
Appeal Decision

Site visit made on 7 April 2017

by **R J Maile BSc FRICS**

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

Decision date: 2nd May 2017

Appeal Ref: APP/A1530/D/17/3167470

Magazine Cottage, Prettygate Road, Colchester, Essex, CO3 4DZ.

- 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 Miss Belinda Blake against the decision of Colchester Borough Council.
 - The application ref: 162569, dated 24 September 2016, was refused by notice dated 21 December 2016.
 - The development proposed is first floor extension (resubmission of 161808).
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Procedural Matter

1. The description of the development in the heading above has been taken from the planning application form and includes words that do not comprise acts of development. Accordingly, I have amended the description of the development in my formal decision below to reflect this fact.

Decision

2. The appeal is allowed and planning permission is granted for first floor extension at Magazine Cottage, Prettygate Road, Colchester, Essex, CO3 4DZ, in accordance with the terms of the application ref: 162569, dated 24 September 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 797-1A:	Location Plan – scale 1:1250; Block Plan – scale 1:200.
Drawing no. 797-2:	Existing Elevations – scale 1:100.
Drawing no. 797-3:	Existing Ground Floor Plan – scale 1:50.
Drawing no. 797-4C:	Proposed Elevations – scale 1:100.
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Drawing no. 797-5:	Proposed Ground Floor Plan – scale 1:50.
Drawing no. 797-6D:	Proposed First Floor Plan – scale 1:50.
Drawing no. 797-7:	Relative Impact Assessment: Permitted Development against Proposal – scale 1:100.

Main Issues

3. The main issues in this case are:

- a) The effect of the proposed first floor extension upon the character and appearance of the host building and that of the surrounding area.
- b) The impact of the proposal upon the living conditions of nearby residents.

Reasons

a) *Effect upon character and appearance.*

3. Magazine Cottage comprises a modest detached bungalow erected during the 1950's, being accessed via a bridleway off Prettygate Road. The surrounding area includes a mix of older detached properties fronting Prettygate Road and more recent detached and semi-detached houses to the east and southeast fronting Magazine Farm Way.
4. The scheme before me has evolved following discussions with the Council and the subsequent grant of a Certificate of Lawful Development ('the LDC') dated 21 November 2016 (ref: 162483). I have been provided with a copy of that LDC and of the approved plans.
5. The appellant has obtained quotations for both the current proposal and that permitted by virtue of the LDC. Notwithstanding that the scheme now before me will cost significantly more than that permitted by virtue of the LDC it has been confirmed that the appellant proposes to bear that additional expense, since it is perceived that this would result in a far more attractive alteration.
6. In the light of this information it appears highly probable that in the event of this appeal being dismissed, the appellant would proceed with the fall-back position provided for by the LDC.
7. The current proposal has been amended to take account of Officer advice. The design is to a high standard, as required by Chapter 7 (Requiring good design) of the Framework¹. In this regard the elevations would be more attractive and appropriate to this modest bungalow than would be the case with the fall-back scheme, which incorporates a large, rear-facing box dormer.
8. I have therefore found upon the first main issue that development as proposed would create a balanced chalet bungalow that respects the appearance of the host building and the diverse character of its surroundings. As such, it would accord with national policy in the Framework as referred to above, with Policy UR2 of the Core Strategy² and Policies DP1 and DP13 of the LDF Development Policies³.

¹ The National Planning Policy Framework.

² The Colchester Borough Council Local Development Framework – Core Strategy (adopted December 2008 – Selected policies revised July 2014).

³ The Colchester Borough Council Local Development Framework – Development Policies (adopted October 2010).

b) Impact upon living conditions.

9. I have noted the objections received from neighbouring occupiers, who have written to express concerns at the overall scale of the development and its potential impact upon their living conditions, in particular with regard to loss of privacy, light and outlook.
10. I have already addressed matters of scale by virtue of my finding above upon the first main issue.
11. As to loss of privacy, I paid particular attention to the relationship of Magazine Cottage both to the detached dwelling to the north on the opposite side of the bridleway and to the most adjacent houses fronting Magazine Farm Way and Prettygate Road. My deliberations have also taken account of the location and format of the intervening boundary treatments.
12. I am satisfied that there would be no unacceptable intervisibility arising from the amended scheme before me. In this regard, I noted that the front-facing windows would serve a bathroom and Bedroom 3, while those to the rear will provide daylight to a landing and Bedroom 2. This latter bedroom is located at the southwestern extremity of the roof space, such that there would be a satisfactory relationship between the appeal property and adjacent dwellings nearby fronting Prettygate Road and Magazine Farm Way.
13. The ridge height of the dwelling would be raised marginally to accommodate the first floor bedrooms. However, the additional bulk to the flank elevations would not impact upon daylight or sunlight to the most adjacent houses in Prettygate Road and Magazine Farm Way. I am likewise satisfied that there would be no perceptible loss of outlook to these properties.
14. Accordingly, I find upon the second main issue that development as proposed would not bring about any unacceptable impact upon the living conditions of nearby residents as required by Policy DP1 (iii) of the LDF Development Policies and guidance in the Council's adopted SPD⁴ (The Essex Design Guide).

Other Matters

15. The Council is concerned as to the use of front and rear roof lights to serve the principal bedroom.
16. This element of the proposal has been designed to minimise the potential for overlooking of nearby properties. The two roof lights would permit adequate daylight to serve the bedroom and, given their height above floor level, would provide an acceptable outlook from the bedroom without compromising the privacy of nearby occupiers in Magazine Farm Way.

Conditions

17. The Council has put forward a total of three conditions to be imposed should I be minded to allow the appeal. I have considered these against the tests of the Framework and advice provided by the Government's Planning Practice Guidance issued on 6 March 2014 and find all to be reasonable and necessary in the circumstances of this case. My reasons for the conditions are:

⁴ Supplementary Planning Document: The Essex Design Guide for Residential and Mixed Use Areas.

18. Condition 1 is the standard commencement condition imposed in accordance with section 91(1) (a) of the Town and Country Planning Act 1990. Condition 2 will ensure a satisfactory appearance to the completed development in the interests of the visual amenities of the area.
19. Condition 3, requiring the development to be carried out in accordance with the approved plans, provides certainty.

Conclusion

20. For the reasons given above, I conclude that the appeal should be allowed.

R. J. Maile

INSPECTOR