



Appeal Decision

Site Visit made on 28 September 2021

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th October 2021

Appeal Ref: APP/A1530/W/21/3271196

Land Adjacent to 1a Boadicea Way, Colchester, Essex CO2 9BQ

- 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 Dynamic Property Investments Limited against the decision of Colchester Borough Council.
 - The application Ref 202858, dated 15 December 2020, was refused by notice dated 3 February 2021.
 - The development proposed is described as 'construction of 1no. 3-bedroom house and 1no. 3-bedroom bungalow with associated parking and new vehicular access'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the 'Framework') has recently been published. The Council addressed this change in their statement and the appellant had a right of response through final comments.

Main Issues

3. Within its statement the Council confirmed that it has received a completed unilateral undertaking from the appellant. As such, it does not wish to pursue its reasons for refusal relating to the effects of the proposal on infrastructure or the Essex Coast Special Protection Areas. Accordingly, the main issues in this appeal are the effect of the proposed development on: 1) The character and appearance of the area; and 2) Highway safety.

Reasons

Character and appearance

4. The appeal site encompasses a parcel of land near the junction of Shrub End Road and Boadicea Way. The properties in the former are often semidetached and are set back behind softly landscaped front gardens. There is a rhythm to the layout, scale and architecture of the dwellings. This affords the street a coherent, verdant and spacious suburban character.
5. This verdant and spacious character continues into Boadicea Way due to the presence of wide grass verges, hedges and ribbons of street trees. The suburban character is reinforced by the arrangement of most properties in discernible building lines set back from the edge of the pavement. That said, there is a change in the appearance and form of properties in the street, with many being terraced.

6. The appeal site is a largely undeveloped and generously landscaped area that helps to define Shrub End Road and Boadicea Way as different, albeit similar, areas of townscape. The undeveloped and open appearance of the site adds positively to the street scene and softens the presence of a long and unsightly boundary fence alongside the pavement edge.
7. The appeal scheme would result in the open generously landscaped appeal site being given over to two dwellings. The two-storey house would be positioned alongside 1a Boadicea Way (1a) and would not therefore, encroach too greatly into the verdant gap currently evident between the housing in Shrub End Road and Boadicea Way. The house would be well balanced with a simple and pleasing form. There would be some detailing in the use of cottage style windows and brick splayed arches. Further detailing, such as a chimney and decorative porch, could add additional quality. The finishing materials would also be key to the success of the building. I share the view of the Council that such matters could be addressed through planning conditions.
8. However, the bungalow would be awkwardly sited forward of the proposed two-storey house and closer to the road than both 56 Shrub End Road (No 56) and 1a. In this respect it would appear as a discordant insertion into the street scene, erode the verdancy of the appeal site and provide No 56 with a garden that would be relatively smaller than others nearby in Shrub End Road. The bungalow would also have an unattractive front elevation due to the off-centre position of the front door. Moreover, the area between the two proposed properties would be dominated by an extensive area of hard standing. The view across this hardstanding would be towards a close boarded fence. This would result in a cramped built-up appearance to the site which would be at odds with the verdant and suburban character of the area.
9. The appeal scheme would result in the removal of part of the existing concrete panel fence. In some respects, this would be an improvement to the street scene, especially as the properties would have active frontages onto Boadicea Way. However, a large section of the fence would be retained (as shown on the street scene elevation). Thus, when taken with the presence of two dwellings, one of which would be discordantly sited, and extensive areas of hard standing, the net impact on the street scene would be significantly worse than at present. There would be some new hedge planting along the front of the site, but this would be shallow and would need to be kept low for visibility. As a result, it would not mitigate the adverse impacts of the appeal scheme.
10. In conclusion, the proposal would significantly harm the character and appearance of the area. It would therefore be contrary to Policy DP1 of the DPD¹ and Policy UR2 of the Core Strategy². These policies seek to secure development that is of a high quality, locally distinctive and not discordant with their context. These aims are broadly consistent with Section 12 of the Framework and therefore the conflict with them carries significant weight.

Highway safety

11. The appeal scheme would include two tandem parking spaces for each property. A turning head would be provided in front Plot 1 and the parking spaces to aid on site manoeuvring. Exiting the site in a forward gear would be

¹ Colchester Local Development Framework Development Policies Adopted October 2010 revised 2014

² Colchester Local Development Framework Core Strategy Adopted October 2008 revised 2014

advantageous, especially when turning right, because of the presence of a signalised junction to the north. That said, traffic would be moving slowly because of this junction and there is reasonable visibility along Boadicea Way. Moreover, the properties to the immediate south do not appear to have space to turn and exit in a forward gear. The same applies to several properties in Shrub End Road. There is nothing before me to suggest this has resulted in accidents. It is therefore questionable whether it is essential in this location for a motorist to be able to exit the appeal site in a forward gear.

12. Notwithstanding this, the appellant has provided a vehicle tracking drawing and this demonstrates that a motorist could turn a vehicle on site and exit in a forward gear. That said, there are some problems with the tracking plan. In particular, the arrangement would be quite tight and therefore a vehicle may need to encroach slightly into the adjoining parking space. In addition, a motorist would struggle to exit the site in a position 90-degrees to the road when undertaking a two-point manoeuvres. The movement would also be reliant on the occupants of Plot 1 and their visitors not parking in the turning area directly in front of their property, an arrangement which would require cooperation between the occupants of Plots 1 and 2.
13. Nevertheless, motorists exiting the site would be able to see pedestrians if the frontage hedging is kept low. This would be the case despite not being at 90-degrees to the road because it is likely they would be moving slowly and would look over their right shoulder to avoid a collision. They would reach something close to a 90-degree angle on entering the carriageway and would therefore be able to adequately see other vehicles in both directions. This would not be an issue if motorists reverse into the parking spaces and the plans show there is space to do this.
14. Motorists may need to undertake additional manoeuvres to enter and exit the parking spaces allocated to a particular plot if the others are occupied. This would suppress the efficiency and convenience of the spaces. However, given the available room proposed this would not be unachievable or so inconvenient and unrealistic that motorists would be incentivised to reverse into the road or leave their car in the street. In any event, and as indicated by the Local Highway Authority, there is room within the appeal site to provide wider parking spaces and thus improve their efficiency and convenience. This could have been secured through a planning condition in the event the scheme was otherwise acceptable.
15. In conclusion, the parking arrangements would not present an unacceptable risk to highway safety. I appreciate that this is a view that is at odds with the Local Highway Authority, but I have arrived at it for the reasons given. As a result, a conflict with Policy DP17 of the DPD would not occur.

Other Matters

16. The appeal scheme would deliver several benefits as it would be a windfall development in a built-up area close to facilities. It could also support the local economy through construction jobs and the spend of future occupants. Furthermore, the proposal could support housing choice. The infrastructure contributions towards community facilities and open space would mitigate the impacts of the proposal but also provide improved facilities for existing residents. However, the positive contribution in respect of these matters would be modest in extent as only two homes are proposed. There is nothing of

substance before me to demonstrate the Council are currently unable to demonstrate a five-year housing land supply. This suppresses the benefits to housing delivery that would flow from the proposal.

17. Thus, the modest benefits of the proposal would not outweigh the harm that would otherwise occur and the subsequent conflict with the development plan, which is a matter I afford significant weight to.
18. Given my overall conclusions, the appeal scheme would have no effect on any European Site/Special Protection Area and therefore I have not considered this matter further.

Conclusion

19. The appeal scheme would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR