It would meet the aims of paragraph 17 of the National Planning Policy Framework, to achieve high quality design and take account of the different roles and character of different areas.

Other matters

9. The Council's officer report considers that the proposal would not be detrimental to neighbouring living conditions, protected species or the natural environment. From the evidence provided, there is nothing before me that would lead me to a different conclusion in these respects and I am satisfied that these matters would not be reasons to find against the scheme.
10. As part of the appeal submissions, my attention has been drawn to examples of other design approaches used for developments elsewhere. I do not have full details of those schemes or the background to those decisions. However, from the limited information available to me, I am not satisfied that the location, context and design details of these other developments are directly comparable to the scheme before me. As such, I have considered the appeal proposal on its merits and in light of all representations made.
11. Although concerns have been raised about the approach followed by the Council in the planning application process, this is not a matter to which I have given material weight, as it is not primarily before me as part of this appeal, but is an issue for the local planning authority in the first instance.

Conditions and conclusion

12. The Council has suggested a condition requiring the use of matching external materials for the extension which, in the interests of the character and appearance of the area, is necessary. In addition, for certainty, it is necessary that the development is carried out in accordance with the approved plans.
13. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Napier

INSPECTOR