



Appeal Decision

Site visit made on 5 April 2023

by J Wellstead BA(Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2023

Appeal Ref: APP/A1530/D/22/3306080

24 Welshwood Park Road, Colchester CO4 3HZ

- 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 Mark Went against the decision of Colchester Borough Council.
 - The application Ref 221075, dated 28 April 2022, was refused by notice dated 22 June 2022.
 - The development proposed is single storey side and rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the application, Section 2 of the Colchester Borough Local Plan 2017-2033 (CBLP) has been adopted. The Council has confirmed that CBLP Policy DM15 replaces Policies UR2¹ and DP1², while CBLP Policy ENV1 replaces the Core Strategy policy of the same name. Emerging policy DM13, also referred to in the reasons for refusal, has now been adopted. As the application was determined prior to its adoption, in the interests of natural justice both parties have been asked to comment on the relevant policies. There were no additional comments from the appellant.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the host dwelling and local area.
 - The effect of the development on protected trees.

Reasons

Character and appearance

4. The appeal site is located on a large and prominent corner plot in a residential area predominantly comprised of two-storey dwellings on spacious plots in a range of housing styles. The large, verdant gardens with landscaping and mature/semi-mature trees, result in a very distinctive sylvan character.

¹ Local Development Framework Core Strategy Adopted December 2008. Selected policies revised July 2014.

² Local Development Framework Development Policies Adopted 2010

5. The host property consists of a detached brick-built, two-storey house with thatched roof in a distinctive arts and crafts architectural style with a substantial single storey extension to one side. There is a fenced bin store to the side of this extension and a shed with a pitched roof beyond it, both of which are visible from the front.
6. The appeal scheme involves the replacement of the existing bin store, garage, kitchen and shed with a new single-storey side and rear extension of modern design, mainly finished in timber cladding with aluminium windows and doors, a grass and wildflower roof containing three rooflights and glazed doors to the garden.
7. While the appeal scheme is comparable in width to the existing built form when viewed from the front elevation, the unique nature of its modern design approach, large width and single-storey form along with the proposed use of contrasting materials mean it would appear much more conspicuous. The high degree of contrast in design style and materials used would make the scheme look incongruous and compete for visual prominence with the host building, resulting in a dwelling that would look odd and disruptive to the wider street scene.
8. The fencing containing the bin store currently extends up to the boundary of the plot whereas the appeal scheme would introduce a small gap between the built form and the boundary. However, the bin store currently reads as a separate and subservient outbuilding to the existing extension, whereas the full width of the appeal scheme would read as a single entity. Therefore, although the total width of built form would be very slightly reduced, the visual effect would be of an increase in scale and mass, contributing to a feeling of dominance over the host property.
9. I accept that the existing single storey buildings do not relate well to the host property. However, this is not a justification for new development which also fails to relate well in terms of design, scale, form and materials which contrast with that of the host property.
10. Consequently, I conclude that the proposed development would have a harmful effect on the character and appearance of the host dwelling and local area. It would therefore conflict with Policies SP7, DM13 and DM15 of the CBLP. Together these policies seek to ensure - amongst other matters - that development responds positively and compatibly to the context, character and appearance of the host property and local area. In addition, the proposal would not accord with the National Planning Policy Framework (the 'Framework') that developments should seek to secure a high quality of design (paragraph 126) and be sympathetic to the local character (paragraph 130).

Impact on trees

11. There are a number of well-established trees within and adjacent to the appeal site which are subject to Tree Protection Orders (TPOs). The appeal scheme would require two branches to be removed from one such tree (T007) and for construction to take place within the Root Protection Area (RPA) of five trees (T002, T003, T005, T006, T007 and T008). The trees are visible from the public realm and provide a moderate to high individual and collective contribution to the distinctive sylvan character of the area.

12. The canopies of the trees would not directly overhang any of the roof lights of the proposed development but would be sufficiently close to create conflicts in terms of falling leaves and branches, overshadowing and anxiety during storms for future occupiers. Consequently, I consider that there would be inadequate space between the trees and the dwelling for nuisances caused by falling debris and the risk of increased pressure for tree works to be avoided. The removal or hard pruning of the trees would be detrimental to the character of the area.
13. Although there may be some pressure to prune the trees already, the pressure would be greater as a result of the development because habitable space would be closer to the trees. It is also recognised that it is unlikely that the LPA would refuse permission to prune the trees if they were adversely affecting the living conditions of the occupants.
14. It is not clear whether the extension to the neighbouring property in 2012 had similar circumstances with regards to the proposal's proximity to protected trees and their associated RPAs, as well as the type and size of tree impacted at the time permission was granted, so I cannot be sure it is directly comparable to the appeal scheme. In any event, I have made my decision on this specific case based on the evidence provided.
15. I conclude that the proposal would be likely to have an unacceptably harmful impact on the protected trees. It would therefore conflict with Policies SP7, ENV1 and DM15 of the CBLP which - amongst other things - seek to conserve and enhance the natural environment.

Other Matters

16. The proposal would increase the quality and extent of internal space available to the occupiers. However, there is nothing to indicate that this could not be achieved through an alternative design. I therefore afford this matter limited weight.
17. I accept that development at the appeal site is acceptable in principle, that there are no third-party objections, and that the appellant has compromised on their original plans. However, these matters do not alter my conclusions on the main issues.

Conclusion

18. For the reasons given, the development fails to accord with the relevant policies of the development plan and the Framework. There are no material considerations in this case which indicate that a decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be dismissed.

J Wellstead

INSPECTOR

