

Appeal Decision

Site visit made on 13 February 2024

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2024

Appeal Ref: APP/A1530/D/23/3330142

19 Vint Crescent, Colchester, Essex CO3 3QQ

- 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 Rose against the decision of Colchester Borough Council.
 - The application Ref 231681, dated 13 July 2023, was refused by notice dated 7 September 2023.
 - The development proposed is new vehicular crossing and off road parking space.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Colchester Conservation Area 2 in which the appeal property, which is part of a group of locally listed buildings, is located.

Reasons

3. The Colchester Conservation Area 2 covers predominantly residential properties and some institutional buildings either side of Lexden Road. Vint Crescent comprises six two storey blocks of flats dating from the 1930s, of art deco design and appearance. They are set back from the road frontage with well-planted front gardens, giving the crescent a pleasant verdant character. The group of apartment blocks is largely unaltered with a strong degree of uniformity across the built forms and architectural details. As such, these are distinctive and prominent buildings that make a positive contribution to the conservation area, which is also reflected by their group designation as locally listed buildings.
4. Parking currently occurs in marked bays on the crescent and at a garage court to the rear of the apartments, with driveways between the blocks to gain access. The proposal involves a dropped kerb in front of Nos 19 and 20 with a parking space created in the front garden. This would result in the loss of part of the grassed front garden of the appeal property, with the hard urbanising effect of a parking bay in its place. Moreover, a vehicle would be parked in an uncharacteristic location, contrary to the planned layout and parking

- arrangements in place, thereby undermining the uniform appearance of the crescent.
5. There is a cherry tree in the front garden, although the application form indicates that no trees will need to be removed or pruned as a result of the proposal. However, it is unclear that this is the case as the parking space appears to impinge on the tree's location. The loss or reduction of the tree would be harmful as it contributes to the verdant character of the setting.
 6. I agree with the Council's assessment that provision of a parking space as proposed could lead to pressure for similar proposals, which would have the effect of further eroding the character and appearance of this part of the conservation area. Other examples of off-street parking are not comparable to the appeal proposal as they are to the side of properties or do not involve a surfaced parking space to the front garden.
 7. Therefore, for these reasons, I find that the proposal would fail to preserve the character and appearance of the Colchester Conservation Area 2. The National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation¹. Based on the above findings, I consider the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
 8. Under such circumstances, the Framework advises that this harm should be weighed against the public benefits of the proposal². The appellant indicates that the on-road parking bays are unallocated and parking nearer to the property is required for easier access to it; and that parking closer to the property would enable an electric vehicle to be charged. While I have had full regard to these matters, they are not sufficient in terms of any public benefits to outweigh the long-term harmful effects of a dedicated parking space in this sensitive location, as found above.
 9. Therefore, for the above reasons, I conclude that the proposal would not preserve the character and appearance of the Colchester Conservation Area 2 or of the group of locally listed buildings, a non-designated heritage asset. Consequently, the proposal is contrary to the following development plan policies: SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 (2021), which requires development to preserve the quality of existing places; ENV1 of the Colchester Borough Local Plan 2017-2033 Section 2 (2022), which states that the Council will conserve and enhance the historic environment; DM13 and DM15 of the Local Plan Section 2, which require development not to have an adverse impact on the character of the area; and DM16 of the Local Plan Section 2, concerning the effect of development on the historic environment, including conservation areas.
 10. In reaching this conclusion I am mindful of the statutory requirement that in exercising planning functions in conservation areas special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area³.

¹ Paragraph 205.

² Paragraph 208.

³ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

11. I have had regard to the representations made by interested parties, although these do not raise any matters in addition to the main issue in this case.

Conclusion

12. For the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR