



Appeal Decision

Site visit made on 17 December 2020

by Eleni Randle BSc (hons) MSc FRICS FAAV MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st December 2020

Appeal Ref: APP/A1530/D/20/3259250

3 Oxford Road, Colchester, Essex, CO3 3HN

- 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 Andrew Eddy against the decision of Colchester Borough Council.
 - The application Ref 201277 dated 16 June 2020, was refused by notice dated 14 August 2020.
 - The development proposed enlargement of existing vehicular access and parking area together with associated landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposal upon the host dwelling as a locally listed building and the character and appearance of the Colchester Conservation Area 2.

Reasons

3. The appeal site stands within Colchester's designated Conservation Area 2 (CA) and this part of the CA is subject to an Article 4 Direction which controls some permitted development rights, including alterations to means of enclosure. The appeal property is itself included in Colchester's adopted Local List and there are a number of locally listed buildings stated to be within the immediate vicinity of the appeal site.
4. The main form of enclosure for properties within the vicinity are boundary walls. When on site I found that these are generally only interrupted by small gaps with the exception being the property, two doors down (no.5), which has a completely open frontage. That open frontage looked at odds with the rest of the street scene, making it appear prominent, compared to the other strong boundary walls which are characteristic of the area around the appeal site.
5. Reference is made by the appellant to other examples of properties in the area which have had walls removed, however, I have no further evidence before me as to where or any context as to how or why they were removed. This is particularly important given that the appeal site stands in an area subject to an Article 4 Direction – other walls could, for example, have been removed prior to such controls being in place.
6. The appeal proposal seeks to remove part of the existing boundary wall, combined with an extended dropped kerb, to accommodate an additional

parking space in front of the dwelling. I find from the plans, and my site visit, that the existing boundary walls appears to have been purposely constructed to match the width of the property itself. The existing driveway matches the width of the garage to the left of the property which compliments the property. The low boundary wall and hedge is attractive and in keeping with both the appeal property itself as well as the character of the street scene in the vicinity.

7. To remove a portion of the wall as proposed I find would not only look at odds with the property itself, which is well associated with the width of the property and garage as discussed above, but it would also look out of character with the domestic enclosures generally found along Oxford Road. This would have an adverse impact upon the appeal property itself as a locally listed property and, furthermore, I find that this would result in adverse impact/harm to the setting of the site within the CA. I find that the harm to the CA would be less than substantial harm in accordance with the National Planning Policy Framework 2019 (the Framework). Paragraph 193 of the Framework requires great weight to be given to an asset's conservation irrespective of whether any potential harm amounts to less than substantial harm to its significance.
8. In addition to the great weight which must be given to the harm identified to the CA the Framework, paragraph 196, requires that harm to be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. Whilst I acknowledge that there may be some benefits to an additional off-road parking space the benefits of the proposal I find to be for the appellant, privately. There are no public benefits to an off-road, private, parking space to be weighed against the harm identified. Furthermore, as required under paragraph 194 of the Framework I do not find there is clear and convincing justification for the harm identified.
9. In addition to this it looked entirely possible, from my site visit and the submitted images, that the extended drop kerb could result in the on-street parking provision being impacted upon given the position of the bays and white lines. Whilst there is noted to be no objection from Highway consultees, the benefit gained could potentially be off-set by the loss of an on-street parking space.
10. I find that the proposal would be contrary to LP¹ Policy DP1 which requires development to respect and enhance the character of the site, its context and surroundings in terms of its architectural approach, proportions and townscape and LP Policy DP14 which will not allow development which will adversely affect a conservation area and seeks to ensure protection and enhancement of buildings of local importance.
11. The proposal would be contrary to CS² Policy ENV1 which seeks to safeguard the Borough's sites of local importance and CS Policy UR2 which seeks to protect Conservation Areas and other features which contribute positively to the character of the built environment from demolition or inappropriate development.
12. The proposal would also be contrary to paragraph 194 of the Framework which states that any harm to the significance of a heritage asset should require clear and convincing justification. The proposal would also be contrary to paragraph

¹ Colchester Borough Development Policies (adopted 2010, amended 2014)

² Colchester Borough Core Strategy (adopted 2008, amended 2014)

196 of the Framework which requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Other Matters

13. I note the appellant's reference to the redevelopment of the Essex County Hospital site which is stated to be a scheme of 120 houses. To recommend approval the Council, and Highways consultees, will have considered the implications for parking, traffic movement and highway safety raised within the stated objections. The submitted CGI render does show retention of the majority of walls along Oxford Road adjacent to the appeal site. The widening of the access near the appeal site is noted, however, the public benefits of a scheme of that size are likely to have outweighed any identified harm within that scheme. I do not, however, have a copy of the Council's report for this so can attribute limited weight to this within the determination of this appeal.
14. The provision of one parking space is unlikely to make a contribution to alleviating the stated issues. I have limited evidence before me to suggest that the proposal will lead to the suggested impacts and can attribute limited weight to this within the determination of this appeal. Each case must be considered on its own merits and other applications and sites do not set a precedent.
15. I do not have full details before me of application reference 201277 which would explain the justification or reasoning behind the Council's decision but it would appear, from the appellant's comments, that the Council's approach is similar to that taken in this appeal proposal (in not allowing retention of the second drive or extending the drive two cars to be parked off the road). This resulted in the current wall which appears to have been specifically constructed as in-keeping with the area and matches the proportions of the property itself.
16. Support from local members, and indeed a lack of objection from neighbours or consultees, is a neutral consideration. I note that the local member has stated that, if this was a new build, it would be required to provide two parking spaces. Whilst I attribute little weight to such an observation, as it is not always possible to apply new or modern standards to existing buildings, it is noted that the Council contend that the property already benefits from two policy compliant parking spaces. The garage meets the minimum internal dimensions in order to be considered a parking space in policy terms. The appellant does not comment upon this.

Conclusion

17. For the reasons outlined above, and taking account all other matters raised, I conclude that the appeal should be dismissed.

Eleni Randle

INSPECTOR