
Appeal Decision

Site visit made on 1 March 2017

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/A1530/D/17/3166817

67 Smythies Avenue, Colchester CO1 2US

- 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 Kelly against the decision of Colchester Borough Council.
 - The application Ref 162012, dated 4 August 2016, was refused by notice dated 23 November 2016.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. There is a discrepancy between the name(s) of the appellant as recorded on the application and appeal form. As the names on the application form are also recorded on the decision notice I have used these in the above banner heading.

Main Issue

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

Reasons

4. The appeal site is located at the southern end of Smythies Avenue, close to the junction with Roseberry Avenue. The area is predominantly residential, and is characterised by mainly semi-detached houses which are set back from the road frontage and side boundaries. The gaps between the pairs of dwellings are relatively modest in scale and mainly allow pedestrian passage to the rear of each property.
5. Number 67 Smythies Avenue (No 67) is a two storey semi-detached dwelling, and forms a pair with Number 65 Smythies Avenue. The property to the south-east, Number 69 Smythies Avenue (No 69), is a detached dwelling, as is the opposite property at Number 42 (No 42). These detached properties are located on corner plots on the junction with Roseberry Avenue.
6. The proposed extension would be two storeys in height, and extend almost the whole width of the appeal site. Its front elevation would be almost flush with that of the existing house, albeit set back marginally. The scale, bulk and

- position of the proposed extension mean it would be clearly seen from along Smythies Avenue and from parts of Roseberry Avenue close to the junction.
7. The existing gap between the flank wall of No 67 and the common side boundary with No 69 is notably larger than other such gaps between dwellings in the immediate vicinity. However, the proposal, by virtue of its width and bulk, would result in the closure of most of the current gap to the side boundary. The Council officer's report indicates that the remaining gap would amount to only 0.15 metres.
 8. The locality is characterised by clear gaps between the flank walls of properties and side boundaries, which contribute to the spacious character of the streetscene. On my site visit I observed a two storey side extension at Number 63 Smythies Avenue (No 63) and a small single storey extension on a semi-detached property in Roseberry Avenue. However, these were the only examples I observed in the immediate vicinity, and I also noted that in both cases some form of pedestrian path had been retained between the flank wall and side boundary of each property.
 9. Overall, taking account of the width, scale, bulk and position of the proposed extension, I consider it would appear an overly large, cramped and incongruous feature which detracts from the character of the streetscape. Furthermore, No 67 and its adjoining pair have a pleasing broadly symmetrical appearance as seen from Smythies Avenue. The proposed extension would be prominent and would unbalance the proportions of the host dwelling and its pair, and in this regard would detract from their appearance and that of the locality.
 10. For the reasons given above, I conclude that the proposed scheme would materially harm the character and appearance of the area. Accordingly the scheme would be contrary to Policy UR2 in Colchester Borough Council's Core Strategy (2008) and Policy DP1 in Colchester Borough Council's Development Policies Document (2010), insofar as they seek to secure development of high quality design which does not detract from the character of an area, and to related guidance on extensions in the Essex Design Guide (1997). It would also be contrary to relevant provisions in the National Planning Policy Framework and Planning Practice Guidance which seek to secure high quality design in new development.
 11. The appellant has highlighted the existence of a two storey side extension at No 63, as described above. However, the Council's evidence suggests that the scheme was approved a number of years ago under a different policy regime. Furthermore, I consider that the existence of the scheme does not outweigh or negate the identified harm arising from the proposal.
 12. The appellant has indicated that planning permission has been granted by the Council for a single storey side extension at the appeal property. Full details of this case are not before me, but as it involves a single storey extension it would appear to be materially different. In this context I have attributed limited weight to this matter in my determination of this appeal.
 13. The appellant has stated that it is not possible to set back the front wall of the proposed extension to the degree sought by the Council in negotiations, due to constraints related to existing drains and the need to partially demolish an existing rear extension. Supporting evidence in this regard has not been submitted by the appellant, and it is unclear what design solutions were

explored. Accordingly, I have attributed little weight to this matter and have based my assessment of this appeal on the submitted proposal and plans before me.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Katie Child

INSPECTOR