



Appeal Decision

Site visit made on 16 July 2024

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 August 2024

Appeal Ref: APP/A1530/W/23/3328434

4 Finch Way, Parsons Heath, Colchester CO4 3HY

- 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 Gary Mason of Holm Oak Property Ltd against the decision of Colchester Borough Council.
 - The application Ref is 230928.
 - The development proposed is new 4-bedroom 190sqm 2 storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal documents include a draft (signed but undated) planning obligation in the form of a unilateral undertaking made pursuant to section 106 of the Town and Country Planning Act 1990 (the UU). The UU seeks to make provision for a financial contribution towards community facilities and the adopted Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). Such provision will be addressed later in my decision.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area; and
 - whether adequate provision would be made for community facilities.

Reasons

Character and appearance

4. The appeal site is an undeveloped parcel of land within a residential area comprising detached dwellings of varied design and appearance, predominantly set behind landscaped front gardens. The regular spacing and position of the dwellings relative to the highway creates a pleasing rhythm to the streetscape. The mature trees and hedgerow planting that separate the dwellings from the road give the area a verdant, spacious and pleasant quality.
5. The proposed dwelling would be markedly different in its appearance to the more traditional development in the area. However, the use of more contemporary form, features and materials are not uncommon in urban

settings and there is no compelling evidence before me that would lead me to conclude that such a design approach would not be appropriate on this site.

6. Nonetheless, due to its size and siting, the proposal would occupy the gap between the existing dwellings. In addition, the dwelling would be sited behind an expansive gravel courtyard with no room for soft landscaping to break up the hard appearance of the development. Accordingly, whilst set back some distance from the road, the proposed scheme would, in public views of the site compromise the sense of space and verdant quality of the locality, thereby interrupting the established pattern of development in the area.
7. The proposal, therefore, would harm the character and appearance of the area contrary to Policy SP7 of the Colchester Borough Local Plan Section 1 (LPS1) and Policy DM15 of the Local Plan Section 2 (LPS2) which seek to deliver development that responds positively and respects local character.

Community facilities

8. As the proposal would increase the resident population of Parsons Heath it would place additional demand on local facilities. To mitigate such an impact, the Council expects a financial contribution, calculated in accordance with the Provision of Community Facilities Supplementary Planning Document (SPD), to be made towards an identified project for improvements at the Oaktree Centre. I am satisfied that such a payment, which the UU could secure, is necessary to make the development acceptable in planning terms and would meet the other tests of paragraph 57 of the Framework. However, the UU is not dated and so is not legally binding.
9. The proposal would not, therefore, make adequate provision for community facilities. As such, it fail to comply with LPS1 Policy SP6, LPS2 Policies SG7 and DM2 and the SPD which seek to ensure that development is supported by the provision of community facilities that are identified to serve its needs and impacts on existing communities are mitigated.

Other Matters

10. Based on the evidence before me, the appeal site lies within a defined Zone of Influence for Essex Coastal Habitats Sites, and I note that a RAMS payment has been made. However, because the scheme is unacceptable for other reasons there is no need for me to consider the implications of the proposal upon such designated sites as would otherwise be required by the Conservation of Species and Habitats Regulations 2017.

Conclusion

11. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
12. I therefore conclude that the appeal should be dismissed.

Elaine Moulton

INSPECTOR