

Appeal Decision

Site visit made on 13 April 2017

by Timothy C King (BA Hons) MRTPI

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

Decision date: 2nd May 2017

Appeal Ref: APP/A1530/D/17/3168174

Priory Lodge, Maldon Road, Stanway, Colchester, CO3 0SL

- 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 D Davies against the decision of Colchester Borough Council.
 - The application Ref 162832, dated 11 November 2016, was refused by notice dated 6 January 2017.
 - The development proposed is '*Retention of front boundary wall and entrance gates*'
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Decision

1. The appeal is allowed and planning permission is granted for a front boundary wall and associated entrance gates at Priory Lodge, Maldon Road, Stanway, Colchester, CO3 0SL, in accordance with the terms of the application Ref 162832 dated 11 November 2016, subject to the following condition:
 - 1) All planting and landscaping works, in accordance with the details and measures shown on drawing no. 3666-03-A, shall be implemented during the next planting season (between October and March inclusive) and shall thereafter be maintained for a period of five years. Any trees or shrubs which die, or are diseased, during this period shall be replaced within the following planting season.

Procedural Matter

2. The proposal is retrospective as the development is in situ and fully completed. From my site visit I can confirm that the development has been implemented in accordance with that depicted on the submitted plans. In the circumstances I am required to treat the appeal as a proposal and I have assessed it in accordance with its planning merits, or otherwise.

Main Issue

3. The main issue is the development's effect on the character and appearance of both the site and also on its surrounding area.

Reasons

4. The front wall has replaced the previous boundary enclosure which comprised part wall/part fencing, but was lower in height than the new 1.6m high brick wall. Set back from the footway and behind a grassed verge, the wall,
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interspersed with a series of brick piers, spans the property's full frontage; its two sections curving inwards to the railing-type metal gates.

5. The Council, in its decision letter, makes reference to the site's rural setting being eroded by the wall due to its size and being out of keeping with its surroundings. However, when I visited the site I found the development as not unattractive in appearance and also complementary to the dwelling and its curtilage which the wall encloses. High shrubbery lies behind one section whilst the appellant is proposing significant planting to further soften the development. The wall does have a lengthy span but given its setback from the highway neither do I consider it to be unduly imposing on the streetscene nor its setting. Moreover, when driving further up the Maldon Road I observed other examples of extensive boundary enclosures benefitting residential properties.
6. The aims of Policy DP1 of the Colchester Borough Development Policies (DP) in terms of achieving high quality design for new development which should also appropriate to the particular contextual setting is reflected in the wider aims of Policies UR2 and ENV1 of the Council's Core Strategy (CS). DP Policy DP13 seeks to ensure that alterations to dwellings enhance the character of the original dwelling and do not significantly alter their size. I consider that the development, supplemented by the intended planting, satisfies this criteria and, accordingly, I am imposing a condition to ensure that the proposed landscaping is carried out in the near future.
7. I conclude that the proposal would be neither harmful to the character and appearance of the site or its surroundings and there would be no material conflict with the aims and requirements of CS Policies UR2 and ENV1, DP Policies DP1 and DP13 or relevant advice within the National Planning Policy Framework.
8. For the above reasons and, having had regard to all matters raised, the appeal succeeds.

Timothy C King

INSPECTOR