



Appeal Decision

Site visit made on 3 December 2020

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th January 2021

Appeal Ref: APP/A1530/W/20/3254595

37 Brinkley Crescent, Colchester, CO4 3ED

- 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 Paul Callaghan against the decision of Colchester Borough Council.
 - The application Ref 200787, dated 9 April 2020, was refused by notice dated 10 June 2020.
 - The development proposed is the change of use from a previously approved granny annex to a permanent separate dwelling unit.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed change of use on:
 - The character and appearance of the area around Brinkley Crescent, and
 - The living conditions of the occupiers of No 37 Brinkley Crescent by way of noise and disturbance

Reasons

3. No 37 Brinkley Crescent is a semi-detached bungalow situated at the northern end of the crescent. The adjacent No 35 is set at angle to No 37 such that both plots are roughly triangular in shape and both have vehicular access from a small service road off the main highway. No 37 currently has a single-storey rear extension and a detached "granny annexe" to the rear of the bungalow in the back-garden area. There is a long driveway running alongside the bungalow past the annexe to a single garage. The proposed development would involve the change of use of the annexe to a separate unit of accommodation within its own curtilage.

Character and appearance

4. Brinkley Crescent is characterised largely by detached or semi-detached bungalows on modest plots. There is a grassed verge between the property boundaries and the roadway on the outer footpath round the Crescent. No 37 is sited at the "head" of the Crescent, where the "external" corner plots, including the appeal property, have generally larger plots, and there are wider

open grassed verges in the immediate vicinity of No 37 and the nearby houses. There is, therefore a more open and spacious character and appearance to this part of the Crescent.

5. Permission was granted in April 2018 for the construction of the rear extension and granny annexe at the appeal property, (Ref: 181319). The permission included a condition that the annexe should not be occupied at any time other than as ancillary to the residential use of the dwelling. A subsequent small extension to the annexe for a carer was also approved (Ref: 192128), though it would appear that this additional bedroom has not yet been constructed. The annexe is sited around 1.5 metres behind the rear elevation of the main part of the bungalow and some 3 metres to the side of the single-storey rear extension. Following the subsequent permission for an extra bedroom, it could have two bedrooms, a living area including kitchen, and a bathroom.
6. Policy DP1 of the Adopted Colchester Borough Development Policies Document (DPD) indicates that development proposals should respect and enhance the character of the site, its context and surroundings in terms of, amongst other things, its massing and density. Policy UR2 of the Council's Core Strategy (CS), which relates to high quality design and character, indicates that developments that are discordant with their context and fail to enhance the character, quality and function of an area will not be supported.
7. The appellant contends that the annexe is built to a high standard, has an appealing appearance, and does not detract from the existing surroundings. He notes that each property is self-sufficient, and that each would have a good size garden. I accept that the annexe is already largely constructed, and that, on that basis, there would be little or no difference visually in the street scene if the annexe were split off into a separate dwelling. However, instead of sharing one common garden area, the plot would be subdivided into two separate units, each relatively small and out of character with the generally open and spacious tone of the area at the head of Brinkley Crescent. The development in the form of two separate dwellings, each with its own small garden, would appear cramped in the context of its surroundings.
8. The Council's Supplementary Planning Document on backland and infill development (SPD) defines backland as development on land behind the rear building line of existing housing or other development, and is usually land that has previously been used as gardens, or is partially enclosed by gardens. In such cases, proposed building plots should be of similar dimensions in size and shape to the existing plots in the immediate locality. Proposals that would lead to over-development of a site or the appearance of cramming will be resisted. In this case, the annexe is currently behind the rear building line of the main host bungalow, and subdivision of the plot would lead to two separate plots with the appearance of cramming.
9. The SPD also defines tandem development as being where a new dwelling is placed immediately behind an existing dwelling. Such proposals frequently cause problems such as noise (including from car movements) and adverse impact on local character. The Council will normally resist such proposals. The appellant contends that the current annexe building is not immediately behind the existing bungalow, but is instead to the side. Whilst that may be true in terms of the side elevation of the bungalow, due to the configuration of the plot, the annexe is behind the bungalow when viewed from the front boundary

of the plot. Moreover, as explained above, I find that the arrangement, when considered from the perspective of two separate small plots, would have an adverse impact on local character.

10. The appellant also contends that whether there are two families with the same name living in the properties or two families with different names living in these properties, the vehicular movements along the driveway would still be the same. I do not accept this contention. At present, with the annexe set up as ancillary to the main dwelling, as required by the earlier planning permission, there is effectively one four-bedroom unit, including one bedroom for a carer. I consider it most likely that two separate two-bedroom units, occupied by separate households, would generate more vehicular movements.
11. In addition, I note that the Council's car parking standards, as set out in Policy DP19 of the LP, would require a minimum of two car parking spaces for each two-bedroom house, but a 4-bedroom house would only require a minimum of two spaces in total. This reflects the likelihood of additional demand for on-site parking space generated by separate households. Moreover, the driveway to the side of the bungalow follows the line of the angled boundary between Nos 35 and 37. The front portion of the driveway would, therefore, be shared between the host bungalow and the proposed separate dwelling. Since this front portion could not be used for parking, there would remain only one parking space available for the host bungalow that would not impinge on the driveway. This would not meet the standard required by Policy DP19 of the LP.
12. In conclusion on this issue, I find that the proposed change of use of the annexe from ancillary accommodation associated with the host bungalow, to a separate dwelling in its own plot, would be harmful to the character and appearance of the area around the head of Brinkley Crescent. It would appear as a cramped and crammed development with two small plots and would likely involve an increased level of activity, including that of car usage. There would be insufficient space for the provision of adequate car parking space for the host dwelling. On this basis the proposal would conflict with Policies DP1, DP19 and UR2 of the LP, and with guidance in the SDP. It would also conflict with Policy DP12 of the LP, which requires vehicle parking (including secure cycle parking) to an appropriate standard, as set by policy DP19 of the LP.

Living conditions

13. Because the driveway angles past the front of the bungalow, all vehicle movements generated by the two dwellings would pass very close to the front bedroom window of the host bungalow. This would be harmful to the living conditions of the occupiers of No 37 by way of the vehicular noise and disturbance generated by two separate dwellings. The proposed development would conflict with Policy DP1 of the LP, which requires that new development should protect existing residential amenity, particularly with regard to, amongst other things, noise and disturbance.

Conclusion

14. I find that the proposal to change the use of the existing annexe at No 37 Brinkley Crescent to use as a separate dwelling would result in a form of development that, as two separate plots, would appear cramped in the context of its surroundings and would be harmful to the character and appearance of the area around Brinkley Crescent. This harm would be exacerbated by the

lack of space for adequate car parking on one of the two plots. Furthermore, the additional vehicular movements resulting from the separation of the appeal site into two separate dwelling units, would be likely to result in unacceptable noise and disturbance to the occupiers of the host bungalow, by virtue of the proximity of the shared driveway to a bedroom in that property. It would, on this basis, be harmful to the living conditions of the occupiers of the host bungalow. Accordingly, I dismiss this appeal.

J D Westbrook

INSPECTOR