



Appeal Decision

Site visit made on 11 February 2025

by E Dade BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/A1530/D/24/3354658

5 Salisbury Avenue, Colchester, Essex CO3 3DW

- 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 Mrs Ruby Nagi against the decision of Colchester City Council.
 - The application Ref is 241525.
 - The development proposed is replacement of shed with lean to and repositioning of front wall and pillar.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area, I have had special regard to s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The proposal contains two distinct elements: erection of a lean-to, and repositioning of the front wall and pillar. The appellant contests the Council's decision only in respect of the re-positioning of the front wall and pillar. As set out below, have identified harm would arise from both elements of the proposal. Therefore, in this circumstance, a split decision would not be necessary, and my decision relates to the proposal as a whole.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the conservation area.

Reasons

5. The appeal property is a semi-detached dwelling within the Mill Field Estate Conservation Area (CA). The CA covers a predominantly residential area to the south of the city centre between Maldon Road and Butt Road.
6. The Mill Field Estate Conservation Area Character Statement & Management Proposals 2015 (CA Statement) indicates that construction of the estate began in 1879 with Salisbury Avenue constructed 1891-95, and the rapid development of the streets resulted in strong architectural coherence, dominated by semi-detached and terraced two-storey houses typical of the late Victorian period.
7. Dwellings are two-storey and modest in scale, faced in red or yellow stock brick, with slate roofs and details around sash windows, bay windows and doors.

8. Plots tend to be long and narrow, resulting in a fine urban grain and high building density through the closely spaced houses, set back from the pavement, providing a sense of enclosure along the streets. Front boundary walls clearly define public and private spaces and emphasise the feeling of enclosure. The CA Statement indicates that railings were frequently removed from boundary walls in the 1940s as part of the war effort, and many have been replaced with hedges.
9. Given the above, I find that the significance of the CA is primarily associated with the area's cohesive architectural design and fine-grained pattern of development.
10. The appeal property differs from surrounding dwellings only insofar as it has a painted front elevation and narrow off-road parking space to the side. The date inscribed on the appeal property's front indicates it is contemporary with the CA's dwellings. The form and appearance of the appeal property is typical of dwellings within the CA and there is a high degree of symmetry between the appeal property and the attached dwelling.
11. The appeal property's front garden is enclosed by low walls. The garden wall projects from the side elevation of the dwelling and runs along either side of the garden path. At the front of the plot, the wall abuts the pavement with a hedge above it. There are pillars at the front corner and on either side of the garden path. The siting of the low boundary wall corresponds to the width of the house, thereby providing enclosure and clearly distinguishing the extent of public and private space. The wall and pillars are therefore typical of the front boundary treatments described by the CA Statement as formative of the area's character.
12. The appeal property, including its front walls and pillars, therefore contributes positively to the character of the CA.
13. The proposal would remove and reposition a section of the existing wall and pillar to create a wider car parking space. This would reduce the enclosed garden area to the front of the dwelling and shorten the length of the wall along the front boundary. The wall and pillar would no longer be aligned with the side elevation and would relate poorly to the appeal property. It would disrupt the rhythm of boundary treatments within the street scene and erode the uniform appearance of the siting of boundary treatments.
14. Along Salisbury Avenue, alterations to front boundary treatments are apparent, including replacement of walls and pillars resulting in variation in heights. No 11's front wall has been removed to provide off-street parking. The CA Statement¹ identifies that the loss of front boundary walls and gardens blurs the distinction between public and private spaces that is a fundamental part of the area's character, and thus harms the character of the CA. The CA Statement also notes that, at present, the loss of boundary walls is piecemeal but without control could dominate the street-scene and badly erode the character of the area.
15. Whilst the proposal would not result in a total loss of the wall and pillar, the and cannot be justified by losses of boundary walls elsewhere.
16. The proposed lean-to would project from the side elevation of the appeal property. It would reduce the symmetry with attached dwelling, no 7, and would erode the

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gap between the appeal property and no 3, disrupting the pattern of development within the street scene.

17. Whilst set back from the front elevation, the lean-to would be visible within the gap between the appeal property and no 3. The low-pitched roof form and materials, including black timber-cladding and clear corrugated roof, are not found elsewhere within the CA. Therefore, the proposed lean-to would appear out of keeping with the buildings within the CA.
18. Given the above, I find that the proposal would fail to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
19. Paragraph 212 of the National Planning Policy Framework (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. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification.
20. Given harm would arise through the alteration of the boundary treatment and the unsympathetic appearance of the proposed lean-to extension, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises the harm should be weighed against the proposal's public benefits.
21. The proposal would increase the internal area and volume of the dwelling and would provide a widened parking space.
22. Due to the width of the parking space, and position of the garden wall, car doors cannot be opened on one side. Accessing a car involves stepping from/to the neighbour's path which is set down from the level of the parking space. The existing parking space would not satisfy current standards set out in the Essex Parking Standards; Design and Good Practice Guide 2009. The appellant considers this inconvenient and hazardous, particularly to their children.
23. A car cannot reverse into the parking space as the wall prevents the driver from exiting the car. Therefore, vehicles cannot leave the parking space in a forward gear and must reverse onto Salisbury Avenue, which serves dwellings and is on a bus route. The appellant considers this manoeuvre to be unsafe.
24. Traffic approaches from a single direction only and the volume and speed of vehicles appear low. I have no compelling reason to consider reversing out of the space to be inherently unsafe. Moreover, parking bays in front of the appeal property and along either side of Salisbury Avenue do not appear to be subject to parking controls. It is unclear why the appellant's concerns regarding use of the parking space could not be resolved through utilising the on-street parking bays.
25. The proposal would improve access to/from a vehicle parked within the dwelling's curtilage and enable vehicles to manoeuvre into the highway in a forward gear. Whilst this would improve convenience to the appellant, the evidence before me does not suggest there would be a significant improvement to highway safety.
26. The proposal would be beneficial to the appeal property's occupants through increasing the area of living accommodation and improving the standard of the car

parking space. However, in the absence of any significant public benefit, the harm which I have identified would not be outweighed.

27. For the reasons set out above, the proposal would harm, and thus would not preserve, the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 210 of the Framework.
28. The proposal would therefore conflict with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021, which requires new development meet the highest standards of urban architecture design and respond positively to local character and context.
29. In addition, the proposal would fail to comply with Policies DM15 and DM16 of the Colchester Borough Local Plan Section 2 Local Plan 2022, which require development be designed to a high standard, positively respond to its context, and protect and enhance the historic environment.

Conclusion

30. 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 should be dismissed.

E Dade

INSPECTOR