



Appeal Decision

Site visit made on 21 February 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 March 2022

Appeal Ref: APP/A1530/D/21/3280758

Pete Tye Cottage, Colchester Road, Colchester CO5 7LN

- 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 David Monks against the decision of Colchester Borough Council.
 - The application Ref 210943, dated 27 March 2021, was refused by notice dated 10 June 2021.
 - The development is a retrospective application for demolition of 1.8m (6ft) fence and replacement with brick wall.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the above description from the Council's decision notice as it more accurately and concisely describes the development to which the appeal relates. It does not fundamentally change the development subject of the appeal. I am therefore satisfied that neither party would be prejudiced by my use of it.

Main Issues

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

Reasons

4. The appeal site comprises a detached dwelling, set within a fairly large plot adjacent to Colchester Road. The dwelling is set back from the highway behind a front garden and the intervening boundary wall.
5. A series of properties are positioned along this part of Colchester Road. These properties typically have either low boundary walls behind landscaped frontages or mature hedgerows to separate them from the road. Surrounding fields are either bounded by hedgerows or, as is the case opposite the appeal site, open to Colchester Road. From that perspective, and although there are several properties scattered along this stretch of highway, the surrounding area has a pleasant verdant and rural character.
6. It is apparent from the information before me that the appeal site has evolved over recent years, once hosting a landscaped garden open onto Colchester Road, later enclosed by a timber boundary treatment and subsequently a brick boundary wall.

7. The boundary wall that now exists is highly visible on the approach to the site. This is largely due to its overall height, length and the colour of the brick used in its construction. These combined, and viewed in the context of the surrounding area, mean that the development forms an incongruous, urban addition to the street scene which accordingly harms the character and appearance of the area.
8. The development is therefore contrary to the relevant provisions of Policies DP1, DP13 and DP23 of the Development Plan Document (2010, revised 2014) and Policies ENV1 and UR2 of the Core Strategy (2008, revised 2014), which in summary seek to ensure that all development respects and enhances the character of the site its context and surroundings, as well as the Coastal Protection belt.

Other Matters

9. I acknowledge that a previous boundary treatment once existed here, formed of a timber fence. However, from the information before me, this did not have the same visual impact that the existing red brick wall now does. Moreover, I have no information before me as to whether that previous boundary treatment benefited from planning consent. I can therefore afford it only limited weight.
10. The appellant has provided examples of boundary walls at nearby properties. During my site visit, I was able to identify some such examples in the surrounding area. However, these are either located away from the site, and as such have a different context, or are historic and closely related to the design or the scale of the host property. Few boundary walls that I saw had the same level of prominence of that at the appeal site. Furthermore, I have no detailed information about these examples, including their planning status.
11. I also acknowledge the comments from the appellant that neighbours are supportive to of the works. However, this does not overcome the harm that I have identified above.

Conclusion

12. For the reasons above and having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

A Price

INSPECTOR