



Appeal Decision

Site visit made on 3 January 2024

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024.

Appeal Ref: APP/A1530/D/23/3332193

2 Ernest Road, Wivenhoe, Essex CO7 9LG

- 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 Tony Revell against the decision of Colchester City Council.
 - The application Ref 231871, dated 7 August 2023, was refused by notice dated 3 October 2023.
 - The development proposed is a garage.
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Decision

1. The appeal is allowed and planning permission is granted for a garage at 2 Ernest Road, Wivenhoe, Essex CO7 9LG in accordance with the terms of the application, Ref 231871, dated 7 August 2023, and the plans submitted with it.

Preliminary Matters

2. As the proposed building is already in situ, I have considered the appeal on the basis that planning permission is being sought retrospectively. However, for the purposes of my banner heading and decision, I have removed the words 'retrospective planning application for erection of' from the description as the building has already been erected and the other text is not a description of development.
3. Following submission of the appeal, the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The parts of the Framework most relevant to the appeal have not substantively changed from the previous version. Consequently, this update to national policy does not fundamentally alter the main parties' cases or prejudice their position at appeal, and it is not necessary to seek further comments.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. No 2 Ernest Road is a semi-detached bungalow which occupies a wide plot. The area is predominantly residential. However, the appeal site is situated close to the junction with Belle Vue Road where there are a mix of uses and building forms. The attached property is occupied by an optician's practice. The appeal site also faces the rear of a flat roofed supermarket building and its associated car park and servicing areas. Brick and tiles are the predominant facing

materials in the area. However, other materials are present in the vicinity of the site. For example, there is wood panel cladding on some buildings on Ernest Road. The opticians premises incorporates a blue colour scheme to its window frames and signage. The supermarket incorporates grey cladding to its facades. Therefore, the character of the appeal site's immediate surroundings includes variation in form and materials.

6. The garage's gambrel roof form does not replicate the design of other garages along Ernest Road. Even so, it is set well back into the plot, beyond the rear elevation of the host dwelling. Together with its single storey height and the dark tone of the facing materials, these factors ensure that the development is recessive in position and appearance. Consequently, the garage sits comfortably amongst the varied characteristics of its immediate surroundings.
7. I conclude, the development has an acceptable effect on the character and appearance of the area. In that regard, it complies with the design, context and character requirements of Policy SP 7 (Place Shaping Principles) of the Colchester Borough Local Plan 2013-2033 Section 1 (2021), Policies DM13 (Domestic development) and DM15 (Design and Amenity) of the Colchester Borough Local Plan 2017 – 2033 Section 2 (2022) and Chapter 12 of the Framework.
8. The Council's decision also refers to the scale, siting and design requirements of 'Policy Wiv 2' of the 'Wivenhoe Neighbourhood Plan'. I have not been provided with a copy of this policy. However, the evidence before me suggests it relates to development outside the settlement boundary and is therefore not applicable. In any case, given that I have found that the development's scale, siting and design are acceptable, this does not alter my finding that the proposal complies with the relevant policies of the development plan and the Framework.

Other Matters

9. The Council's report suggests that a fence to the appeal site's front boundary is unauthorised and requires planning permission. Whether or not that be the case, this does not form part of the proposal before me and would be a separate matter for the Council to consider.
10. The Council's Contaminated Land Officer suggested a condition be attached requiring the appellant to satisfy themselves that there are no unacceptable risks from any ground gases. The development has already been completed and there is no detailed evidence before me to suggest that such risks have not been accounted for or pose an unacceptable risk in this instance.
11. With regards to matters raised by third-parties, the retrospective nature of the proposal does not alter my finding that the development is acceptable having regard to the matters considered under the main issue. There is no objective evidence before me to suggest that the development has had an unacceptable effect on habitats. The proposal relates to the garage building only. Therefore, access into the site is not a matter before me and I note the appeal proposal was not refused on highway grounds.

Conditions

12. As the development is already complete, a condition with the standard timescale for implementation is not required. Planning permission is granted in

accordance with the terms of the application and the plans submitted with it.
Therefore, no further conditions are necessary.

Conclusion

13. For the reasons given, the appeal is allowed.

M Russell

INSPECTOR