
Appeal Decision

Site visit made on 3 February 2020

by O S Woodward BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2020

Appeal Ref: APP/A1530/W/19/3240420

15 Church Road, Fordham, Colchester CO6 3NA

- 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 Max Highfield against the decision of Colchester Borough Council.
 - The application Ref 191334, dated 20 May 2019, was refused by notice dated 9 August 2019.
 - The development proposed is the construction of one new 3 bedroom chalet bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have accepted two new drawings from the appellant (Proposed Street Scene Ref 2019/08/01 and revised Site Location Plan Ref 'Plot 15a – Site Plan as Existing') because they merely clarify the appeal proposal and do not change the design.

Main Issues

3. The two main issues are the effect of the development on the character and appearance of the area, and on the living conditions of neighbouring occupiers.

Reasons

Character and appearance

4. The site is the side garden to an existing home, 15 Church Road. It is proposed to develop a 3-bedroom, one and a half storey home on this plot of land, to be accessed from Church Road. The host house is in the process of being extended. It is too early in the process to formally confirm, but this is in all probability works to implement planning permission Ref 180891.
5. There are a variety of bungalow and house types and styles, and plot sizes, in the area, with a mixture of timber, brick, render and cladding elevation treatments. There are houses as well as bungalows in close proximity to the site, including further south, and they are an established part of the street scene. Overall, there is a variety to the character and appearance of the existing properties along Church Road. However, an important consistency to the character and appearance of the area is that each dwelling is reasonably spaced and sited from each other, and also within their own plots.

6. In this context, while it may not be imperative to retain bungalows in this short stretch of Church Road leading towards the countryside, the proposal would be located in very close proximity to the existing home and not much further from an existing bungalow to the south. The plot to be created for the bungalow would be uncomfortably small in comparison to the footprint of the proposed building allowing the building to dominate its setting. The combination of these factors would create a cramped plot that would be unattractive on its own terms and would also dominate the setting of the existing adjacent homes.
7. The proposed loss of the front boundary hedge would not have a significant effect on the character of the area, given the number of properties with open front boundaries and largely hard landscaped front gardens. Moreover, the general architectural approach of the proposed dwelling is reasonable. Nonetheless, and notwithstanding the variety in the street scene, the fenestration to the front elevation of the proposed first floor would appear cramped and out of proportion, as a result of trying to reflect the appearance of a true 2nd storey but within the space of a half storey.
8. I have considered the proposal in the context of the existing bungalow being fully developed as per planning permission Ref 180891, and it would remain unacceptable because the completed extension would not alter the cramped plot or my concerns over the detailed design of the proposed building.
9. Consequently, the proposal would harm the character and appearance of the site and the wider area, failing to comply with the relevant parts of Policy DP1 (Design and Amenity) of the Development Policies DPD 2010 (DPD) and Policy UR2 (Built Design and Character) of the Core Strategy 2008 amended 2014, as well as the Backfill and Infill Development SPD 2010, and Chapter 12 of the National Planning Policy Framework (the Framework).

Living conditions

10. The proposed home would not have a significant impact on the living conditions of the occupiers of the bungalow to the south because it would be set against a blank flank wall and would not significantly protrude beyond the front or rear elevations of the neighbouring bungalow. There would also only be rooflights facing this property.
11. There would, however, be a significant impact on the host dwelling to the north, No 15. The proposed development would be set almost directly adjacent to two large existing windows on the southern elevation of the host property. Both are to habitable rooms. The western of the two windows is to a room which also benefits from a second window to the largely unaffected west elevation, partially mitigating this impact. However, the eastern window is the only source of direct natural light and outlook to a further room, and is due south facing. The proposed building would be constructed directly to the south in very close proximity to that window and would be tall on this elevation relative to the window. For these reasons, it is likely that the impact on the room associated with that window, in terms of loss of sunlight and daylight, increase in overshadowing, and loss of outlook, would be significant and harmful.
12. Planning permission Ref 180891 has an open plan internal layout at ground floor and four alternative windows/glazed doors providing light to the room and outlook from it. The impact described above would therefore be lessened after

the 2018 permission is fully implemented. However, two of the alternative windows/glazed doors would primarily provide light to an office area which is shielded from the main lounge area by a staircase and internal wall. Therefore, the position of the appeal proposal in such close proximity to two primary south facing windows would still likely cause a significant and harmful loss of sunlight and daylight, increase in overshadowing, and loss of outlook, to No 15.

13. While I have taken into account that No 15 is the 'donor' property, this carries very little weight in favour of the appeal scheme as the harm to living conditions would affect future occupants of that dwelling.
14. The proposal would therefore have an unacceptably harmful impact on the living conditions of No 15 Church Road, failing to comply with the relevant parts of Policy DP1 (Design and Amenity) of the DPD.

Conclusion

15. I conclude that the appeal be dismissed.

O S Woodward

INSPECTOR