



Appeal Decision

Site visit made on 25 November 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2019

Appeal Ref: APP/A1530/W/19/3234726

19 Walnut Tree Way, Colchester, CO2 9BU

- 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 Clive John against the decision of Colchester Borough Council.
 - The application Ref 191315, dated 17 May 2019, was refused by notice dated 12 July 2019.
 - The development proposed is erection of one and a half storey detached dwelling with single garage and vehicular access.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area; and,
 - Whether the proposed development makes sufficient allowance for private garden space for the existing and proposed houses.

Reasons

3. The appeal site comprises part of the rear garden of 19 Walnut Tree Way, with a vehicle access proposed across the pavement and grass verge along Willett Road.

Character and Appearance

4. The proposed development is a chalet bungalow. It would be sited in an area predominantly characterised by two-storey dwellinghouses. Although there are bungalows further along Willett Road, and in the wider area, this would be an isolated example out of character in the immediate vicinity.
5. The development proposed would substantially reduce the depth of the rear garden to No 19. This would be uncharacteristic of the area, with the depth of the gardens in the row of houses from Nos 19-24 clearly visible from the streetscene. The resulting separation between those houses and the houses and flats to their rear, together with the wide verge along the Willett Road frontage, creates a sense of spaciousness in a relatively dense residential area.

6. The development proposed would erode this sense of spaciousness. While the bungalow would not be as tall as the neighbouring houses it would be much taller than the outbuildings visible in the rear gardens of the Walnut Tree Way houses. It would be a prominent feature in the street scene and would draw the eye due to its differing size and design.
7. The appellant argues that the design of the development is based on local character. They have drawn my attention to several bungalows in the surrounding area, including some that are clearly backland development of the type proposed in this appeal. I do not have the full details of these cases before me, but I viewed each site from the road during my site visit. It is clear that, where these bungalows have been erected on sites similar to the appeal site, this has resulted in a loss of spaciousness in the street scene. The use of design features drawn from the local area such as gable elevations and a pantile roof would not overcome this harm.
8. I therefore conclude that the development proposed would be harmful to the character and appearance of the appeal site and surrounding area. It would conflict with Policy UR2 of the Colchester Local Development Framework Core Strategy Adopted December 2008 and Policies DP1, DP12, DP16, and DP19 of the Colchester Local Development Framework Development Policies October 2010 (the DP), as well as guidance in the Colchester Borough Council Supplementary Planning Document Backland and Infill Development September 2009. Together, these seek to ensure that new development respect and enhance the character of the site and surroundings. These policies accord with the design policies of the National Planning Policy Framework (the Framework) insofar as they relate to this main issue.

Garden Space Allowance

9. The Council's standards for amenity space are set out in policy DP16 of the DP, and require a minimum of 50 square metres for 1 or 2 bedroom houses. On the basis of the evidence before me the development proposed would meet this standard.
10. The existing house would retain 60 square metres of rear garden space, sufficient for a 3 bedroom house in accordance with the policy. The policy does specify that a higher standard of private amenity space may be required for small infill schemes. However, based on the evidence before me the development proposed would not result in an unacceptable provision of garden space for either house.
11. The separation between the existing house and the boundary with the proposed house would be significantly less than is typical for the surrounding area, as noted above. However, the presence of the proposed garage along the boundary would prevent harmful overlooking of the garden to the bungalow.
12. I therefore conclude that the development proposed would make sufficient allowance for private garden space for the existing and proposed houses, in accordance with policy DP16 of the DP. This policy accords with the requirements of the Framework, insofar as it relates to this issue.

Other Matters

13. It appears that the proposal may have an impact upon European designated sites, although the evidence before me is limited in this regard. In this case,

the Council suggests that appropriate mitigation could be secured by a financial contribution, which the appellant has agreed to. As I am dismissing this appeal, I do not propose to pursue this matter any further.

Conclusion

14. Drawing matters together, I have found that the proposal would be harmful to the character and appearance of the area.
15. Set against this harm, I have found that the development proposed would provide acceptable private garden space for occupants of the existing and proposed dwellings. However, a lack of harm in this respect is a neutral consideration in the determination of this appeal.
16. The provision of a one-bedroom dwelling contributes to a housing need identified in the DP. Given this established need I have given this moderate weight in determining this appeal, but the benefit of a single dwelling is limited, and does not outweigh the harm I have identified above.
17. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR