



Appeal Decision

Site visit made on 15 August 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/A1530/D/23/3319412

72 Spring Lane, Fordham Heath, Colchester, CO3 9TG

- 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 Alan Bilby against the decision of Colchester Borough Council.
 - The application Ref 230172, dated 27 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is the erection of a 2-bay garage/car lodge on front driveway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since my site visit, the Government has published a revised version of the National Planning Policy Framework (The Framework 2023). However, none of the amendments contained in the revised version are relevant to this appeal.

Main Issues

3. The main issues are the effect of the proposal on the appearance of the streetscene; and the effect of the proposal on highway safety.

Reasons

Streetscene

4. The appeal property is a detached bungalow, which faces Spring Lane. The property is set-back from the road and is at one end of a row of dwellings. A public house building and its car park are situated on the other side of the property. Beyond the public house, lie further dwellings, two of which have garages at the front (numbers 82 and 84).
5. The proposal is to erect a single-storey timber clad, 2-bay, open-fronted, garage/car lodge within the existing front garden fronting Spring Lane. It would adjoin the boundary with the public house. At its highest point, the building would be 3.745m and it would be 5.6m in length and 5.2m in width.
6. The Council contends that the proposal would be a dominant and incongruous addition that would appear overly prominent in the streetscene. It cites conflict with Policies DM13 and DM15 of Section 2 of the Colchester Local Plan 2017-2033 (LP). These policies seek to ensure (amongst other things) that domestic development, including outbuildings do not have an adverse impact on the

appearance of the streetscene and the character of the area and that the design of new development is of high quality. I consider these to accord with paragraph 130 of The Framework 2023, which contains similar provisions.

7. I reaching my decision, I have considered, the mix of development in the locality and the fact that the appeal property is at the end of a row of dwellings. I also acknowledge that when approaching from the south, the proposed appeal building would be partly seen against the backdrop of the public house. I have also noted the existence of other garages in front garden areas (as referred to in paragraph 4 above). However, I am not persuaded that they have a positive effect on the streetscene and, therefore, should not be regarded as a precedent for other developments.
8. The proposed building would be an unduly prominent and incongruous feature, because of its position on the site and because of its overall height and scale. I consider that it would be at odds with the prevailing form of development along the section of Spring Lane. It would also stand out prominently when approaching from the northern direction, notwithstanding the scale and mass of the neighbouring public house.
9. Accordingly, I conclude on this issue that the proposal would have an unacceptably harmful impact on the streetscene and that it would conflict with the policies of the Development Plan, as referred to above.

Highway Safety

10. The proposed building would be positioned to one side of the existing front garden with a gap (according to the plans) of 6m between the front of the building and the opposite side boundary of the site. The Council considers that there would be insufficient space to manoeuvre vehicles and that it would lead to reversing onto or off the highway. Spring Lane is regarded by the Council as a main road.
11. It contends that this would be a risk to the safety of highway users and that it would conflict with Policy DM22 of the LP. However, Policy DM22 appears to relate to parking provision, rather than highway safety and I am not persuaded that it is wholly relevant to this issue.
12. Having viewed the site and the plans, I consider that there would be sufficient space to manoeuvre a vehicle and enter Spring Lane in a forward gear, particularly as part of any manoeuvre could take place within the open fronted appeal building.
13. Paragraph 111 of The Framework advises that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. For the reasons given above, I conclude that there would not be an unacceptable risk. Consequently, I do not find against the proposal on this issue.

Conclusion

14. For the reasons given above in relation to the effect of the proposal on the streetscene, it is concluded that the appeal be dismissed.

Ian McHugh

INSPECTOR