



Appeal Decision

Site visit made on 9 May 2024

by C Shearing BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 May 2024

Appeal Ref: APP/A1530/W/23/3329322

19 Hugh Dickson Road, Colchester, Essex CO4 5DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Bromfield against the decision of Colchester City Council.
 - The application Ref is 231191.
 - The development proposed is described as 'new semi detached two storey two bedroom residential building in the garden of 19 Hugh Dickson Road, Colchester and attached to the existing residential building that is 19 Hugh Dickson Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal is accompanied by a Unilateral Undertaking dated 19 June 2023 (the UU) which relates to contributions to community facilities and habitat sites mitigation. This has been taken into account in the determination of the appeal.

Main Issues

3. The main issues are: the effect of the proposal on the character and appearance of the area, and; the effects on highway safety, with particular regard to parking provision.

Reasons

Character and Appearance

4. The appeal site lies in a residential area comprising properties of varying character and design but of traditional housing typologies. There is also variation in the heights of the properties and their roof forms as a result of the changing ground levels across the area. The variation in the appearance of the properties, together with the regular gaps and spaces between them, contributes positively to the character and appearance of the surrounding area.
5. The appeal site occupies a fairly exposed position in the street due to its corner location and ground level, which rises relatively steeply from the lowest part of Golden Dawn Way to the west. I have no strong reason to consider the appeal site to be odd, or visually harmful to the character of the area and it reads as a typical space forming part of the layout of the area. It contributes to a feeling of openness surrounding the junction of Hugh Dickson Road and Golden Dawn Way.

6. The proposal would match the architectural design of the houses to which it would be attached. However, its width and projection towards the junction in combination with its height, where the ridgeline would step up from no.19, would result in the development appearing visually prominent in localised views. While the front elevation would be stepped in from no.19, this would not adequately achieve subordination given the proposal's width and height. While the effects of the proposal would be limited to localised views, it would nonetheless create a cramped appearance and a prominent form of development around the junction, which would be at odds with the prevailing local character.
7. Planning permission has recently been granted for a two storey side extension to no.19¹ and a similar extension exists to no.21 opposite. However, these additions appear visually subordinate to the main properties and both are set back a greater distance from the edge of the road than the appeal scheme, allowing a degree of openness to remain around the junction. The site of no.21 has been enclosed by fencing at the footpath edge. However, this has a much lesser effect on the sense of enclosure of the road than the proposed two storey flank wall and gable end.
8. For the reasons given, the proposal would cause harm to the character and appearance of the area. It would conflict with policy SP7 of the LPS1², Policy DM15 of the LPS2³ and with policies HOU1 and DPR1 of the Myland and Braiswick Neighbourhood Plan 2016 which together require, among other things, high design quality and that developments respond positively to local character and context. The proposal would also conflict with the design objectives of the Framework.

Highway Safety

9. The proposal includes two off street parking spaces, one intended to serve each of the resulting houses on the site. The appellant accepts that the proposed parking space in front of the existing no.19 would fall just short of the preferred bay size set out in the Parking Standards⁴. However, that document also describes a minimum bay size, which would be achieved. Given there is no solid structure directly in front of that parking bay and vehicles could overhang the front of the bay if necessary, this would be adequate to prevent vehicles overhanging the footpath. The size of the proposed parking space in front of no.19 would therefore be acceptable.
10. The main parties agree that the relevant parking standards require two parking spaces per house. Policy DM22 of the LPS2 nonetheless acknowledges other factors which should be taken into account including levels of local accessibility and the location of the dwellings. The site is within easy walking distance of several services and facilities in Colchester and is very close to Colchester train station and frequent bus services as evidenced by the appellant. As such, and in the absence of evidence to the contrary, future occupants of the proposal need not be entirely reliant on the use of cars. Given these circumstances a lower level of car parking provision could be considered.

¹ 231872 – Approved 12 September 2023

² The Colchester Borough Council Local Plan Section 1, 2021

³ Colchester Borough Council Local Plan Section 2, 2022

⁴ Essex County Council Parking Standards: Design and Good Practice, 2009

11. The roads surrounding the appeal site are subject to a number of parking restrictions which limit parking to certain hours of the day, including designated parking bays. At the time of my site visit I observed some parking spaces available on the surrounding roads, although I appreciate this was a snapshot in time in the middle of the day. I note the concerns of third parties relating to local parking conditions and concerns for the appellant's evidence in this regard. Nonetheless, given the absence of substantive evidence on this matter and the sustainable characteristics of this location, I have no strong reason to believe that the proposal would cause additional parking pressures which would prejudice highway safety near the site.
12. For these reasons the proposal would be acceptable in terms of its effects on highway safety and would comply with Policy DM22 of the LPS2 which relates to parking provision. I note the comments of the Highways Authority which reference other policies. I have not been provided with a copy of those policies or details of their status, and neither have the Council relied on them as part of its case. As such they do not provide a justification to alter the above conclusion on this main issue.

Other Matters

13. The proposal would provide a new house which would contribute towards the national objective to boost the supply of homes and could deliver some benefits in terms of biodiversity, accessibility and energy efficiency. However the weight given to these benefits is limited given the scale of the development. While the proposal could be used as a starter home, there is no certainty that this would necessarily be the case and this does not weigh in favour of the proposal.
14. The Council assert that the proposal would require wildlife mitigation, and the UU refers to effects on a designated habitat site. Despite this, there is very little information before me about the proximity of the development to any designated site, its characteristics or the likely effects of the development on them. Regulation 63(1) of the Habitats Regulations⁵, however, indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is dismissed on other grounds it is not therefore necessary to address this in any further detail.
15. The UU would also secure contributions to community facilities intended to mitigate the effects of the proposal. However it is not necessary to consider this in further detail given that the proposal is unacceptable for other reasons.

Conclusion

16. The proposal would conflict with the development plan as a whole and there are no other considerations which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

⁵ The Conservation of Habitats and Species Regulations 2017