
Appeal Decision

Site visit made on 16 December 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2020

Appeal Ref: APP/A1530/D/19/3239650

19 Shears Crescent, West Mersea CO5 8AR

- 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 D Cook against the decision of Colchester Borough Council.
 - The application Ref 191956, dated 25 July 2019, was refused by notice dated 10 October 2019.
 - The development proposed is extension of previously granted balcony (ref 17552) with access and additional doors on front elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the dwelling and area; and
 - the living conditions of 20 Shears Crescent with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The appeal site is a 2 storey detached dwelling located towards the end of Shears Crescent in a residential housing estate comprising other similar two storey detached development. Whilst the estate is modern the uniformity in the design of the properties is a notable feature that adds to the character of the area. Balconies are also a common feature within the locality, with a number of properties having balconies located over existing flat roof additions. In addition, the properties within Shears Crescent have a generous frontage, with vegetation creating a spacious pleasant character.
4. The proposal would include the construction of a single storey front extension with a balcony above. The balcony would be accessed from the first floor bedroom and via an external staircase located on the side of the existing dwelling.
5. The scale of the extension, due to its overall width, would be out of proportion and therefore not subservient to the existing dwelling. This would lead to a discordant form of development which would be uncharacteristic having regard

to the uniformity of the other dwellings within the estate, harmful to the character and appearance of the dwelling.

6. In addition, I consider that the extension, with balcony over, owing to its overall scale would appear dominant within the street-scene detracting from the uniformity and openness that I have identified above which add positively to the character and appearance of the area.
7. I have taken account of the alterations and extensions that have taken place at 18 Shears Crescent which have resulted in a property which is not of the same uniform character which is displayed elsewhere within the estate. However, this dwelling does not follow the same linear pattern of development which is exhibited within 19 – 21 Shears Crescent due to its position within a corner plot set at an angle to the road and therefore it was already of a different character to the appeal property.
8. In addition, this example confirmed that such alterations and extensions do appear prominent within the street scene and are detrimental to the character and appearance of the area and therefore should not be used as a reason to allow a similar development such as that before me.
9. Whilst other balconies are present within Shears Crescent these consist of railings or glazing which are of a uniform height without external staircases and are well related to the size and scale of the host property. The side elevation of the property, due to the spacing between the properties, and the open frontages, is visible from within the estate and from the corner of Shears Crescent. The proposed external staircase and associated screening which would be at differing heights in order to mitigate the effects of overlooking, which I shall come onto, would be visible from the public realm and appear as a discordant and prominent feature which would be harmful to the character and appearance of the area.
10. I have had regard to the planning permission that has been granted under reference 172552 for the "Removal of single garage for two storey side extension and single storey rear extension with balcony to front." The appeal scheme differs from the approved scheme by increasing the footprint of the single storey extension and the balcony and the addition of an external staircase. It is this increased footprint and the external staircase, with the associated screening which results in the harm I have identified.
11. In conclusion the development would be detrimental to the overall character and appearance of the dwelling and area, resulting in an incongruous feature within the street scene, contrary to policy DP1 of the Colchester Borough Council Local Development Framework - Development Policies 2010 (LDF) and policy UR2 of the Colchester Borough Council Local Development Framework - Core Strategy 2008 (CS) which require developments to respect and enhance the character of the site and be of a high quality design.

Living conditions

12. The proposed balcony and external staircase would be adjacent to the boundary of 20 Shears Crescent. However, there is a good degree of separation between the properties and although No 20 has a side extension there remains a small area of amenity space between it and No 19 and the properties are subdivided by a boundary wall.

13. The side of the balcony and staircase would be fitted with privacy screening which would prevent overlooking of the neighbouring amenity space and any views from the balcony would be limited to the frontages of neighbouring properties which are already visible from the road and pavement. Therefore I do not consider that the proposal would result in any harmful degree of overlooking, perceived or actual.
14. However, the external staircase would encroach further along the side boundary with No 20 and includes privacy screening which would extend in height to just below the eaves of the original dwelling. As a result of its overall height the privacy screening would have an overbearing impact when viewed from the garden immediately to the rear and in my view that would be harmful to the living conditions of neighbouring residents.
15. In conclusion the proposed development would have a harmful effect upon the living conditions of the occupiers of 20 Shears Crescent, with particular regard to outlook. The proposal is therefore contrary to policy DP1 of the LDF which requires development to demonstrate that they will protect existing residential amenity and policy UR2 of the CS which promotes development which makes better places for residents.

Conclusion

16. For the reasons given above I conclude that the appeal should be dismissed.

G. Pannell

INSPECTOR