



Appeal Decision

Site visit made on 29 April 2025

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/A1530/D/25/3363715

2 Carshalton End, Colchester, Essex, CO3 9FB

- 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 Cameron R Corsby against the decision of Colchester City Council.
 - The application Ref is 242595.
 - The development proposed is relocation of section of brick garden wall incorporating additional access gates.
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Decision

1. The appeal is allowed and planning permission is granted for relocation of section of brick garden wall incorporating additional access gates at 2 Carshalton End, Colchester, Essex, CO3 9FB, in accordance with the terms of the application, Ref 242595, and the plans submitted with it, 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: 1:1250 scale Location Plan; Block Plan – A3/BP/001 Revision A; Plan – Proposed - A3/GW/002 Revision A; North elevation – A3/GW/003 Revision A; East Elevation - A3/GW/004 Revision A; and South Elevation - A3/GW/005 Revision A.
 - 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 and retained wall that is attached to the garage of the appeal site.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene and the wider area.

Reasons

3. The appeal property is located at the corner of a short cul-de-sac off Stoneleigh Park, which is a residential development that appears cohesive as a result of the design and materials of its buildings. Front gardens are mostly open, but boundary walls are a characteristic feature of the street scene, particularly where they enclose rear gardens siding onto the road. Although the Council's report indicates that brick walls are mostly set back, I consider their positioning to be more varied, with some walls set back behind grassed or landscaped verges, but many abutting the footpaths.

4. The side walls of garages built close to footpaths are also a notable feature of the street scene. Together, this arrangement of boundary walls and outbuildings appears to reflect condition 8 of a planning permission¹ for the estate, identified by the appellant, which specified wall design on the basis that they would be prominent features within the housing area.
5. Although located on a corner site, the part of the side boundary the subject of this appeal is seen more in the context of Stoneleigh Park than with the small group of houses that comprise Carshalton End. Whilst set back from the adjacent footpath, the existing wall is visible behind a high hedge, and is exposed next to the garage. The proposed relocated wall would be more visible in the street scene, but no more so than others next to the footpaths in Stoneleigh Park. Having regard to this housing development as whole, the proposal would not undermine the openness and landscaping of the street scene identified by the Council. Given the presence of similarly sited walls in the locality, the proposal would not appear overly dominant or overpowering on the public realm.
6. I therefore conclude that the proposal would be acceptable in its impact on the character and appearance of the street scene and the wider area. It would be of sufficiently high standard of urban and architectural design that would respond positively to local character and context in accordance with Policy SP 7 of Section 1 of the Colchester Borough Local Plan (2021)²; and would accord with Policy DM15 of Section 2 of the Local Plan³, in that it would respect the character of the site, its context and surroundings in terms including architectural approach, height, form and materials, appearing integrated with the existing built environment.

Conditions

7. In addition to the standard time limit, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing garden wall in order to safeguard the character and appearance of the development and the area, and I have modified the standard condition to reflect this.
8. I have not attached the Council's suggested restriction on the hours of demolition and construction, as given the nature and scale of the development, I do not consider that it would meet the test of necessity.

Conclusion

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

H Lock

INSPECTOR

¹ COL/890/88 – Erection of 37 houses and one bungalow rear of 300-304 Straight Road, Colchester

² Colchester Borough Local Plan 2013-2033 Section 1, North Essex Authorities' Shared Strategic Section 1 Plan, adopted 2021

³ Colchester Borough Local Plan 2017 – 2033 Section 2, adopted 2022