
Appeal Decision

Site visit made on 16 November 2020

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/A1530/W/20/3250284

Langham Cottage, 9 High Street, Langham, Essex CO4 5NT

- 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 Mrs J Sawyer against the decision of Colchester Borough Council.
 - The application Ref 192737, dated 4 November 2019, was refused by notice dated 27 February 2020.
 - The development proposed is erection of four no. bungalows with access.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are whether the proposal is appropriate with regard to (i) local and national planning policies over the location of new development, (ii) the character and appearance of the area, (iii) the living conditions of neighbouring residents and (iv) the impacts on the nearest European nature conservation sites and local infrastructure.

Reasons

- (i) Whether appropriate with regard to local and national planning policies over the location of new development*
3. The development plan for this area comprises the Council's Core Strategy¹ (CS) and Development Policies² (DP). CS policies H1 and SD1 focus the majority of development in the main town of Colchester. This is to better achieve sustainable development by concentrating growth to make the most of previously developed land and good accessibility to services by means other than by private car, whilst protecting the surrounding countryside. These policies do not preclude a smaller amount of development elsewhere, required to sustain the character and vitality of small towns, villages and the countryside.
4. Langham is a small village which lies just beyond the A12 trunk road, within the countryside outside Colchester. The settlement is mainly linear in form, comprising ribbon development alongside lengths of road which are spaced apart by areas of farmland. The settlement boundary defines the main

¹ Colchester Borough Council – Local Development Framework Core Strategy – adopted December 2008, revised 2014.

² Colchester Borough Council – Local Development Framework Development Policies – adopted October 2010, revised 2014.

developed areas of the village. The host property, in the garden of which the four bungalows are proposed, lies adjacent to but just outside this boundary. CS Policy ENV1 seeks to safeguard land outside of settlement boundaries by controlling development so as to protect the countryside and the landscape settings of villages. For a development such as this, contiguous to a village settlement boundary, provisional support is given by CS Policy ENV2. This is primarily, so evidently not exclusively, where for affordable housing.

5. CS policies H1, SD1, ENV1 and ENV2 restrain development in the countryside. As such, these are broadly consistent with the National Planning Policy Framework (the Framework) through setting a strategy for growth that delivers sustainable development without imposing a blanket restriction on housing beyond village boundaries.
6. Although just outside the village settlement boundary, the appeal site is bound mostly by existing residential plots and lies clearly within the built-up fabric of this settlement. Therefore, the scheme would not comprise the development of isolated homes in the countryside, which are resisted under the Framework. In respect of accessibility, the site is within walking distance of a bus service, primary school, community shop, leisure facilities, a nearby public house and employment opportunities. In this respect the scheme gains support through the Framework by promoting sustainable development in rural areas, where this would enhance the vitality of rural communities, support local services and promote walking, cycling and public transport use.
7. The development plan focuses new housing to within defined settlement boundaries but does not apply a blanket restriction beyond these. Situated within a built-up part of a village possessing quite a good range of services, and clearly not within open countryside, the principle of residential development here gains support. I conclude that the housing proposed would be appropriate in principle and, in this regard, the scheme satisfies CS policies H1, SD1 and ENV2 and those of the Framework.

(ii) Character and appearance

8. The site entrance would be from a small gap in a mainly continuous housing frontage extending to Whitehouse Close, the small development of seven single storey dwellings immediately beyond Langham Cottage. This new access, also to serve the existing two dwellings at Langham Cottage with its road entrance closed up, would be of no material harm to the appearance of the street scene and, as an arrangement, has been previously approved³ by the Council.
9. As already found, the site is mainly enclosed by the gardens of existing housing and so would be contained within the built fabric of the settlement. The scheme would be screened from views outside the village by trees and, otherwise enclosed by residential boundaries, would not encroach into open countryside. Whilst much of this village comprises road frontage housing, such a backland development is not by definition harmful and could be appropriate for this site, subject to a satisfactory design and layout.
10. However, the proposed four bungalows comprise a comparatively large built footprint, relative to the available site area. The layout contrasts harmfully with the more spacious arrangement of housing in the surrounding area. Although

³ Under reference 191223

similar as a small development of single storey homes, the scheme is not entirely comparable to that at Whitehouse Close in that the units proposed are all detached and individually of greater floorplan. The rather cramped arrangement would result in the bungalows being sited close to the site boundaries and also having rather a constrained and inconvenient arrangement for on-site vehicle manoeuvring and parking. The gardens for each bungalow meet the required standards but are nonetheless relatively quite small, adding to the scheme appearing out of keeping with the more spacious housing that mostly prevails in this area.

11. No important trees would be lost within the site and the dwellings would be built outside the root protection areas of those that surround the development. This existing vegetation would soften and screen any visual impact of the proposal. However, the site is somewhat shaded by the surrounding trees, and the expansive footprint of buildings would likely encourage a degree of future tree removal or canopy thinning near to the bungalows.
12. In all, I consider that the proposal would conflict with CS Policy ENV1 and policies DP1 and DP21 in being of an unsatisfactorily cramped layout, failing to fit in acceptably with its built and natural surroundings and harming the overall character and appearance of this part of the village.

(iii) Living conditions

13. The private access would not run immediately alongside any neighbouring home. Its position would provide well over the minimum separation distance of 3 metres between the nearest dwellings, as sought by the Council's relevant Supplementary Planning Document⁴. The sounds from vehicles entering and exiting, parking and manoeuvring within the proposed development, regardless of the awkward tandem parking arrangements, would not likely be so loud and frequent as to deprive neighbouring occupiers of reasonable living conditions due to excessive noise and disturbance.
14. The dwellings would be built quite close-up to the site limits. However, at single storey and with boundary fencing at a sufficient height, the proposal would not give rise to any significant amount of mutual overlooking or loss of privacy.
15. A waste and recycling storage area would be provided alongside the drive, allowing bins to be wheeled the short distance to the highway on collection days.
16. The Framework seeks that planning decisions ensure that developments create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. The extent of built footprint would result in development close to the site boundaries, reducing the efficacy of retained vegetation in screening the proposal from adjoining gardens. Whilst not causing direct overlooking, such a layout would be rather unneighbourly, due to the close juxtaposition of the buildings to the respective boundaries. For this reason, there would be a moderate degree of harm to the living conditions of neighbouring residents nearby, mainly in respect of reduced openness of outlook, in conflict with CS Policy ENV1 and Policy DP1.

⁴ Colchester Borough Council Supplementary Planning Document Backland and Infill Development - adopted September 2009 (Revised December 2010).

(iv) Mitigation for impacts

17. The appellant has agreed in principle to making the financial contributions sought by the Council towards the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy and local community facilities. However, reasons four and five of the Council's decision still stand over the lack of a legally binding mechanism to secure these contributions. Therefore, the means to undertake an assessment of the proposal's effects on the nearest European nature conservation sites, required under the Conservation of Habitats and Species Regulations 2017, is lacking. The scheme also remains in conflict with CS Policy SD2 and Policy DP3, in respect of a failure to mitigate for the demand on local infrastructure. These matters might be addressed simply by a binding commitment to, or payment of, the necessary contributions. However, in the light of my final conclusion, I have not pursued this further.

Other Matters

18. I have had regard to the further concerns raised by interested parties at both the application and appeal stages. There would be some noise and disturbance during construction, but this is inevitable with any development and would be temporary. The scheme provides adequate access and amounts of parking and, subject to conditions, there would be no harm to highway safety. There is not the evidence that this proposal would result in any material harm to biodiversity interest within the site itself.
19. The site is not proposed for housing in the emerging local plan⁵, as others in Langham are. Although this plan is reaching an advanced stage, my decision is based on the currently adopted development plan, to which I attach the greater weight, along with the Framework.

Balance and Conclusion

20. I have found single-storey residential development on this site to be acceptable in principle. Despite being just outside the defined settlement boundary, this would be within the built-up area, where further housing would appropriately be of benefit to the vitality of the village, help support local services and make a modest contribution towards supply. However, the footprint of development proposed would result in the scheme being unduly cramped and out of keeping with the character and appearance of the village, resulting in a significant degree of harm. The close juxtaposition of buildings to the site boundaries would also be of more moderate harm to the living conditions of neighbouring residents. The harm identified in these respects would be sufficient to outweigh the benefits of the proposal and leads me to an overall conclusion that the appeal should be dismissed.

Jonathan Price

Inspector

⁵ Submission Colchester Borough Local Plan 2017-2033