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# Appeal Decision

Site visit made on 23 June 2020

**by M Philpott BA(Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> July 2020**

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**Appeal Ref: APP/A1530/W/20/3245346**

**Plummers Cottage, Plummers Road, Fordham CO6 3NP**

- 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 & Mrs Bell against the decision of Colchester Borough Council.
  - The application Ref 190048, dated 4 January 2019, was refused by notice dated 14 November 2019.
  - The development proposed is described as 'one and a half storey 3 bedroom detached dwelling and alterations to existing vehicular access'.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The description in the header above has been taken from the planning application form. However, the submitted drawings indicate that the proposed dwelling would include 2 rather than 3 bedrooms. I have determined the appeal on the basis that a 2 bedroom dwelling is proposed.
3. I also note that a window to the cloak room/wet room has been omitted from the side elevation drawing. I have determined the appeal on the basis that the window forms part of the proposed development.
4. The evidence provided with the appeal indicates that the development would have likely significant effects on one or more European sites, as designated under the Conservation of Habitats and Species Regulations 2017. I return to this matter later.

## Main Issues

5. The main issues are the effects of the proposed development upon:
  - the character and appearance of the area, including the effects on the settings of Plummers Cottage and Penny Cottage, which are Grade II listed buildings;
  - the living conditions of the occupiers of Penny Cottage in respect of outlook; and
  - highway safety in Plummers Road, with particular regard to the proposed access.

## Reasons

### *Character and appearance*

6. The appeal site consists of land to the front of Plummers Cottage. The property is accessed via Plummers Road and is bound by hedges and fencing. A hedge also extends along the rear of the appeal site, which provides a degree of separation between the site and the rest of the property. Several trees are located towards the front of the site near to the access. Penny Cottage is to the north of the site. Properties along the road are of varying ages and designs and a number of those in the immediate vicinity are Grade II listed buildings.
7. The description from the List of Buildings of Special Architectural or Historic Interest indicates that Plummers Cottage and Penny Cottage primarily derive their significance from their features of architectural interest. The evidence shows that the appeal site has been included within the boundaries of the listed buildings from time to time and no built form appears to have been constructed on the land since the late 18<sup>th</sup> Century, despite development occurring elsewhere in the vicinity.
8. The site is a prominent green space that provides relief to the built form around it and has an open, spacious and verdant character. Although Plummers Cottage is set behind hedges and trees it remains visible across the site from the access and its upper parts are visible from the road. Penny Cottage is in a more prominent position with views of its features of architectural interest, such as its sash windows with marginal glazing bars, readily apparent in its gabled side elevation when viewed across the site from the road. The characteristics of the site contribute positively to the settings of the listed buildings, with the lack of built form within the site enabling the listed buildings' features of architectural interest to be appreciated.
9. The design of the proposed dwelling would be compatible with the vernacular of the local area. However, the dwelling would have limited space around it and appear cramped next to the hedges and trees. The open and spacious feel of the site would consequently be eroded. The proposed dwelling would block views of Plummers Cottage due to its location and scale and the listed building would appear positioned uncomfortably behind it when viewed from the road. The proposed dwelling would also block views of Penny Cottage and compete with and detract from the features of architectural interest in its side elevation. The settings of the listed buildings and the character and appearance of the wider area would thus be harmed. In this case I consider that the harm to the settings of the listed buildings would be less than substantial.
10. The appellant has referred to a recently approved scheme for a new dwelling adjacent to Plummers Farmhouse, which is a Grade II listed building located near to the site. I do not have full details of the circumstances which were relevant in that case. Nevertheless, I have assessed the proposal on its own merits and found that it would harm the settings of both Plummers Cottage and Penny Cottage.
11. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impacts on the significance of a designated heritage asset such as a listed building, great weight should be given to the asset's conservation. In addition, Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have

special regard to the desirability of preserving listed buildings or their settings or any features of special architectural or historic interest.

12. I therefore conclude that the character and appearance of the area, including the settings of the listed buildings, would be harmed by the proposed development. Thus, the settings of the listed buildings would not be preserved. The proposal is contrary to Policies DP1 and DP14 of the Colchester Local Development Framework Development Policies (DP) and the Framework, which require that development is respectful of the character and appearance of its surroundings and protects heritage assets.

#### *Living conditions*

13. Penny Cottage features several windows in its side elevation facing towards the site at ground and first floor level. The dwelling is separated from the site by a driveway and a side garden. The shared boundary with the site is demarcated by fencing and a short section of hedge.
14. Amended plans increased the distance between the proposed dwelling and Penny Cottage. The proposed dwelling would still be located near to Penny Cottage; however, it would be slightly offset from the nearest windows in the gable of the neighbouring property such that views from those windows would not be restricted significantly by the development. Although there would be more direct views of the dwelling from the windows in the rear range of Penny Cottage, those windows are more set back and outlook from them would not be restricted to the extent that the dwelling would be overbearing. Outlook to the front and rear of Penny Cottage from the side garden would be retained and therefore I find that outlook from the garden would not be significantly harmed by the development.
15. I note that there would be windows in the side elevation of the proposed dwelling facing towards Penny Cottage. However, these windows would be located at ground floor level and would not have a significant overbearing effect due to their height and the intervening boundary treatment.
16. I conclude that the proposed development would not be significantly harmful to the living conditions of the occupiers of Penny Cottage in respect of outlook. In respect of this main issue, the proposal is in accordance with Policy DP1 of the DP and paragraph 127 of the Framework, which aim to protect the living conditions of occupiers of residential properties.

#### *Highway safety*

17. The immediate part of Plummers Road has a speed limit of 30 miles per hour, with no footpaths along it. The existing access to Plummers Cottage is narrow and concealed between hedges. The visibility of drivers egressing from the site is limited by hedges to the north and hedges and an overhead cable pole to the south. The proposed access would be located slightly further to the north and wider than the existing access. In addition, part of the hedge to the north of the access would be realigned.
18. The Council considers that the proposed access would be substandard; however, I have not been directed towards any specific standards or detailed guidance in support of its position. It appears to me that the proposed access would have greater visibility splays than the current arrangement and vehicles would be able to emerge onto the road in a forward gear. This would provide

drivers of vehicles egressing from the access with an adequate view of approaching pedestrians and vehicles in both directions.

19. Visibility of the access from Plummers Road to the north would be improved significantly despite there being a bend in the road in that direction. Visibility from the south would be improved to a lesser extent and vehicles travelling towards the site from that direction would be on the nearside carriageway; however, other properties within the area appear to have similar access arrangements and the road to the south is much straighter. In any case, there would be a marked improvement in the visibility of emerging vehicles in comparison with the existing arrangement.
20. Third parties have indicated that vehicles travel along the road at speeds in excess of the speed limit; however, this is an enforcement matter for the relevant authorities. It has also been stated that traffic incidents and "near misses" have occurred in the immediate vicinity; however, I have not been provided with details of any reported incidents. In any event, the proposed access arrangement would be safer than the current one.
21. Whilst the proposed access is likely to be used more often than the existing access, it is unlikely that many daily vehicle movements would be generated by a single additional dwelling and the risks associated by those movements would be offset by the access improvements.
22. Although the Council has confirmed it has not been adopted, I find that the proposal accords with Policy DM1 of the Essex County Council Development Management Policies.
23. I conclude that the proposed access arrangement would improve highway safety in Plummers Road. In this respect the proposal is in accordance with DP Policies DM1 and DM17. These policies require development to result in safe environments.

### **Planning Balance**

24. I have found that the proposal would result in less than substantial harm to the setting of Grade II listed buildings. In such circumstances, paragraph 196 of the Framework directs that the harm to the designated heritage assets should be weighed against the public benefits of the development.
25. In respect of the public benefits, I have found that the proposal would improve highway safety in Plummers Road. In addition, the appellant has put forward that the development would contribute to the borough's housing supply in an accessible location and be deliverable in a short time scale. It is also suggested that the development would be energy efficient and biodiversity enhancements could be provided. The appellant also contends that economic benefits would arise from the construction process and the occupiers of the dwelling would contribute to the local economy and support the vitality of rural communities.
26. There appear to be limited services, facilities and sustainable transport options in the immediate area, such that the occupiers are likely to be reliant mostly on private motor vehicles for day to day living. I therefore consider that the benefits that have been put forward in respect of the location of the proposal are limited. The public benefits identified overall are also limited as a result of the small scale of the proposal.

27. If I were minded to grant planning permission, I would need to be satisfied that the proposal would have no adverse effects on the integrity of European sites. However, even if the effects were not adverse, the effects would constitute neutral considerations rather than benefits weighing in favour of the proposal.
28. Taking into account the considerable importance and weight that I must give to harm to designated heritage assets, I do not find that the public benefits of the proposal outweigh the less than substantial harm that would be caused to the settings of the listed buildings. I do not therefore find that paragraph 196 of the Framework indicates in favour of the development.
29. I have found that the proposed development would result in harm to the character and appearance of the area, including harm to the settings of listed buildings. I therefore conclude that the proposal conflicts with the development plan as a whole. There are no material considerations which outweigh my findings in respect of the development plan. It is thus not necessary that I assess the effects of the proposal on European sites as any outcome of that assessment would have no bearing on my decision.

### **Conclusion**

30. For the above reasons the appeal is dismissed.

*Mark Philpott*

INSPECTOR