
Appeal Decision

Site visit made on 5 August 2020

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th August 2020

Appeal Ref: APP/A1530/W/20/3249636
56 Military Road, Colchester, CO1 2AN

- 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 Daniel Higgins against the decision of Colchester Borough Council.
 - The application Ref 193105, dated 18 December 2019, was refused by notice dated 12 February 2020.
 - The development proposed is erection of new dwelling on land at rear of 56 Military Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposed development would provide acceptable living conditions for future and existing occupants, with regard to amenity space, and;
 - the effect of the proposed development on parking arrangements and highway safety.

Reasons

Living conditions

3. The site comprises a vacant area of land behind 56 Military Road, which has been converted to 2 residential flats; the ground floor having formerly been an A1 Retail unit. From the evidence the site previously contained storage buildings associated with the sites former A1 use, however at the time of my visit the site had been cleared.
4. The proposed single storey dwelling would be located towards the rear of the site and comprises 1 bedroom with access to a private amenity space at the rear. Pedestrian access to the site would be gained via a shared access from Military Road.
5. Policy DP16 of the Colchester Borough Council Local Development Framework Development Policies 2010 (DP) states that all new residential development shall provide a high standard of private amenity space, which is secure and

usable and is appropriate for its context. The policy sets out that for flats a minimum of 25 sq metres will be provided communally and for one bedroom houses a minimum of 50 sq metres. Taking the site as a whole the requirement would be for 100 sq metres of amenity space, which in accessible locations such as the appeal site could be reduced to 25 sq metres per dwelling.

6. The proposed dwelling would have an enclosed private amenity space and an area of shared amenity space at the front of the dwelling which would enable bicycle and bin storage. However, the size of the private amenity space would fail to accord with the requirements of policy DP16 even allowing for the sites accessible location and access to nearby public amenity areas.
7. The existing flats currently have access to a limited amount of amenity space which is significantly below the required standards. The evidence before me indicates that the ground floor flat was permitted in 2019 with an area of amenity space below the accepted standards.
8. The proposed development would result in an increased provision of amenity space for the existing flats. However, the proposed amenity space would also be used for bicycle and bin storage for both the existing flats and the proposed dwelling and would not be private as a result of the shared access which would pass through it. Therefore, despite the overall increased amenity space, taking into account the amount of both usable space provided and the lack of privacy I consider this is of limited benefit.
9. I have also had regard to the vacant site adjoining the appeal site which has planning permission for redevelopment. The appellant cites the Council's committee report which states that amenity provision for these proposals were significantly below the policy requirement. However, I am not aware of the full circumstances that lead to these proposals being accepted and the merits of each case must be considered on its own basis.
10. The lack of policy compliant private amenity space would lead to an unacceptable effect on the living conditions of the occupants of the proposed dwelling. In addition, the shared space provided would not be an entirely usable space, providing limited enjoyment to the occupants of both the existing flats and the proposed dwelling. Therefore, whilst the increased provision of space for the existing flats is of limited benefit, this is outweighed by the harm I have identified to the occupier of the proposed dwelling.
11. In conclusion, the development fails to provide acceptable living conditions for future and existing occupants, with regard to amenity space contrary to policy DP16 of the DP which requires all new residential development to provide a high standard of private amenity space.

Parking arrangements and highway safety

12. Policy DP19 requires a minimum of 1 car parking space per 1 bedroom dwelling, although a lower standard may be accepted where there is a high level of access to services, such as a town centre location.
13. I did not witness any parking problems at the time of my visit, noting that this was during the day, and that demand for parking is likely to be greater during the evening and weekends. However, I did note that it was possible to park along Military Road for an unlimited period after 6pm until 8am the following

day on Mondays to Saturdays and all day on Sundays. Therefore on-street parking is available during evenings and weekends.

14. In addition to setting out parking standards, Policy DP19 of the DP allows for the parking standards to be applied flexibly where the site is located within the town centre, this is echoed in paragraph 105 of the Framework. I noted from my visit that the site is within a short walking distance of the Railway Station and bus stops in Military Road are also easily accessible. Therefore, I consider that the site's location is sustainable and that the occupiers of the proposed dwellings would have options other than the private motor car. The appellant has also proposed adequate cycle storage within the site.
15. In conclusion, noting the scale of the dwelling proposed and the proximity of the site to public transport options, I consider the lack of on-site parking would not be detrimental to highway or pedestrian safety and as such would accord with Policy DP19 of the DP which set out the parking standards for new development and allows for these to be applied flexibly in sustainable locations.

Other Matters

16. The appeal site falls within a 'Zone of influence' for the European designated sites of the Essex Estuaries Special Area of Conservation, Blackwater Estuary SPA and Ramsar Site, Dengie SPA and Ramsar Site and the Colne Estuary SPA and Ramsar Site and the Stour and Orwell Estuaries SPA and Ramsar site (South Shore). Natural England has provided advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations.
17. As the competent decision making authority, if I had been minded to allow the appeal it would have been necessary for me to complete an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for other reasons, I have not taken the matter further.
18. I have taken into account that the development would result in an additional dwelling, in a highly accessible location, that would contribute to housing supply in the area. I have also had regard to the points made regarding how the development of the site would remove an area of non-residential storage from the site. However, these benefits are not of sufficient magnitude to outweigh my overall conclusion on the main issues.

Conclusion

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

G. Pannell

INSPECTOR