



Appeal Decision

Site visit made on 15 August 2023 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett MRTPI, DipTP, BSc (Hons)

an Inspector appointed by the Secretary of State

Decision date: 6 March 2024

Appeal Ref: APP/A1530/D/23/3314288

Swanston Cottage, High Street, Dedham, Essex CO7 6HL

- 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 Mrs Hortense Frisby against the decision of Colchester Borough Council.
 - The application Ref 222037, dated 11 August 2022, was refused by notice dated 28 November 2022.
 - The development proposed is demolition of existing side extension and replacement with one and half storey side extension and front single storey extension.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. Areas of Outstanding Natural Beauty (AONB) have, since 22 November 2023, been renamed as National Landscapes. This change in terminology has not affected the reasons for their designation or the fundamental aspects of their special qualities. I have accordingly referred to the Dedham Vale AONB as the Dedham Vale National Landscape (DVNL) in my recommendation.
4. Since the application was determined, a revised National Planning Policy Framework (the Framework) was published on 19 December 2023. However, as any policies that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party. I have had regard to the latest version of the Framework in reaching my decision.

Main Issues

5. The main issues are the effect of the development on the:
 - character and appearance of the area with particular regard to the DVNL, the Dedham Conservation Area (the DCA), the setting of Wheelwrights – a grade II Listed Building and the character and appearance of the host property which is a non-designated heritage asset; and
 - living conditions of the occupiers of Wheelwrights Cottage with particular regard to outlook.

Reasons for the Recommendation

Character and appearance

6. The appeal site is located within the DVNL and Policy ENV4 of the Colchester Borough Local Plan 2017-2033 Section 2 (2022) (the LP Section 2) sets out that development will only be supported in such areas where it makes a positive contribution to its natural beauty and special qualities, including tranquillity and good quality night/dark skies. Development must not adversely affect the character, quality views into and out of the National Landscape and its distinctiveness. In addition to the above, the Framework places great weight on protecting and enhancing landscape beauty in National Landscapes which have the highest status of protection in relation to these issues.
7. The site is also located within the DCA and adjacent to a Grade II Listed Building. The character of the DCA is derived from dwellings of different sizes with traditional design and detail. These are largely of either of Tudorbethan or Jacobethan design and are set within spacious plots and presents a spacious rural street scene. Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the setting of Wheelwrights Cottage and the character or appearance of the Conservation Area.
8. The existing building has a linear form. It is set back into the site and has an open frontage. The design of the side extension would be angled towards the rear, infilling the small separation distance between the rear wall and the boundary at this end. It would also extend further forward towards the front boundary wall than the existing extension. This, in combination with the introduction of an orangery, would fail to retain the simple linear form and would mark a stark contrast from the existing simple and low-key form of the building.
9. The proposal would also have a much more modern design which would also contrast with the traditional character of the host dwelling. This is particularly the case in respect of the fenestration of the proposed extension and the extensive glazing of the orangery and roof lantern. In my view, this would also be harmful to the character of the host dwelling.
10. Furthermore, the proposed flat roofed dormer on the south-east elevation of the one and a half storey extension would be an incongruously modern feature on this traditionally styled building. It would also be clearly visible from the adjacent public footpath. All in all, the combination of all elements of the proposed extension by virtue of its design, form, scale and siting would be harmful to the character and appearance of the host dwelling. The introduction of the more contemporary design of the proposed extensions would also sharply contrast with the traditional character on the street which would be harmful to the character and appearance of the DCA.
11. In addition, the proposed extension would lead to a more extensive use of the site with the effect of eroding the open and rural character of the immediate area to the front of the property. Therefore, from localised viewpoints the development would in fact be noticeable, and this urban form would fail to enhance or protect the existing landscape beauty of the National Landscape. Furthermore, the roof lantern of the proposed orangery has the potential to spill light into the National Landscape, and consequently would adversely

impact dark skies in this part of the nationally designated landscape. Whilst I acknowledge that the appellant has referred to the use of blackout blinds, these would not be a permanent feature and as such would not fully address this issue.

12. Turning to the setting of Wheelwrights Cottage, a Grade II listed building, I note that its significance is derived from its architectural quality and detailing of this Victorian timber framed cottage. The proposed extension would intrude into this setting as a result of its overall scale, design and proximity to the shared boundary. It would also remove the feeling of separation between the two cottages. This loss of separation would result in a diversion of attention away from Wheelwrights Cottage, which would be harmful to its significance.
13. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the proposal would be of a relatively small scale, I find the harm to the setting of Wheelwrights Cottage and to the DCA to be less than substantial but nevertheless of considerable importance and weight.
14. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I am also conscious that for the non-designated heritage asset, paragraph 209 sets out that the significance of the asset should be taken into account in determining an application and that a balanced judgement will be required having regard to the scale of harm. In this case, I have found harm to Swanston Cottage itself to which I assign considerable weight.
15. The proposal would provide an improvement of the living space for the occupants with additional space to serve as a home office. However, this social benefit is limited to the appellant's enjoyment or that of any future occupants of the property. Therefore, when taking into account this limited benefit, the appeal proposal would not provide any public benefit which would outweigh the harm I have identified in respect of the effect of the proposal on the setting of Wheelwrights Cottage or the character and appearance of the DCA. Similarly, taking a balanced judgement on the impact to Swanston Cottage, the level of harm is much greater than the benefits which the proposal would deliver.
16. Taking all of the above into account, the proposal would harm the character and appearance of the area, including the DVNL, the DCA, the setting of Wheelwrights Cottage and the host property itself. The introduction of development in this location would fail to recognise the traditional character of the existing dwelling and the intrinsic rural character of the countryside. The development would therefore conflict with the Framework, Policy SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 (2021) and Policies ENV1, ENV4, DM13, DM15 and DM16 of the LP Section 2 which together seek, amongst other matters, to ensure that development responds positively to local character and context, conserves and enhances the natural and historic environment, and makes a positive contribution to the natural beauty and special qualities of the DVNL, including its good quality night/dark skies.

Living conditions

17. The proposed extension would extend along almost the full depth of the boundary to the rear of Wheelwrights Cottage. The kitchen/dining room with

bedroom above element would replace an existing side extension whilst the orangery would be located to the front of this replacement extension.

18. As noted above, the side extension element would be at an angle to the existing dwelling and would be located slightly further away from the side boundary than the existing extension.
19. Notwithstanding that, the proposal would result in a building which would be much higher than the existing extension and would have a greater mass and visual dominance when viewed from the rear of Wheelwrights Cottage. To my mind, the proposed side extension would result in an imposing structure to the extent that it would have an unacceptable overbearing impact on the occupiers of Wheelwrights Cottage, principally as a result of its depth, scale and position. This would be particularly the case when viewed from the rear facing ground floor window and the rear garden of Wheelwrights Cottage.
20. Turning to the proposed orangery, this would be located close to the boundary with Wheelwrights Cottage. However, owing to its siting and overall height, its visibility over the existing boundary treatment would be limited. Given this, I consider that the orangery would not have any significant impact on outlook from Wheelwrights Cottage.
21. In summary, I find that the proposed one and half storey side extension would have an overbearing impact on the living conditions of the occupiers of Wheelwrights Cottage. Consequently, it would conflict with Policies DM13 and DM15 of the LP Section 2 which require, amongst other matters, that proposals for residential extensions do not result in unacceptable adverse impacts on the amenities of neighbouring residential properties, including having an overbearing impact.

Conclusion and Recommendation

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

23. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR