The Planning Inspectorate

Appeal Decision

Site visit made on 30 June 2020

by O S Woodwards BA(Hons.) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2020

Appeal Ref: APP/A1530/W/20/3245933
Well Cottage, Easthorpe Road, Easthorpe CO5 9HA

- 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 J Curran against the decision of Colchester Borough Council.
- The application Ref 192071, dated 7 August 2019, was refused by notice dated 22 October 2019.
- The development proposed is a replacement domestic building and new access track.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has produced a Preliminary Ecological Appraisal and Impact Assessment, dated November 2019 (the PEA). The Council have confirmed that this document overcomes their objections with regard to protected species and that they do not wish to defend the second reason for refusal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area, with particular regard to trees, and to the setting of the nearby listed buildings, Well Cottage and St Mary's Church.

Reasons

4. The appeal site includes an area of land associated with the grade II listed Well Cottage, a fairly substantial part-15th/part-16th century dwelling, but still very much of domestic scale. The significance of the cottage partly derives from its innate architectural quality and also partly from its setting, where it is the primary house set in a fairly substantial garden with limited and subservient ancillary structures, including those within the appeal site, which contains a series of existing shed-type outbuildings. The buildings are of modest scale, broken up further by there being several structures, and are well screened from the cottage by existing vegetation including trees. The buildings sit on the opposite side of the driveway to Well Cottage and maintain a subservient but intimate relationship to it, respecting and enhancing its setting.

5. The grade I listed St Mary's Church lies on the opposite side of the road. The significance of the church primarily derives from its architectural quality and historic significance. However, the significance is also derived from its setting, which creates a feeling of seclusion around the church due to the space and the

trees within its grounds. This setting is further enhanced by the existing tree belt and vegetation along the boundary of the appeal site by the road, which helps to visually separate the existing buildings on the site from the church and its grounds thereby creating a rural feel to this part of Easthorpe Road.

6. The proposed building would be substantially larger than the existing buildings within the site. It would also replace a collection of small-scale buildings with one large structure, with a substantial roof span, and limited articulation to break up the massing either at roof level or along the elevations. While the use of traditional materials would go some way to help assimilate the development into this sensitive context, given its considerable mass and overall design such mitigation would be limited. The building would have a larger footprint than Well Cottage and would be out of proportion with it, such that it would appear overbearing relative to the cottage, thereby unsettling the hierarchy between the cottage and its subordinate outbuildings, causing harm to the setting of the cottage.

7. Limited information has been provided regarding the effect on trees, but it is likely that all of the trees and vegetation currently running between the existing buildings and the road would be lost due to the proposed siting of the building relative to them. Due to a combination of this and the size of the proposed building, it would be overly dominant in the street scene, diminishing its existing rural and verdant character. This would also harm the currently secluded setting of the church. Due to the scale of the proposed building, it is also possible that more trees would be lost within the site itself. In spite of the retention of many other trees, those that appear likely to be lost as result of the development would further diminish the currently intimate and comfortable relationship of the site and existing buildings to Well Cottage.

8. I have given consideration to a potential condition to require re-planting of trees and landscaping. However, a landscaping scheme would be unlikely to allow for replacement trees and vegetation along the boundary of the site by the road because of the narrow gap along this frontage and the proximity of the proposed tall north elevation of the building. Replacement or retained planting throughout the rest of the site would not significantly mitigate the bulk and scale of the proposed building, which would still be overbearing to the cottage. This would not, therefore, overcome the harm I have identified.

9. The access to the existing buildings is via the driveway area adjacent to Well Cottage. It is proposed to create a new access to the west for the new building. This would likely move some vehicular activity away from Well Cottage which could be of some minor benefit to its immediate setting, but no evidence has been provided of significant, or even regular, vehicular movement as existing. The proposed building would allow for the storing of machinery, potentially cleaning up the appearance of the outside parts of the site. However, as it would be in domestic use, ancillary to Well Cottage, it could not be expected to perform an agricultural role or to be used for the storage of extensive amounts of machinery. I therefore place limited weight on these factors and any limited benefits they may bring would not overcome the harm to the setting of the cottage from the proposed building.

10. Consequently, the proposed building and the loss of trees would harm the character and appearance of the area and would not preserve the setting of the listed buildings of Well Cottage and the church. The proposal therefore fails to

comply with the relevant parts of Policies ENV1 and UR2 of the Core Strategy 2008 (the CS) and Policies DP1, DP13 and DP14 of the Development Policies 2010 (the DP) which, amongst other criteria, seek high quality design and the preservation of the setting of listed buildings.

11. I find the harm to the setting of the listed buildings to be less than substantial, as defined in Paragraph 193 of the National Planning Policy Framework (the Framework). Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. In this case, the public benefit of the proposal is that the proposed building would provide a home office, potentially reducing the need to travel, although it has not been demonstrated that Well Cottage could not also provide similar accommodation. As set out in Paragraph 193 of the Framework, I place great weight on the less than substantial harm to the setting of the listed buildings that I have identified, and this outweighs the very limited, if any, public benefit.

Other Matters

12. The appellant's PEA finds that a number of measures, both during construction and through landscaping and hedgerow treatment, could adequately mitigate the effects of the proposal on protected species, including Great Crested Newts. I see no reason to disagree with these conclusions. The mitigation measures proposed could be controlled by condition if the proposal were otherwise acceptable and, therefore, the proposal would have an acceptable effect on protected species. The proposal would consequently comply with the relevant parts of Policy ENV1 of the CS and Policy DP21 of the DP which, amongst other criteria, seek to protect habitats and species. It would also comply with Paragraphs 170 and 175 of the Framework which, amongst other criteria, seek to protect biodiversity.

13. The appellant has stated that existing access to Well Cottage is restricted. However, no evidence has been provided of to what degree and in what manner the existing access is restricted. That the Highway Authority find that the proposed access would have improved visibility over the existing access does not demonstrate that the existing access is unsafe or that any improvement would be significant. I therefore place limited weight on this factor.

14. Reference has been made to an officer at the Council stating in 2015 that a small dwelling to the side of Well Cottage would not harm its setting. However, I have not been provided with any information on any such proposal. In any event, by the very nature of being a dwelling this would not be directly comparable to the appeal proposal for an outbuilding. I have therefore determined the appeal on its own merits.

Conclusion

15. For the reasons above, I conclude that the appeal be dismissed.

O S Woodwards

INSPECTOR