



Appeal Decision

Site visit made on 30 July 2021

by C J Leigh BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/A1530/W/20/3252314

Land between 1 to 3 Halfmoon Farm and Byways Cottage, Huxtables Lane, Fordham Heath, CO3 9TG

- 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 Gary Mason against the decision of Colchester Borough Council.
 - The application Ref 200396, dated 7 February 2020, was refused by notice dated 14 April 2020.
 - The development proposed is the demolition of existing sheds and outbuildings and erection of new 4 bedroom 2 storey house.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site fronts Eight Ash Green to the north, which is an area of open space and woodland which provides good views across the site and the other area of housing to the west and east. I saw that there is considerable diversity in housing design as it fronts the Green along Huxtables Lane: there are two storey houses and bungalows with roof accommodation, with properties dating from many ages that evidently represent the progressive evolution of this part of the village. Materials used in buildings differ, as does the scale and architectural approach of the properties.
 4. However, within this detailed variation in design and age of properties, there are some consistent elements. The properties are generally set back from the road (to a varying amount) with a good degree of screening or firm boundary to Huxtable Lane, which is a feature that helps retain the distinct semi-rural character of the locality by providing a softer, transient edge between the housing and the Green. The other consistent element is the general building form of pitched roofs, with many properties having large areas of steeply pitched roofs, including some that extend down to low eaves height.
 5. To the east of the appeal site is Spring Lane, which sees a more consistent housing style of an estate dating from the 1970s fronting the road. The width
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of Spring Road means that this housing is further set-back from the Green and so does not influence the landscape setting of the Green to such an extent as the housing on Huxtables Lane, but this modern housing still remains part of the character of the area.

6. The dwelling proposed in this appeal is of modern design approach. It would see a double pitched roof when seen in views along Huxtables Lane, with large areas of pitched roof extending down on the southern elevation to a low eaves height. This general form of building, and the use of the pitched roofs in this fashion, is reflective of the approach seen in the vicinity, as I have noted earlier. The scale of the building would also sit comfortably in the streetscene, between the adjoining properties.
7. The proposal would be notably different to most properties, though, in terms of the use of materials and the pattern of fenestration; dark cladding would be used, with slim windows to the side and front elevations, with the limited use of larger windows at the front and rear. The overall design approach blends together well, with there being a balanced composition in the extent of elevations and roof slopes, to the positioning and shape of window openings. The choice of materials is suitable for this design approach and, in the context of an area where there is diversity in materials and appearance to buildings, I concur with the appellant that this modern design approach is appropriate to the area.
8. However, there is an element in the design and layout of this scheme that notably falls short of the established character of the area. The submitted drawings show a frontage that is open and dedicated to car parking, with a very limited and slim indicative area of potential landscaping. I have noted earlier that part of the semi-rural character of the area derives from the set back of properties and good screening from the Green. The proposed development would not have this restrained appearance to the Green: the extensive parking area would jar with the landscaped character of the Green and lead to the house itself appearing a hard, more intrusive feature in the area. My comments on this matter are reinforced by the objection from the Council's Landscape Officer at the application stage, who sought a soft frontage to the site in order to avoid harm to landscape setting.
9. I have given consideration as to whether I could impose a condition relating to landscaping at the front of the site, and the Council's appeal submissions include such a condition. However, I note that the County Highways Authority objected to the planning application on the grounds of the off-street parking spaces being of insufficient dimensions, concerns regarding visibility for accessing the site, and concerns with the space shown for maneuvering of vehicles on the site. The Planning Officer in determining the application found that there was sufficient space at the front of the site to resolve these matters, subject to conditions requiring the submission of a parking layout and the landscaping condition.
10. I do not agree this is the sensible way to approach the matter. It is essential to provide sufficient car parking spaces of adequate dimensions, with safe maneuvering and access to the highway, and it is equally essential to ensure the development has a well-designed, landscaped frontage to the road and to the Green. The current plans do not show this, and all these considerations require sufficient space. Based on my reading of these plans and the site visit, I am not reassured that all these matters can be satisfactorily accommodated

on the space shown. Hence these competing elements, that are very important to the design and layout of the scheme, should not be left to be determined through subsequent planning conditions. To do so would risk either a development that is harmful to highway safety and/or parking provision, or is harmful to the character and appearance of the area; either outcome should not occur. I have therefore assessed this scheme on the basis of the drawings showing the frontage area as shown which, as commented earlier, I consider harmful to the landscape of the area.

11. On the main issue it is therefore my conclusion that, on balance given the evidence before me, the development proposed in this appeal would be harmful to the semi-rural character of the area and the landscape setting of the Green. This would conflict with Policy UR2 of the Colchester Borough Council Core Strategy Policy 2008 (revised 2014) and DP1 of the Colchester Borough Council Development Policies 2010 (revised 2014), which seek to ensure new development is of a high quality informed by its context, that respects and enhances the character of its site and surroundings, including the townscape and landscape setting. It would also conflict with the guidance in the National Planning Framework that seeks to achieve well-designed places, insofar as the Framework requires development to be visually attractive as a result of appropriate and effective landscaping.

Other considerations and conclusion

12. The siting and scale of the proposed house is shown so as not to be overbearing to adjoining properties, with sufficient distance kept to boundaries to ensure no harm to outlook. The positioning of windows in the proposed house would not lead to direct overlooking of neighbouring properties.
13. I have been informed of the measures taken in the design of the development and the specification for construction that would enhance the sustainability credentials of the scheme. Whilst these are to be welcomed, they do not outweigh the harm arising on the main issue that I have specifically identified. Thus, on balance for the reasons given the appeal is dismissed.

C J Leigh

INSPECTOR