
Appeal Decision

Site visit made on 8 March 2023

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 30th March 2023

Appeal Reference: APP/A1530/D/22/3312346

Land at 'Somerson House', New Road, Aldham, Colchester, Essex CO6 3PN

- 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 K Shelton against the decision of Colchester Borough Council.
 - The application (reference 221146, dated 26 April 2022) was refused by notice dated 4 July 2022.
 - The development proposed is described in the application form as a "demolition of existing cartlodge and annex and the erection of a two bedroom annex of similar footprint for purposes ancillary to the residential use of the dwelling".
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Decision

1. The appeal is dismissed.

Main issues

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings, in the context of planning policies for the area. More specifically, it is also necessary to consider the effect of the scheme on the character and appearance of the Conservation Area within which the appeal site is located and on the setting of a nearby listed building.

Reasons

3. Fordstreet (within the Parish of Aldham) is a loose-knit village, extending along the A1124 Halstead Road and some side roads, with a considerable variety of building types, including both residential properties and commercial premises. The core of the settlement is designated as a conservation area (identified as the Fordstreet Conservation Area) encompassing buildings of various scales and including a number of listed buildings, as well as some more open areas.
4. The appeal site is located in New Road, close to its junction with the main road, and New Road continues westwards into the countryside. Opposite the appeal site there is a mixed commercial premises, which includes the Aldham Veterinary Centre, but further to the west is a house in a large garden ('Tile House'), with another house ('Fore Acres') nearer to the main road. This latter is set closer to the highway and is more obvious in the streetscene. It is an

attractive two-storey, timber framed house that dates from the sixteenth century and is listed (Grade II) as a building of special architectural or historic interest.

5. The existing house at 'Somerson House' stands almost opposite the listed building, although the latter is nearer to the junction. 'Somerson House' itself is a large building, rendered and painted white with complex tiled roofs. It stands in an extensive garden with a long frontage to New Road. There are a number of outbuildings or structures within the grounds, with a significant building adjacent to the road itself, to the west of the house.
6. This outbuilding is described in the application form as a "cartlodge" and in the drawings as an "existing annex". The submitted drawing of the existing building shows it to incorporate a "carport" (with space for two or three cars), together with a "home gym", a "workshop" and three "stores" (one of which is on the first floor). The building is clad in timber boarding under pitched roofs and is relatively small in size, partly single-storey and generally with a somewhat raised single-storey eaves level. It is below the standards required for modern habitable accommodation, however, and could be subject to water damage.
7. It is now proposed to demolish the "existing annex" and to construct a larger replacement building in the same location.
8. The 'National Planning Policy Framework' emphasises the aim of promoting sustainable development and it acknowledges the importance of the local environment, recognising the intrinsic character and beauty of the countryside, among other things. It also has the more general aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity.
9. More specifically, provisions in the Planning (Listed Buildings and Conservation Areas) Act 1990 impose obligations on those considering whether to grant planning permission for development that would affect a conservation area or the setting of a listed building. In such cases, decision makers are required to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas affected by development proposals and to have special regard to the desirability of preserving the setting of any listed building.
10. Those formal requirements are reinforced by the 'National Planning Policy Framework', especially at Section 16, which emphasises the importance of conserving and enhancing the historic environment, though it also points out the desirability of putting a heritage asset to its "optimum viable use" as does the 'Planning Practice Guidance'.
11. Policies in the Development Plan also deal with these issues, notably in Section 1 of the 'Colchester Borough Local Plan 2013-2033' (which was adopted in February 2021). Policy SP1 identifies the importance of achieving sustainable development as an underlying planning principle, while Policy SP7 is concerned with design issues generally. These include the need to "respond positively to local character" and to "protect and enhance assts of historical or natural value", among other things.

12. The existing outbuilding is a modest outbuilding, relatively small in scale and suited to its location. It is not of intrinsic architectural or historical value and its loss would not be especially regrettable; indeed, permission has already been granted for its demolition. Nonetheless, the outbuilding makes a positive contribution to the streetscene in New Road and it adds interest to the Conservation Area.
13. The proposed replacement building would be somewhat larger in scale than the existing building and it would be very different in character. Although the proposed new building would make use of traditional materials, the false agricultural detailing of the entrance element would be out of place and the proliferation of rooflights would reveal its domestic character. It would no longer appear as a subsidiary outbuilding to the main house.
14. It is submitted by the appellant that the proposed new building would be used in conjunction with the existing house, and not as an independent dwelling, but, in reality, it would function in broadly the same way as if it were an independent dwelling. It is obviously designed for that purpose and could not realistically be described as a mere "annex" to 'Somerson House'.
15. In consequence, the scheme would undermine the character and appearance of the surroundings in the Conservation Area. The existing settlement is characterised by low density development and the insertion of such a substantial new building would erode the quality of the surroundings. Even though the insertion of a single new building would have only a limited effect, the impact would be palpable and it could too often be repeated.
16. Moreover, the project would conflict sharply with the aim of achieving sustainable development, being obviously suited to separate occupation, and new occupants would inevitably generate additional car-borne traffic. The site cannot be described as being "isolated", since it is on the edge of the established settlement, but nor is it "relatively sustainable" (as has been asserted). It would not be readily accessible to a range of services and other facilities, where new development ought sensibly to be located in accordance with an overall planning strategy.
17. I accept that the appeal proposal would have little impact on the setting of the listed building at 'Fore Acres', which is situated some distance away, but I am convinced that it would cause actual harm to the quality of the surroundings in the Conservation Area and that it would seriously undermine policies aimed at achieving sustainable development, by contributing towards unfocussed development in the wider countryside. I have no doubt that the limited benefits of the scheme would be clearly outweighed by the harm that I have identified.
18. In reaching my conclusions, I have taken account of other cases to which I have been referred by the appellants. Even so, there are differences in the circumstances of each project and I am not persuaded that references to other sites can be of much assistance in this case. In any case, I am conscious that each appeal must be considered on its own merits, in the light of current planning policies, and I have formed my own opinion of the sustainability of the proposed development and the merits of this scheme.

19. In short, I am convinced that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR