



Appeal Decision

Site Visit made on 12 October 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th November 2021

Appeal Ref: APP/A1530/D/21/3279146

Oak Tree Cottage, Coach Road, Great Horkesley CO6 4BB

- 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 Les Charlesworth against the decision of Colchester Borough Council.
 - The application Ref 211208, dated 28 April 2021, was refused by notice dated 22 June 2021.
 - The development proposed is described as a “retrospective remodelling and extension of dwelling”.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective remodelling and extension of dwelling at Oak Tree Cottage, Coach Road, Great Horkesley CO6 4BB in accordance with the terms of the application, Ref 211208, dated 28 April 2021, subject to the following condition:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: 2019/513/12C and 2020./531/04 B

Preliminary Matter

2. The development has already been carried out and I was able to view the completed building during my site visit.
3. Since the submission of the appellant’s appeal, the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. Whilst I have had regard to the revised Framework as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal site contains a large, detached dwelling that is constructed of varying materials such as brick and horizontal boarding under a tiled roof. The site lies towards the end of a narrow access way that also serves an additional property. The area is generally rural in character with other dwellings dispersed

throughout the area and within the vicinity of the appeal site, with the built up area of Great Horkesley to the east.

6. The development seeks to retain the enlarged dwelling as it has been constructed. The Council argue that the resultant size of the dwelling is a dominant feature on the edge of a countryside location, with other changes to its overall design and fenestration giving the building a somewhat 'executive' appearance and one that harms the character of the area.
7. I have been provided with plans and drawings of the scheme that the Council approved¹ at the site and it is evident that it included such features as dormer windows that would have cut through the eaves of the building along with fewer windows in each elevation. Furthermore, it is evident from the dwelling as constructed, single storey rear extensions have been enlarged or added to the property, with its overall bulk increased and its external appearance altered.
8. I accept that the site lies within an area that has a rural character and that not all of the appeal site lies within the settlement boundary of Great Horkesley. However, the existing dwelling and its rear garden are within the settlement boundary and I do not find its edge of countryside location to be a hindrance to develop and erect a large dwelling, provided it complies with the requirements of the development plan.
9. Although the Council's decision notice refers to the development failing to have regard to its tradition as a modest 1950's former agricultural workers' dwelling, there is nothing before me to demonstrate that it was particularly remarkable. Indeed, the Council has clearly accepted the alteration and extension of the original building to create a larger detached dwelling, albeit one that is not of the same design to that constructed at the site. I also acknowledge that the Council had previously refused permission² for a similar proposal to that which has been built.
10. I have not been directed to a particular style or design of dwelling that is prevalent in the area and one that the development ought to have regard to given its edge of settlement location. However, it is evident from the plans submitted that the development approved by the Council is of a similar overall design and size to that as constructed on site. Moreover, whilst I acknowledge the design changes that have occurred and the resultant increase in size of the overall property, the dwelling as built has been constructed to a high standard and the use of contrasting and quality materials between the two gable wings helps break down the overall massing of the building. The arrangement of windows on its principal elevation lends the building a pleasing appearance, and is not one that I find to be unduly repetitive or harmful to the character of the area or its edge of settlement location.
11. Consequently, notwithstanding the changes to the overall design and scale of the building from that originally approved by the Council, I find that the building is well designed and has had regard to its edge of settlement location through the use of appropriate materials and through its high quality construction. Moreover, the reorientation of the dwelling and the perceived transition to the countryside beyond does not alter my findings on this matter.

¹ 172629

² 170702

Therefore, in accordance with paragraph 135 of the Framework, I am not persuaded that the quality of the approved development has been diminished, or that the overall scale of the building is excessive for its location.

12. Thus, the development has not resulted in visual harm to the character and appearance of the area. It is not in conflict with Policies DP1 and DP13 of the Colchester Borough Council Development Policies 2010, Policies SD1, UR2 and ENV1 of the Colchester Borough Council Core Strategy 2008 and paragraph 130 of the Framework which seek, amongst other things, to ensure that developments respect and enhance the character of the site, and be appropriate in terms of its scale, siting and design.

Conditions

13. As the development has already been carried out there is no requirement for the standard time condition. However, the approved plans should be specified to provide certainty.

Conclusion

14. Thus, having regard to the development plan when read as a whole, the appeal is allowed.

Graham Wyatt

INSPECTOR