
Appeal Decision

Site visit made on 3 June 2025

by **E Dade BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 June 2025

Appeal Ref: APP/A1530/W/24/3354773

Huxley, Hall Road, Tiptree, Essex CO5 0BJ

- 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 Ian Cottee against the decision of Colchester City Council.
 - The application Ref is 241327.
 - The development proposed is bungalow with associated private amenity space, parking, access and landscaping.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As part of the appeal submission, the appellant provided a Phase 1 Desk Study and Preliminary Risk Assessment which concludes there are unlikely to be potential sources of contamination and the potential risk to onsite receptors would be low to negligible. The submitted evidence therefore demonstrates the proposal would not result in an unacceptable risk from pollution to public health or safety, or the environment. On this basis, the Council considers the proposal to be acceptable in terms of land contamination and its second reason for refusal, as indicated on the Decision Notice, is no longer in dispute. This matter is not a main issue for the purposes of the appeal, and I need not consider it further.

Main Issue

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

Reasons

4. The appeal site is an area of garden land behind the host property. The site is predominantly an area of grass lawn enclosed by mature hedges along its boundaries to the street and neighbouring dwelling plot.
5. The site is within a quiet, residential area which comprises a mix of dwelling types, including detached bungalows and semi-detached and detached houses of differing ages and styles. The host property is a modern, detached bungalow with garages and is broadly typical of the scale and form of surrounding development.
6. Whilst there are occasional outbuildings near plot boundaries, dwellings are generally set back from the highway behind front gardens and driveways which contribute a green and open character to the street scene.

7. Hall Road has a narrow carriageway and no footways. It is crossed by Surrey Lane, a private road that forms a part of the public right of way (PROW) network. The site is prominently located at the junction of Hall Road and Surrey Lane and provides a gap between development along these routes. The site therefore contributes positively to the area's spacious character.
8. The proposed single-storey dwelling would have a long, narrow plan form which would be angled, turning the corner to follow the east and south site boundaries. The dwelling would have wide elevations, spanning almost the full length of the side boundary and most of the frontage. The proposal would therefore introduce substantial built form to the street scene of both Hall Road and Surrey Lane.
9. The proposed dwelling would be set forward in the site, close to the boundaries to both the highway and PROW. The siting of the dwelling would therefore be out of keeping with the prevailing layout of development in the area.
10. The dwelling would have a simple form with brick elevations and a hipped roof. Whilst there would be arched details above windows, the elevations would generally lack visual interest and would be detrimental to the appearance of the street scene.
11. The proposal has sought to achieve relevant development standards in respect of internal space, private amenity space, and parking. However, as a result of the proposed layout, form and massing, the dwelling would appear cramped within the site from the public highway and PROW. The proposed dwelling would therefore erode the open appearance of the site and would have an adverse impact on the area's spacious character.
12. The proposal would utilise existing residential land. Whilst paragraph 129 of the National Planning Policy Framework (the Framework) supports development that makes efficient use of land, it requires proposals take into account the desirability of maintaining an area's prevailing character and setting (including residential gardens) and the importance of securing well-designed, attractive places.
13. Similarly, paragraph 135 of the Framework seeks to optimise the potential of sites to accommodate and sustain an appropriate amount and mix of development, whilst also being visually attractive as a result of good architecture and layout and being sympathetic to local character.
14. As set out above, the siting of the proposed dwelling would be out of keeping with the pattern of surrounding development, and the form and design would fail to assimilate positively into the street scene. The proposal would therefore harm the character and appearance of the area.
15. The proposal would therefore conflict with Policy TIP02 of the Tiptree Neighbourhood Plan 2023 which requires development respect and enhance the character and appearance of the surrounding area by responding to and integrating with local surroundings, landscape context, and built environment. This includes reflecting the local vernacular in terms of building styles and set back.
16. In addition, the proposal would fail to comply with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021 which requires development respond positively to local character and context to preserve and enhance the quality of existing places.

17. Furthermore, the proposal would not satisfy Policies DM12 and DM15 of the Colchester Borough Local Plan Section 2 2022 which supports residential development with high standards of design and layout, and requires development positively respond to its context, wherever possible enhancing the character of the site and surroundings.

Other Matters

18. The whole of the Council's area, including the appeal site, is within the zone of influence (ZOI) of certain European sites on the Essex coast. The Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (Essex Coast RAMS) indicates that residential development in the ZOI is likely to have significant effects on European sites through increased recreational disturbance.
19. Where a proposal is likely to have a significant effect on European sites, Regulation 63 of the Conservation of Habitats and Species Regulations 2017 requires the competent authority to carry out an Appropriate Assessment (AA). However, AA is only necessary where the competent authority is minded to give consent for the proposal. Since I am dismissing the appeal for other substantive grounds which result in conflict with the development plan, it is not necessary to address the proposed development's effects on European sites in further detail.

Conclusion

20. 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