



Appeal Decision

Site visit made on 8 February 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/A1530/W/21/3289251

30 New Church Road, West Bergholt, CO6 3JE

- 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 Alan Bender Limited against the decision of Colchester City Council.
 - The application Ref 212257, dated 12 August 2021, was refused by notice dated 20 September 2021.
 - The development proposed is demolition of existing detached house and erection of 2 no. detached dwellings.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site contains a partly demolished and unoccupied chalet bungalow. It would be replaced by two family houses - one with three bedrooms and the other with four bedrooms. Parking for four vehicles would be provided at the front. The two large oak trees along the boundary are to be retained.
4. New Church Road has a row of development on its southern side but, although within the heart of the village, it is more open on the opposite side due to the allotments, church grounds and heathland. The pavement only runs on one side and is absent at the western end. These characteristics and the trees lining the road give it a pleasant, semi-rural feel. Plot widths vary and the houses are mixed in age, form and style but are generally well spaced and proportioned. They also have a fairly consistent alignment.
5. The proposal has been revised following a previous refusal of permission but should be judged in its own right rather than compared to what was put forward before. However, the proposed scheme would not promote or reinforce local distinctiveness as expected by Policy PP10 of the West Bergholt Neighbourhood Plan. This is because the houses would be 'squeezed' together which would deny them a proper setting. In addition, they would have a vertical emphasis and consequently an awkward appearance. The dwellings would also be set much further back than their immediate neighbours to accommodate the parking area. Therefore they would not integrate satisfactorily with the prevailing pattern of development.

6. Reasonable gaps would be left to the side boundaries but this does not alter the central 'pinching' together of the two buildings that would be at odds with the spacing of development nearby. The adverse consequences for the street scene would not be sufficiently ameliorated by the trees and, in any event, the presence of screening does not avoid the need for high quality design. Overall the proposal would give rise to a jarring and cramped appearance that would detract from the qualities of the locality.
7. The front parking and manoeuvring area would be extensive but would be softened by the wide planting strip that would be incorporated. Forecourt parking occurs elsewhere along the road. Whilst the proposed space contributes to the recessed and uncharacteristic positioning of the proposed houses it would not, in itself, be overly dominant.
8. The appellant's character analysis highlights examples in New Church Road of housing of similar density, plot ratio and width. However, there are differences between each of them and the proposal. Recent properties of similar character have been built at 44/44A New Church Road but at a markedly wider site.
9. Therefore the proposed development would harm the character and appearance of the surrounding area. As well as the conflict with Policy PP10 it would also be at odds with Policy DM15 of the Colchester Borough Local Plan (Section 2) which is concerned with design. In particular, the proposal would not respond positively to its context or respect its surroundings.

Other Matters

10. Although the Council is able to demonstrate a five year supply of deliverable housing sites, the proposal would still make a modest contribution to the stock of dwellings in Colchester. Representations in support refer to the advantages of the location, the benefits of new housing to invigorate the road and the difficulties in finding new properties of this size that are not part of a larger estate. The National Planning Policy Framework refers to the type of housing required for different groups in the community including families with children but also seeks to achieve well-designed places.
11. There is no evidence that the need for family homes on small sites is so acute that the objections identified should be set aside. This is particularly as it should be possible to devise a scheme to re-develop the site at No 30 which meets the design objectives of the Framework and accords with development plan policies.
12. The appeal site is within the zone of influence of the ecologically rich and diverse Essex Coast habitats sites. The additional dwelling proposed would be likely to increase recreational disturbance at these sites as future residents would be liable to travel to them. In combination with other development in Colchester, the proposal would therefore lead to a likely significant effect on the designated features of the habitats sites.
13. The unilateral undertaking dated 9 June 2022 secures payment towards the adopted Recreational Disturbance Avoidance and Mitigation Strategy. However, given that the appeal is to be dismissed, there is no need to consider whether this would be effective or to undertake an appropriate assessment under the Conservation of Habitats and Species Regulations.

14. The Council expects new development to provide, or contribute towards, the provision of community facilities to meet the needs of new and expanded communities and mitigate impacts on existing communities. The unilateral undertaking includes such a contribution and also one towards open space, sport and recreational facilities. However, it is unnecessary to address whether these obligations are necessary to make the development acceptable in planning terms, as the appeal will be dismissed.

Conclusion

15. The proposed houses would harm the character and appearance of the surrounding area. There are no material considerations that warrant reaching a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR