
Appeal Decision

Site visit made on 1 October 2019

by Matthew Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th October 2019

Appeal Ref: APP/A1530/D/19/3233088

5 Alan Way, Colchester, CO3 4LG

- 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 Phillip Spinks against the decision of Colchester Borough Council.
 - The application Ref 190480, dated 19 February 2019, was refused by notice dated 19 June 2019.
 - The development proposed is the conversion of garage to two-storey one-bedroomed family annexe.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issues are the effect of the development on:
 - The character and appearance of the area; and,
 - The living conditions of the occupiers of 7 Alan Way having particular regard to outlook.

Reasons

Character and appearance

3. Alan Way is a suburban street characterised by two storey dwellings which are mainly set back from the road behind small front gardens. The semi-detached appeal dwelling includes a single-storey detached garage which is set to the side and rear of the façade of the main dwelling. Whilst the building line and height of properties on the street is generally consistent, their contrasting design, partly owing to the presence of various extensions and alterations, creates a somewhat varied street scene.
4. The proposed two-storey outbuilding would have a narrow width and a shallow roof pitch. It would include a front facing ground floor window, with no openings at first floor level, other than small roof lights. Despite the proposed use of materials which would match the main dwelling, the narrow profile, height, roof pitch and roof slope direction, and fenestration pattern proposed would result in a built form which would lack architectural subtlety and, although not visually prominent when viewed from the wider area, would be clearly visible from the street within the immediate environs of the appeal site. As a result, the proposal would appear at odds with the appearance of the main

dwelling and appear as a disparate and obtrusive building form, to the detriment of the character and appearance of the area.

5. On my site visit I noted the presence of a number of single-storey and two-storey side extensions along Alan Way, and the appellant has also provided me with photographic examples of other prominent extensions in the area. However, none of those cases are directly comparable in terms of their design and appearance to the proposal before me, and so do not outweigh the harm I have identified.
6. I therefore conclude that the development would cause unacceptable harm to the character and appearance of the area. It would conflict with Policy UR2 of the Core Strategy 2008 (Core Strategy) and Policy DP1 of the Local Development Framework Development Policies 2010 (Development Policies) which, amongst other matters, seek to ensure high quality and inclusive design that respects and enhances the character of a site and its context, and to create places that are locally distinctive through development which is appropriate in terms of scale, siting and design. The development would not be visually attractive, contrary to paragraph 127 of the National Planning Policy Framework (the Framework).

Living conditions

7. The proposed building would be much taller than the existing detached garage and clearly visible from 7 Alan Way (No. 7) due to its position close to the side boundary of the property. However, part of the proposed building would lie adjacent to a detached single-storey garage associated with No. 7, with the remaining side elevation facing part of its rear garden.
8. The detached dwelling at No. 7 relative to the appeal site does not lie parallel to its garden boundary and is a short distance from it. Consequently, the proposal would not significantly affect the outlook achievable from the rear windows of No. 7, which are angled well away from the position of the proposed building. Any overbearing effects arising would mainly be felt within the stretch of garden which lies to the rear of the detached garage. However, as a large proportion of the wider garden lies immediately to the rear of the dwelling at No. 7, thus set and angled away from the proposed extension, the overall outlook currently experienced by the occupiers of No. 7 would not be significantly diminished by the proposal. Furthermore, the proposal would not be unacceptably overbearing when considered in combination with an extant planning permission for side and rear extensions associated with the main dwelling¹.
9. Overall therefore, the development would not harm the living conditions of the occupiers of No. 7 with particular regard to outlook. The development would comply with Policy UR2 of the Core Strategy and Policy DP1 of the Development Policies which collectively require development to protect existing residential amenity and enhance the function of an area.

Other Matters

10. The appellant has provided me with a copy of an extant planning permission for larger extensions which would be attached to the appeal dwelling. I accept that the approved side extensions would be significantly more visible in the

¹ Colchester planning reference - 180291

street. However, unlike the development which is the subject of this appeal, the permitted extensions would not be detached and have a different design. I have assessed the appeal on its planning merits and for the reasons identified, I find unacceptable harm to the character and appearance of the area.

11. I appreciate that the appellant feels that the Council did not make a decision on their planning application in a timely manner, and gave conflicting advice. However, these are matters between the parties which have no bearing on the planning merits of this case.
12. The lack of objection to the appeal scheme from the neighbour is a neutral factor which does not weigh in favour of the appeal scheme. In any event, I have found that the development would not result in unacceptable harm to the living conditions of any neighbours, but this does not detract from the harm I have identified to the character and appearance of the area.
13. I understand from the appellant's evidence that the development would provide additional space for a family member with specific medical needs. Whilst I have given the appellant's personal circumstances consideration, I am mindful of the advice contained in the Planning Practice Guidance, that in general planning is concerned with land use in the public interest. It is also probable that the development would remain long after the current personal circumstances cease to be material. For these reasons, I therefore find that this factor is not sufficient to outweigh the harm I have identified.

Conclusion

14. The lack of harm I have found in respect of the impact on the living conditions of adjoining occupiers does not negate the harm I have found to the character and appearance of the area. Accordingly, for the reasons given above, I conclude that this appeal is dismissed.

Matthew Woodward

INSPECTOR