



Appeal Decision

Site visit made on 28 January 2025

by **L Francis BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 February 2025

Appeal Ref: APP/A1530/D/24/3348925

40 St Mark Drive, Colchester, Essex CO4 0LP

- 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 A Barrable against the decision of Colchester City Council.
 - The application Ref is 241107.
 - The development proposed is roof over existing ground floor extension. Ground floor extensions to form office and garage. First floor extension over existing ground floor extension to form 2no bedrooms and ensembles, pitched roof to existing porch.
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Decision

1. The appeal is allowed and planning permission is granted for “roof over existing ground floor extension. Ground floor extensions to form office and garage. First floor extension over existing ground floor extension to form 2no bedrooms and ensembles, pitched roof to existing porch” at 40 St Mark Drive, Colchester, Essex CO4 0LP in accordance with the terms of the application, Ref 241107, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, BMD-02 rev B
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The development hereby permitted shall be carried out in accordance with the arboricultural method statement and tree protection plan as set out in the submitted report by Tree Planning Solutions Ltd dated 27 April 2024, reference TPSarbQU0080, issue 1 rev 0. Nothing shall be stored or placed, nor fires lit, within the tree protection areas.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was updated in December 2024, during the consideration of this appeal. Insofar as is directly relevant to the appeal, there are no substantive changes. Neither main party were asked for their views and no parties have been prejudiced as a result.

Main Issue

3. The main issue is the effect of the appeal proposal on the character and appearance of the area.

Reasons

4. St Mark Drive is a residential cul-de-sac lined with detached, single and two-storey dwellings. The dwellings along the street are regularly spaced, with front and rear gardens and off-street parking. The appeal property comprises a two-storey detached dwelling with a single ridge line within a substantial plot. Within the garden, there are several oak trees and a sweet chestnut subject to a Tree Preservation Order (TPO). There are also substantial hedges surrounding the site, and other non-protected trees within the rear garden.
5. The appeal site is located at the far end of the cul-de-sac, and with its neighbour at No 36, form a slightly separate pair which are set well back from the street and angled within their plots. There are trees and a grassed area beyond the turning head, which, along with the large plots and houses set back from the street, gives this part of the street a verdant and spacious character.
6. The appeal proposal includes a first-floor gable end extension above the existing garage, along with single storey extensions at either side. At first floor level, the proposed extension in the form of the projecting gable would be a reasonably prominent addition. There are, however, other examples of similar two storey projecting gables, notably at Nos 67 and 69 opposite the appeal site. Although slightly narrower than these gables, the roof form and relationship of the gable with the front elevation would be very similar to that found at Nos 67 and 69. Despite the slightly narrower width, I do not consider that the resultant relationship with the appeal property would be harmful to either the host property or the surrounding area as it would replicate similar arrangements in the street.
7. The hipped roof of the proposed garage extension would be appreciable in fairly oblique views from public vantage points, particularly given its degree of set-back from the projecting gable. As such, the roof form of the garage extension, although inconsistent with the main roof, would not be harmful to the character and appearance of the surrounding area.
8. Although the Essex Design Guide (1997) is not supportive of integral garage doors, these are nevertheless an established feature of the surrounding area. I note that the adjacent house at No 36 has two integral garage doors. In this regard the appeal proposal would be consistent with the character and appearance of the area.
9. The single storey addition adjacent to the footpath would be a subservient addition. The proposed roof pitches on this side addition and the porch would replicate other similar arrangements in the area. The proposed materials including render, uPVC windows and powder coated aluminium doors would be consistent with the prevailing materials in the area.
10. For the reasons set out above, I conclude that the proposed extensions would be in line with the overall aims of Policy SP7 of Colchester Borough Local Plan Section 1 adopted 2021 and Policies DM13 and DM15 of Colchester Borough Local Plan Section 2 adopted 2022. Taken together and amongst other things, these policies

seek to achieve high standards of design in the borough, and require extensions to positively respond to their context, respect the character of the site and surroundings, and to be compatible with the scale, appearance and character of the original dwelling.

Other Matters

11. None of the protected trees are proposed to be removed, and the extensions would be capable of being constructed without undue disturbance to the root protection areas of the trees, subject to tree protection measures as outlined in the Arboricultural Impact Assessment submitted by the appellant.
12. Given the distance of the proposed extensions from any nearby dwellings, I have no reason to conclude that there would be any harmful effect on the living conditions of neighbouring occupiers.

Conditions

13. The council have provided some suggested conditions which I have considered against advice in the Framework and Planning Practice Guidance. I have attached the standard time limit condition (1) and a plans condition (2) as this provides certainty. I have added a condition concerning materials to ensure a satisfactory appearance (3). It is necessary to secure the tree protection measures by appropriate planning condition to ensure the trees would be suitably protected during construction. I have amended the Council's suggested wording for the tree protection condition (4). The contribution of the non-protected garden trees and hedges to the character of the area is not so significant as to require their protection by condition. I do not consider that the requirement for 5 years monitoring post completion would be reasonable and necessary given the scale of development and the protection already afforded to the retained TPO trees.

Conclusion

14. For the reasons given above the appeal should be allowed.

L Francis

INSPECTOR