



Appeal Decision

Site visit made on 11 February 2025

by **H Lock BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24th February 2025

Appeal Ref: APP/A1530/D/24/3356011

1 Parkfield Street, Rowhedge, Essex, CO5 7EL

- 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 David Boughton against the decision of Colchester City Council.
 - The application Ref is 241690.
 - The development is described as 'attach a mat black flue to the side of the property. Diameter 250 mm / Height from ground 7.8 m / Distance from wall 250 mm / Flue exit height out from the wall to ground 2.44 meters'.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal was lodged a revised National Planning Policy Framework (the Framework), and further revisions, have been published. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases. Paragraph numbers of the Framework used in this decision are from the latest version of that document.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the appeal property and street scene within the Rowhedge Conservation Area, and the setting of the listed Church of St Lawrence.

Reasons

4. The appeal property is an end-terrace house prominently located at the junction of Parkfield Street and Paget Road. It is a relatively modern dwelling within a close-knit area of mostly older properties in the Rowhedge Conservation Area. Viewed from the junction, the Grade II listed Church of St Lawrence is visible in the backdrop to the dwelling.
5. The development the subject of this appeal is already in place. The flue is highly visible in the street scene as a result of its prominent location, but also due to its size and somewhat utilitarian appearance; and a stark contrast against the pale brickwork of the wall to which it is attached. Although the appellant advises that it is only visible from the east, it is a notable feature in views on approach along Albion Street, and from Paget Road to the rear.

6. There are many flues and external pipework visible in the area, but they are generally slimmer than the appeal flue, and most are more discreetly positioned on the property served. In this case, the flue diameter, its capping and fixings to the wall create an overly bulky and prominent feature on the building and in the street scene. Although not above the apex of the roof, it projects some distance above the eaves and out from the wall on prominent brackets. Whilst I agree with the appellant's view that its scale is similar to external chimney stacks nearby, including those within the same terrace, brick-built chimneys are traditionally of a different design and scale than an exposed domestic flue. The installed flue is not an alteration that is compatible with the scale, appearance and character of the dwelling, nor the appearance of the street scene and character of the area, contrary to Policies DM13 and DM15 of the Colchester Local Plan Section 2, 2022 (CLP2).
7. The appellant advises that the materials were selected to mirror those used in railings at the property, and to appear similar to street furniture and signage. However, although the railings and flue are both black in colour, there is little other similarity. The railings at the front of the terrace comprise slim decorative metal posts with finials, and appear integrated in the street scene. There is no obvious street furniture of similar design.
8. The appellant advises that planning permission is only required for the flue due to the location in a conservation area, but this restriction stems from the visual impact that such development can have when prominently positioned in areas requiring greater design sensitivity. There is a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising planning functions, and this is reflected in the Framework and CLP2 Policies DM16 and ENV1. Having regard to paragraph 215 of the Framework, I consider the harm resulting from the flue to the significance of the conservation area is less than substantial, but this harm must be weighed against the public benefits of the development. None have been advanced in this appeal.
9. Similarly, special regard must be had to the desirability of preserving the setting of the listed Church of St Lawrence, which extends further than the immediate churchyard. This setting has altered over time, and there are now many buildings and street furniture in its vicinity. However, the scale and appearance of the flue means that it intrudes into views of the Church from the junction of Parkfield Street and Paget Road. Again, whilst this harm may be less than substantial, paragraph 212 of the Framework is clear that great weight should be given to a heritage asset's conservation, irrespective of the level of harm. No public benefits have been advanced that would outweigh the resultant harm.
10. I therefore conclude that the appeal development detracts from the character and appearance of the appeal property and the street scene in the Rowhedge Conservation Area, and the setting of the listed Church of St Lawrence. This is contrary to the Framework, CLP2 Policies DM13, DM15, DM16 and ENV1, and the place shaping principles of Policy SP 7 of Section 1 of the Colchester Local Plan¹, including the need for new development to respond positively to local character and context and to protect and enhance assets of historical value. For the reasons given above the appeal should be dismissed.

H Lock INSPECTOR

¹ Colchester Local Plan 2013–2033 Section 1; North Essex Authorities' Shared Strategic Section 1 Plan, 2021