
Appeal Decision

Site visit made on 4 January 2017

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 11th January 2017

Appeal Ref: APP/A1530/D/16/3162001

18 Firs Chase, West Mersea, CO5 8NG

- 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 Ms J Stubbs against the decision of Colchester Borough Council.
 - The application Ref 160898, dated 15 April 2016, was refused by notice dated 17 August 2016.
 - The development proposed is the erection of a single storey boat store.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey boat store at 18 Firs Chase, West Mersea, CO5 8NG in accordance with the terms of the application, Ref 160898, dated 15 April 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16660/01P; 16660/02P; 16660/02P/A and 16660/03P.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as shown on drawing no 16660/03/P.

Main Issue

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

Reasons

3. Number 18 Firs Chase comprises a large detached bungalow set back from the southern side of the road. It has a large front garden which is largely enclosed by a fence and tall conifer hedge. There are mature trees in the north west corner of the front garden. The character of the road is semi-rural with front gardens of residential properties mainly bounded by hedges and trees along the road frontage.
4. The Council raises no concerns about the design of the proposed boat store itself, but is concerned that its siting in the front garden would be too prominent, particularly as it would involve the removal of some of the existing trees.

5. I noted that there are a variety of dwelling types and designs within the vicinity and no regular building line because of the winding nature of the road itself, variations in its gradient, and different siting of individual properties, including some close to the road frontage. Although garages or stores are mainly set back, there are also examples of others close to the road frontage itself.
6. The proposed store would be end on to the road which would help to limit its impact on the frontage and would be largely screened to eaves level by the existing conifer hedge, so that only the pitched roof would extend above. Although I noted that the hedge showed some signs of stress I do not consider that its total demise is imminent given that such hedge types tend to be hardy in nature. I also acknowledge that whilst there is no guarantee it would remain, the applicant has stated that would be the case and I see no reason to question that given that the hedge provides privacy to the front area of the property.
7. The store would result in the removal of a yew tree and an ash tree and I agree with the Council that a fruit tree is also likely to have to be removed. However, I see no reason why the two silver birch trees on the eastern side of the proposed boat store could not be retained provided careful consideration is given to the foundations of the building, and I also noted that the adjoining property to the west, has a mature tree and high hedge in its front garden area and adjoining the application site. Whilst therefore, there would be some loss of vegetation, there would continue to be some softening and screening effect in views of the site from both directions through a combination of existing trees and the frontage hedge.
8. The design of the proposed store would be entirely appropriate to its semi- rural location with a slate roof which matches other roofs nearby, and black weatherboarding.
9. The Council has raised no other objection, including any highway concerns, and I see no reason to disagree with that view.
10. For a combination of the above reasons, I find that the proposed store would be an acceptable addition to the street scene, would not be over prominent and would thereby not harm the character and appearance of the area as a result. It would therefore comply with Policy DP1 of the Council's Local Development Framework Development Policies 2010, in that it would be designed to a high standard and would respect and enhance the character of the site, its context and the surroundings.
11. Conditions requiring the development to be carried out in accordance with the approved plans and for materials to be used as shown on the application plan, are necessary in the interests of certainty and for visual amenity reasons.
12. Accordingly, the appeal should be allowed and planning permission granted.

Kim Bennett

INSPECTOR