The Planning Inspectorate

Appeal Decision

Site visit made on 28 October 2024

by A Hartley, LLB(Hons), Solicitor, MBA

an Inspector appointed by the Secretary of State

Decision date: 08 November 2024

Appeal Ref: APP/A1530/D/24/3344789
52 New Farm Road, Stanway, Colchester CO3 0PG

- 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 Simon O'Toole against the decision of Colchester City Council.
- The application Ref is 240032.
- The development proposed is for a single storey rear and side extension for additional living area.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear and side extension for additional living area at 52 New Farm Road, Stanway, Colchester CO3 0PG in accordance with the terms of the application reference 240032 subject to the following conditions:

1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

2) The development hereby permitted shall be carried out in accordance with the following approved plans:

   Existing Ground and Roof Plans 01A; Proposed Ground and Roof Plans 02A; Existing and Proposed Elevations 03A; Location and Block Plans 04A

3) No development shall commence until an assessment of the risks posed by any contamination, carried out in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Model Procedures for the Management of Land Contamination (CLR 11) (or equivalent British Standard and Model Procedures if replaced), shall have been submitted to and approved in writing by the local planning authority. If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority. The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority. If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the

approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 14 days of the report being completed and approved in writing by the local planning authority.

4) Demolition or construction work shall take place only between 08:00 and 18:00 on Monday to Friday and 08:00 and 13:00 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal property is a characterful detached dwelling built approximately 150 years ago, considered by the Council to be a non-designated heritage asset. It is within a predominantly residential street including dwellings of varying age and design. It is not readily visible from the street scene as the site is set back from the highway frontage, screened by a substantial boundary fence. The appeal property occupies the rear of the plot, and most of the external private amenity space is within the front of the plot. To the rear is a football club and grounds and a children's day nursery. On the opposite side of the highway is a residential care home.

4. The appeal property is of traditional design with small dormer windows in the roof, a catslide roof to the rear and a small extension to the side. It is likely that these features are part of the original design. The scale of the cottage is modest, as is the plot it sits within.

5. The appeal proposal would demolish the single storey side extension and single storey at the rear of the property and introduce a larger flat roof single storey extension to the side and rear. The proposal would not be readily visible within the street scene.

Non-Designated Heritage Asset

6. Although not specifically included in a Local List, the Council has treated the appeal property as a non-designated heritage asset (NDHA) due to its age and presence on the Stanway Tithe Map of 1841. I have therefore had regard to the National Planning Policy Framework paragraph 209 and the Heritage Impact Assessment dated May 2024.

7. Due to the position of the appeal dwelling, the existing rear and side extensions are not visible within the street scene and thus their demolition would not have a detrimental impact on the street scene. The demolition of the small side extension would impact on the fabric of the NDHA, but the scale of harm would not be significant, as the main historic cottage frontage would be retained.

8. Due to the retention of the main cottage and the modern design and lower height of the proposed extension, I find that there would not be an appreciable impact on the fabric of the NDHA. I also find that the overall impact and significance of the effects of the proposed development on the

remaining historic fabric of the locality can be assessed as a "slight adverse impact" due to its lack of proximity or prominence in public viewpoints.

Fall-Back

9. I have had regard to the fall-back position that would be available under permitted development rights and conclude this to be a genuine fall-back position as set out in the appellant's evidence.

10. The appeal proposal is only marginally greater in depth to the rear of the property to that which would be permitted development for separate single storey rear and side extensions. The additional depth of the rear extension does not have any detrimental impact on the character or appearance of the host property or the surrounding area. Further, the appeal proposal would result in a more cohesive single storey wrap around extension than that available using permitted development rights.

11. I find that the appeal proposal is an improvement on the fall-back position.

Character and Appearance

12. The appeal proposal would result in a large single storey extension to a modest property. However, the proposal would demolish existing elements of the building. The resultant footprint of the single storey flat roof extension would be larger than the remaining footprint of the cottage. However, it is still perceived as a subservient addition to the host building in terms of height, scale and position. The design is deliberately modern so that it is read as a distinct subsequent extension thus retaining the character of the core historic fabric of the frontage of the cottage. Due to the boundary fencing and the flat roof of the single storey extension, the proposal would not be readily visible within the street scene.

13. I thus find that the proposal does not unduly harm the character and appearance of the host property or the surrounding area.

Planning Balance

14. Overall, having regard to the fall-back position; the scale of harm and the significance of the NDHA; the modern design and scale of the proposal; the lack of prominence in the street scene; the context within the character of the surrounding area; the benefits of additional living accommodation and the presumption in favour of sustainable development, I find that the proposal would not cause unacceptable harm to the character and appearance of the host dwelling or the surrounding area.

15. Accordingly, I find that the proposal complies with policies SP7, DM13 and DM 15 of the Colchester Borough Local Plan (2013) and the National Planning Policy Framework (the Framework), all of which seek high quality design that respects local character and makes a positive contribution to its context and location.

Other Matters

16. Objections have been made in relation to parking provision and overlooking. I am satisfied having regard to the comments of the main parties and my own observations on site that there would be adequate space for parking within the site and the proposal would not give rise to an unacceptable

impact on the living conditions of neighbouring occupiers by way of overlooking.

Conditions

17. I have had regard to the conditions proposed by the Council. I have imposed a condition specifying the approved plans as this provides certainty; a condition limiting the hours of demolition and construction work in the interests of residential amenity and a condition to assess potential contamination as the site is on or within the vicinity of filled land where there is a possibility of contamination.

Conclusion

18. Having taken into account all representations made, for the reasons given above, I conclude that the proposal complies with the development plan as a whole and with the provisions of the Framework. The appeal should be allowed.

A Hartley

INSPECTOR