
Appeal Decision

Site visit made on 14 September 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2022.

Appeal Ref: APP/A1530/D/22/3301480

56 Kingsland Road, West Mersea, Essex, CO5 8AH

- 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 and Mrs S & N Stephenson against the decision of Colchester Borough Council.
 - The application Ref. 220505, dated 23 February 2022, was refused by notice dated 18 May 2022.
 - The development proposed is first floor extension, front single storey veranda extension and external alterations.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the planning application was determined the Council has adopted the Colchester Borough Council Local Plan 2017-2033: Section 2 Plan (LP2). As such, the Council advises that Policies UR2, DP1 and DP13 cited on the decision notice have been superseded by LP2 Policies DM15, DM16, ENV5 and DM13. The appellants were invited to comment on the new policies, and the response has been taken into account in my assessment. For the avoidance of doubt, this appeal has been assessed against the policies now in force, but I agree with the appellants, that LP2 Policies DM16 and ENV5 are not relevant.
3. The Council advises that the West Mersea Neighbourhood Plan (WMNP) was made on 8 April 2022.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the appeal property and the street scene.

Reasons

5. The appeal property is a detached single-storey dwelling that is located in a street scene which is varied in terms of the size, scale and design of dwellings. Whilst there is no prevailing character, the section of the road within which the appeal property sits has a number of bungalows and chalets with single-storey eaves height and dormer or gable windows.
6. I appreciate that design is a subjective matter, and some criticism of the architectural style of the existing dwelling has been made by the appellants and

in third party representations. However, I consider that the property makes a pleasing contribution to the street scene, and with its balanced front bay windows, simple design, and traditional materials, it is compatible with other properties in the group of which it forms part. An existing flat roofed rear extension has limited visual impact due to its height and design, and the form of the original dwelling remains discernible.

7. The footprint of the dwelling and its distance from boundaries would not alter, and it would not appear cramped on its plot. However, the proposal would involve a material increase in the eaves and ridge height of the roof, whilst also changing its form to create front and rear gable ends. I note the intention to improve the design standard of the property by extending the new roof over the rear extension, but the scale of the roof would be significant. The increased mass and bulk of the roof and resultant dwelling would appear unduly dominant in its setting, and its visual impact would not be alleviated by details such as the proposed side dormer, porch and integrated materials.
8. The original property would appear overwhelmed by the extension, and it would become a far more intrusive building in the street scene. This would be at odds with LP2 Policy DM13, which amongst other criteria requires extensions to be compatible with the scale, appearance and character of the original dwelling, and to be subordinate in terms of design and setting; and to not result in an adverse impact on the appearance of the street scene.
9. The dwelling is set forward of the property to the south, and therefore the depth and bulk of the resultant building would be highly visible in the street scene, as it would be seen across the neighbouring open front garden. The appellants suggest that the proposal would be no greater in its impact than full two-storey dwellings in the vicinity, but the context of the appeal proposal is far more mixed. There is a range of building styles in the vicinity, but the proposed design approach, including eaves height that is neither single- nor two-storey, would appear incongruous given the more traditionally proportioned dwellings in this part of Kingsland Road. I appreciate that the proposal may create a more functional and adaptable property internally, but I do not consider that it would be a visual enhancement.
10. The appellants have supplied plans of extensions at 13a Grove Avenue in support of the proposal. However, in the absence of full details of the reasoning behind the grant of planning permission I cannot gauge a comparison with the appeal proposal. In any event, the two proposals are markedly different in design approach, and although located within the same general area they differ in their site-specific contexts.
11. I therefore conclude that the proposal would detract from the character and appearance of the appeal property and the street scene, contrary to the aims of LP2 Policy DM13, and LP2 Policy DM15, which seeks high quality design which respects the character of the site, its context and surroundings in matters including architectural approach, height, scale, form and massing. For the same reasons, it would conflict with the strategic place shaping principles of Policy SP 7 of Section 1 of the Colchester Borough Local Plan (2021), and with the design aims set out in paragraph 130 of the National Planning Policy Framework.
12. I find no conflict with WMNP Policy WM 7 as the property would remain 1½-storey. However, this does not alter my overall conclusion.

Other Matters

13. A number of letters were submitted in response to public consultation on the planning application, some of which raised objections to the proposal and others in support. Whilst I have had regard to the comments made, these are only one aspect of the decision-making process, and are not determinative.
14. Although not a reason for refusal, the effect on neighbouring residents was the subject of representations, and was assessed in the Council's delegated report. The increased bulk of the building would change the outlook for surrounding residents, but I do not consider that it would be so close as to materially diminish their living conditions. Given the separation distance of the appeal property to both side and rear site boundaries, on the basis of the evidence before me I do not find that the increased height of the appeal building would cause a material increase in overshadowing and light loss to any property to a degree that dismissal of the appeal would be justified. However, this does not affect my assessment of harm on the main issue.
15. The appellants advise that the proposal has been modified from an earlier design. Although I note the efforts to reduce the scale and bulk of the proposal, as the previous scheme does not have planning permission it does not support a proposal which I consider would detract from the building and its setting in its own right.

Conclusion

16. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR