
Appeal Decision

Site visit made on 27 June 2017

by David Reed BSc DipTP DMS MRTPI

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

Decision date: 2 August 2017

Appeal Ref: APP/A1530/W/17/3172999

1 Shelley Road, Colchester CO3 4JN

- 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 Nicola Jenkin against the decision of Colchester Borough Council.
 - The application Ref 162449, dated 29 September 2016, was refused by notice dated 7 December 2016.
 - The development proposed is the erection of a two-storey, two bedroom dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area and whether the proposal would provide acceptable living conditions for future occupiers of the new and existing dwellings in relation to outdoor amenity space.

Reasons

Character and appearance

3. The proposal is for a two bedroom dwelling in the rear garden of No 1 Shelley Road, a detached chalet bungalow on the corner of Shakespeare Road. The site is located in a well-established residential neighbourhood with the immediate area comprising bungalows set in good sized plots, many with accommodation in the roof space.
4. The dwelling would front onto Shakespeare Road alongside a pair of semi-detached bungalows, Nos 14/16, respecting their front building line and with a similar pitched roof parallel to the road. As a bungalow with small front facing dormer it would also reflect the general form of nearby properties. However, by subdividing the existing plot both the new plot and that retained by No 1 would be significantly smaller than the average in the area.
5. As a result, the new plot would have both a narrow frontage compared to others in the vicinity and limited depth. With the plot having a slightly greater width at the rear, the proposal is for a property with an unusual trapezium shaped footprint. This would seem quirky alongside No 14, not innovative, and would combine with the unusually narrow front elevation to give the building a cramped and awkward appearance in the street scene.

6. In front of the property there would only be sufficient room for the required two car parking spaces and the outdoor amenity space to one side. There would be little or no scope for soft landscaping or even a dedicated path to the front door. A large car parked in one of the spaces would obstruct the use of the front door or overhang the footway. With no space for a garden to the rear, the outdoor amenity space to the side would also require tall fencing alongside the parking spaces and site frontage to ensure privacy. These features would add to the discordant and incongruous appearance of the proposal in an area notable for its spacious layout with low frontage walls and mostly open front gardens softened by shrubs and planting.
7. For these reasons the proposal would cause significant harm to the character and appearance of the area in conflict with Policy UR2 of the Core Strategy as revised 2014 and Policy DP1 of the Development Policies DPD 2010 (DPDPD). These require development to be designed to a high standard, to respect and enhance the character of the site, its context and surroundings and to avoid proposals which are discordant with their context. In addition, the proposal would conflict with the Backland and Infill Development SPD as revised in 2010 which requires infill building plots to be of similar dimensions to existing plots in the locality and not to have the appearance of cramming. All these policies are consistent with the National Planning Policy Framework.

Living conditions

8. The outdoor amenity space for the new dwelling would be about 50 m² in size with a rear garden of about 100 m² retained for No 1. Whilst these sizes would meet the minimum standards set in Policy DP16 of the DPDPD they would not meet the requirement in the case of small infill schemes for a higher standard to reflect the character of the surrounding area. In addition, the long narrow space for the new dwelling and L shaped space retained for No 1 would both be an inconvenient shape and part of the space for the new dwelling would be overlooked from the first floor rooms of No 1. Despite the contrived addition of a 400 mm trellis on top of a 2 m close boarded fence between the two gardens, the site section shows how views would be obtained from the windows of these rooms, which may not be used as bedrooms, down into the garden and patio doors of the new dwelling from just a few metres away.
9. The result would be a narrow, unduly enclosed and partly overlooked garden offering poor quality amenity space for the occupiers of the new dwelling. The retained garden for No 1 would also be quite narrow and unduly enclosed. The proposal would therefore provide unacceptable living conditions for the future occupiers in relation to outdoor amenity space in conflict with Policy DP16.

Conclusion

10. The proposal would provide a useful additional dwelling in a convenient location with important social and economic benefits for the area. It would also be built to high energy efficiency standards. It is appreciated that future occupiers would freely choose to live in the two properties. However, in view of the deficiencies identified above the proposal cannot be considered sustainable development and the appeal should therefore be dismissed.

David Reed

INSPECTOR