



Appeal Decision

Site visit made on 24 March 2025

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2025

Appeal Ref: APP/A1530/D/24/3352534

Mill House, Mill Lane, Dedham, Essex, CO7 6DH

- 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 A and E Andrews and James against the decision of Colchester City Council.
 - The application Ref is 241439.
 - The development proposed is the erection of a detached 3-bay building for the undercover parking of domestic vehicles.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached 3-bay building for the undercover parking of domestic vehicles at Mill House, Mill Lane, Dedham, Essex, CO7 6DH, in accordance with the terms of the application, Ref 241439, and 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 drawing nos.1024-03, 1024-04 and the location plan
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on drawing no.1024-04.

Main Issue

2. The main issue is the effect of the proposed development on the setting of the grade II listed building, Mill House, and on the character and appearance of the Dedham Conservation Area (DCA), both of which are designated heritage assets.

Reasons

3. The Planning (Listed Buildings and Conservation Areas) Act 1990 contains statutory duties in relation to designated heritage assets. Section 66(1) requires that in considering whether to grant planning permission for development which affects a listed building or its setting, the decision maker shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) requires that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
4. Mill House is a multi-phased building of sixteenth century origin with later additions and remodelling. It derives its significance from its age, form, historic fabric, architectural features and its historic connection to the artist John Constable.

Further special interest is derived from the surroundings of the listed building, including the outbuildings which have group value with the historic dwelling and its grounds, including the South Garden and the former Meadow. These elements enable the appreciation of the listed building in its historic setting and reveal information about the status, development and past use of the site.

5. The significance of the DCA is derived from the age and architectural interest of the historic core of the settlement, and the open spaces in and around it that contribute to its rural character and setting.
6. The existing dwelling does not currently benefit from any form of covered parking for domestic vehicles. Whilst there is an outbuilding that was formerly a cart shed and hayloft, this has been converted to a holiday let and would not be wide enough to accommodate modern vehicles. Altering the existing building to increase its width would entail removing historic fabric and altering the scale and form of the original late eighteenth century building. As such, this is not a realistic alternative or preferable option.
7. I note that consideration was given to siting the proposed new building in the front garden to the south of the dwelling, and that this option would be preferred by the Council. However, siting the building in the original formal garden area to the front of the dwelling, which forms an important part of its historic setting and provides a verdant green space between buildings, which is visible in the street scene and mimics the open garden space between the two listed buildings on the opposite side of Mill Lane, would be harmful to the setting of the listed building and to the appearance of the DCA. Moreover, as the garden area to the front is raised, the engineering works necessary to create access into a parking area would destroy much of the garden and possibly some or all of the existing boundary trees and foliage that make a positive contribution to the verdant character and appearance of the DCA. Parking in this area would also necessitate either increasing the use of an access with very restricted visibility or driving vehicles all the way around the dwelling and past the large paved outdoor patio seating area.
8. Whilst I have not been provided with any explanation as to why the proposed building could not be rotated 90 degrees and sited adjacent to the existing small brick outbuilding, with its rear elevation adjacent to the southern boundary of the eastern garden area, which would retain the open link and views between the house and former meadow garden that the Council is concerned about, I observed that this would require the removal of grass banking and would also affect boundary trees and landscaping.
9. Although the proposed siting of the new building would obscure views between the dwelling and the large garden area to the east, given that this area was originally meadow land, not part of the domestic curtilage, and given that no principal elevations of the dwelling face the east garden, which is already separated from the dwelling by the historic layout of outbuildings, I do not consider that this would harm the special historic or architectural significance of the listed building. Nor do I consider that the siting of the proposed building would detract from the organic pattern of development that exists in this part of the DCA.
10. The new building, which would be some distance from the dwelling, would be orientated to face the house, which would be in keeping with the existing pattern and layout of outbuildings to the east of the house, and would be served by the

existing means of access and gravel driveway, with only a minor extension of this gravelled area into the level lawn being required. The building would be of traditional scale, materials and appearance and would not be visible in any public views from outside of the site due to its distance from roads and footpaths and the presence of existing buildings and mature landscaping within and around it.

11. I therefore conclude that the proposed development would not affect the architectural or historic interest of the listed building and it would have a neutral effect on the character and appearance of the DCA, which would preserve its heritage significance, in accordance with the National Planning Policy Framework and the statutory duties set out under Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The proposal would therefore accord with Policies DM13 and DM15 of the Colchester Borough Local Plan 2013-2033 (adopted February 2021), which seek amongst other things to ensure development is compatible with the site and its surroundings, and Policy DM16, which seeks to ensure development conserves and enhances the significance of heritage assets.

Other Matters

12. The site is located within the Dedham Vale Area of Outstanding Natural Beauty (AONB) and is near to other listed buildings. However, it is undisputed between the main parties that the AONB and other nearby listed buildings would not be affected by the proposed development. From the evidence before me I have no reason to reach a different view on these matters.

Conditions

13. I have imposed a condition confirming the statutory time limit for commencing the development, along with a condition listing the approved drawing numbers in the interests of certainty. A condition to ensure the development is completed using the external materials specified on the approved drawings is necessary to safeguard the setting of the listed building and to preserve the appearance of the DCA. The Council has suggested a condition regarding external lighting; however, I do not consider such a condition to be necessary in relation to this small-scale householder development.

Conclusion

14. For the reasons given above, the appeal is allowed.

R Bartlett

INSPECTOR