Planning Inspectorate

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/25/3359467
Land adjacent to 2 Dilbridge Road East, Colchester, Essex CO4 0BT

- 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 Mark Mower against the decision of Colchester City Council.
- The application Ref is 241178.
- The development proposed is new-build house with two parking spaces including widening of crossover.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on:

   - the character and appearance of the area; and
   - the capacity of local infrastructure, with particular regard to sport, recreation, and community facilities.

Reasons

Character and appearance

3. The appeal site comprises an area of hardstanding beside no 2 Dilbridge Road East and garden land to the rear of no 126 Harwich Road. The site has an open frontage to the street with vehicular access via a dropped kerb. Tall, close boarded fences enclose the site, providing separation from surrounding dwelling plots.

4. The site is within a mid-20th century housing estate characterised by pairs of semi-detached dwellings and terraced rows of broadly consistent scale and appearance.

5. Dwellings along Dilbridge Rd E are typically rendered, have hipped roofs, and wide front elevations. Many have front gables positioned at each end of dwelling pairs and rows, or as a central feature. There is a high degree of symmetry within these dwelling pairs and terrace rows, particularly in the form and massing of buildings and arrangement of fenestration and chimneys.

6. Dwellings are set back from the highway by front gardens and driveways and are regularly spaced in rectangular plots which contribute to the area's spacious and uniform character.

7. Most front gardens are enclosed by boundary treatments such as low walls, fences, and hedges, which provide clear separation from the highway.

8. The site abuts the rear plot boundaries of dwellings which front onto Harwich Road. Harwich Road comprises dwellings with a compact siting within long, narrow plots, and is markedly different in character from Dilbridge Rd E.

9. The appeal site is next to a pair of semi-detached dwellings, nos 2 and 4 Dilbridge Rd E. The dwellings have a symmetrical form with distinctive catslide roofs to their front gables and are typical of the scale and appearance of dwellings in the area. The dwelling pair is well-spaced from the junction of Crown Bays Road and rear of Harwich Road dwellings and is visually prominent in the street scene.

10. As a vacant area of hardstanding, the site's appearance is of limited visual quality. However, the site's open character provides separation between the different character areas of Dilbridge Rd E and Harwich Road.

11. The appeal site is narrow and of irregular shape. The private amenity space would comprise a small area to the rear and projecting to the side of the plot, resulting in an awkward shape that would function poorly. The site layout would therefore be out of keeping with the uniform pattern of surrounding dwelling plots.

12. The proposed detached dwelling would have a deep plan form, and the roof's hip end would be positioned above its narrow front elevation. The form and massing of the proposed dwelling would therefore differ significantly from the wide front elevations and roof shape of surrounding semi-detached and terrace dwellings.

13. The front elevation would have projecting sections, with tiled roofs above the ground floor reception room and above bedroom 03. These design features are not found on nearby dwellings and would appear distinctly different from the characteristic pitched front gables and flat frontages of dwellings in the area. The asymmetrical front elevation would therefore be out of keeping with the balanced appearance of surrounding dwellings.

14. Whilst it's ridge height would be set down below the height of nearby dwellings, the proposed dwelling would span most the width of the site and would feel uncomfortably close to no 2. The proposed development would have a cramped appearance which would erode the area's spacious character.

15. The site's frontage would be landscaped to provide two car parking spaces, as per the requirements of the parking standards. However, the parking spaces would occupy most the width of the dwelling's frontage. The front of the plot would be predominantly hard surfaced and open to the highway. This would be out of keeping with the typical front gardens and boundary treatments in the area.

16. The appellant refers to the design of two recently constructed bungalows at Compton Road. This area has a mixed character, and the bungalows differ in scale, form and appearance from the proposed dwelling. Therefore, the design of the bungalows would not justify the appeal proposal.

17. I note the proposal was subject to various design iterations at the pre-application stage. Nonetheless, for the reasons set out above, the siting and layout would not reflect the pattern of development in the area and the design, size, scale, and form of the proposed dwelling would be out of keeping with surrounding development. The proposed dwelling would front onto the street where it would be visually prominent and viewed within the context of neighbouring dwellings. The proposal would therefore harm the character and appearance of the area.

18. The proposal would conflict with Policy SP7 of the North Essex Authorities' Shared Strategic Section 1 Plan 2021 (SSP) which requires development respond positively to the local character and context to preserve and enhance the quality of existing places and their environs.

19. In addition, the proposal would conflict with Policies DM12 and DM15 of the Colchester Borough Local Plan Section 2 2022 (CBLP), which support residential development with high standards of design and layout that responds positively to its context, respecting and wherever possible enhancing the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, massing, density, proportions, and detailed design features.

20. Furthermore, the proposal would conflict with CBLP Policy DM19 which requires proposals provide private amenity space to a high standard where the siting, orientation, size and layout make for a usable space and is appropriate to the surrounding context.

Local infrastructure

21. SSP Policy SP6 requires development be supported by the provision of infrastructure, services and facilities to serve needs arising from the development. In addition, SSP Policy PP1 requires proposals make contributions toward the cost of infrastructure improvements and community facilities.

22. The Provision of Community Facilities Supplementary Planning Document 2013 identifies the importance of community facilities to the well-being of residents and as a mechanism for building community cohesion. In addition, the Provision of Open Space, Sport and Recreational Facilities Supplementary Planning Document 2006 considers that all new residential developments of one or more dwellings will impact on sport and recreation provision. The SPDs set out tariffs to calculate financial contributions toward the provision of such facilities.

23. As part of its appeal submission, the appellant has provided a Unilateral Undertaking (UU) which includes planning obligations to secure contributions toward community facilities and open space, sport, and recreational facilities.

24. Regulation 122 of the Community Infrastructure Levy Regulations 2010 makes it unlawful for any planning obligation to be taken into account as a reason to grant a planning permission if it does not meet the three statutory tests; that it is necessary to make the development acceptable in planning terms, directly related to the development, and fairly and reasonably related in scale and kind. The tests are reflected in paragraph 58 of the National Planning Policy Framework. Whilst the Council considers the reason for refusal is overcome by the UU, I must consider whether the obligations satisfy the statutory tests.

25. The Council indicate the contributions would be spent on facilities that could be used by future occupiers of the proposed dwelling, namely works at Oaktree Centre and improvements to play and accessibility improvements at Castle Park. The contributions would either increase operational capacity of the facility, reduce the cost of delivering the existing offer, improve the quality of the existing offer, and/or mitigate against anticipated increased demand on these facilities.

26. However, I have been provided no details of the operational capacity of existing facilities, and the effect of one additional dwelling on such facilities is unclear.

Therefore, I cannot be certain the obligations would be necessary or directly related to the development. Furthermore, I have been provided no details of specific projects or costs of works and therefore it is uncertain if the obligations would be fairly and reasonably related in scale and kind to the development.

27. Consequently, I cannot be certain the planning obligations would comply with the statutory tests. However, since I have been provided no evidence that the development would have an adverse impact on the capacity of local infrastructure, including sport, recreation and community facilities, I am satisfied the proposal would comply with SSP Polices SP6 and PP1.

Other Matters

28. The appeal site is within Colchester's built area and in an accessible location, and the appellant has identified examples of other infill development, namely the extension of terrace rows at nearby St Annes Road. The Council has identified no conflict with the principle of infill development within the proposed location.

29. 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. The UU includes a planning obligation to secure a financial contribution toward habitat mitigation.

30. 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

31. As set out above, the evidence does not demonstrate there would be insufficient capacity at local sport, recreation, and community facilities. However, I have found the proposal would harm the character and appearance of the area.

32. Consequently, 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