

Appeal Decision

Site visit made on 29 August 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/Z1510/W/23/3316655

Land and buildings on the north west side of Bures Road, Earls Colne

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Stephen Smith against Braintree District Council.
 - The application Ref 22/03084/FUL is dated 9 November 2022.
 - The development proposed is replacement of existing garage/storage building.
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Decision

1. The appeal is dismissed and planning permission for replacement of existing garage/storage building on the north west side of Bures Road, Earls Colne in accordance with the terms of the application Ref 22/03084/FUL, dated 9 November 2022, is refused.

Preliminary Matters

2. During the course of the appeal, the appellant submitted plans showing revisions to the originally submitted proposal. I am not aware that the Council and other parties have seen these or had a chance to comment on them. Consequently, in the interests of fairness to all parties, I have determined the appeal on the basis of the plans submitted with the application.

Main Issues

3. The Council indicates that had it determined the application permission would have been refused. The reasons are that the proposed garage by reason of its size, scale, siting and design would be harmful to the character of the street scene and locality in general; and due to the land level changes and the overall size, scale, form and siting of the proposed structure, it would appear unduly prominent and harmful to the outlook from No 27 Colchester Road.
4. Accordingly, the main issues are the effect of the proposed building on the character and appearance of the street scene; and the effect on the living conditions of the occupiers of No 27 Colchester Road, with regard to outlook.

Reasons

5. The appeal site is an area of land with a frontage on Bures Road, which runs off Colchester Road, and is directly behind the rear garden boundary of No 27 Colchester Road. There is an access road off Bures Road to the other side of the site, with the village hall on the opposite side of this junction. The site includes a largely dilapidated timber building that the proposed garage would replace. The surrounding area is predominantly residential in character. The site is within the Earls Colne Conservation Area and adjacent to No 25 Colchester Road, which has Grade II listed status. I note that no concerns have been raised by the Council with regard to heritage matters.
6. Both parties refer to an extant permission for a similar form of garage building at the appeal site¹. As the appellant could implement that permission in the event of this appeal not succeeding, I have had regard to the extant permission as a 'fallback' to the current proposal.

Character and Appearance

7. This part of Bures Road slopes downwards towards its junction with Colchester Road. Consequently, the village hall on higher ground than the appeal site is the most prominent building, with some detached garages opposite and the side boundaries of properties with frontages on Colchester Road beyond this. The principle of a detached double garage on the appeal site has been established by the extant permission and the use proposed in this appeal would accord with the character of the area, particularly due to the garages opposite.
8. A common feature of the established buildings in this part of the street scene, notably the village hall, a garage opposite and the adjacent outbuilding in No 27's garden, is that they are oriented in terms of their layout such that the gables face the road frontage. Despite one garage opposite having a flat roof, this provides a good degree of uniformity of design and layout within the street scene. The approved garage reflects this character and appearance with its gable end facing the road frontage and shallow roof pitch, similar to that of the village hall on the other side of the junction.
9. The appeal proposal, in contrast, reorients the layout so that the gable is side-facing. This would result in the building presenting the front roof slope to the road frontage, contrary to the predominant and characteristic layout of the nearest buildings. While the approved and proposed buildings would have similar sized footprints, the current proposal would be taller with a sharper roof pitch. The height difference is not significant, but the appeal proposal's greater bulk combined with the layout, would result in a building that would appear incongruous and uncharacteristic within the street scene, both in its own right and compared to the approved proposal.
10. I accept that the proposal would result in the removal of the dilapidated structure on the site; and that the proposed building would use materials suitable for the village context, as well as reducing energy consumption due to its design. However, these matters are not sufficient to overcome the harm found above.

¹ Ref 23/00271/FUL.

11. Therefore, for these reasons, I conclude that the proposed building would have an unacceptably harmful effect on the character and appearance of the street scene. I am not aware that reference is made by the Council to any particular development plan policies but, nonetheless, this does not alter the findings of harm and the overall conclusion on this issue.

Living Conditions

12. The view from the rear garden of No 27 Colchester Road towards the appeal site currently comprises the side of the village hall in the background with No 27's garage in the foreground. These buildings are relatively prominent due to the higher ground level as Bures Road rises away from Colchester Road. The roof profile of the proposed garage would be seen between these two buildings, above the roof of No 27's garage and below the height of the village hall.
13. In the approved scheme, due to the layout of the building with the gable facing forwards, the garage would be seen in side profile from No 27. This would result in a substantive full roof slope seen against the much smaller garage in No 27's garden and the village hall above this. In contrast, the current proposal would present a view of the gable end of the building. While of greater height than the approved building, this would still result in a more limited degree of less bulky built form being visible from No 27 and its garden, obscuring less of the village hall than the approved building.
14. Consequently, the proposed garage would not be a dominant or overbearing presence seen from No 27, both in its own right and compared to the extant permission. As such, I conclude that the outlook for the occupiers of the neighbouring property would not be harmed. As with the other main issue, I am not aware that any development plan policies are referred to.

Other Matters

15. I have had regard to all the representations made by interested parties. These do not, however, raise any matters in addition to the main issues in this appeal that would lead me to reach a different overall conclusion.
16. I acknowledge that the appellant may be frustrated by the process leading to the Council's decision in this case. However, this matter is not within the scope of this appeal, which concerns the planning merits of the proposal.

Conclusion

17. I have found in the appellant's favour with regard to one main issue, concerning the effect of the proposal on living conditions. However, this is not sufficient to outweigh the fact that the proposal would have a materially harmful effect with regard to character and appearance. Accordingly, it is concluded that the appeal should be dismissed and planning permission refused.

J Bell-Williamson

INSPECTOR