



Appeal Decision

Site visit made on 3 June 2025

by **C Walker BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th June 2025

Appeal Ref: APP/A1530/W/25/3362788

18 St Clare Road, Colchester, Essex CO3 3SZ

- 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 Jorgensen against the decision of Colchester City Council.
 - The application Ref is 242487.
 - The development proposed is to demolish the existing dwelling and replace with a new 4 bed and 1 space garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council cite Policy DM13 of the Colchester Borough Local Plan Section 2 2017-2033 (2022) (Local Plan S2) in their reason for refusal. The Council accept that as this relates to domestic alterations, extensions, outbuildings and annexes and replacement dwellings in the countryside, it is not determinative. I proceed on that basis.

Main Issue

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

Reasons

4. The appeal site comprises an extended two storey detached dwelling located in a residential neighbourhood. With its interesting roof form, decorative chimneystack and projecting gable including full height bay windows and timber frame detailing, this is a polite building that makes a pleasant contribution to the street scene. The existing dwelling extends almost the full width of the plot albeit its roof form slopes away from the boundaries and the elements closest to the boundaries are single storey, allowing the building space to breathe. To the rear are extensive single storey additions which project past both neighbouring dwellings in terms of footprint.
5. St Clare Road is typically characterised by substantial dwellings set in large plots. Dwellings tend to enjoy similar, generous set back distances from the road. Many benefit from tree planting within their frontages, contributing to the area's pleasant verdant character. The style of the dwellings in the area varies, however many are influenced by the Arts and Crafts movement. External facing materials are varied

including red bricks, render and hanging tiles paired with a variety of roof coverings including slate, clay and concrete tiles.

6. The property immediately adjacent, at No. 20 St Clare Road, is locally listed, meeting the criteria as a Non-Designated Heritage Asset (NDHA). It is a fine example of Arts and Crafts architecture from 1912, by Goodey & Cressall, a local architectural and builder's practice.
7. The replacement dwelling would be sited in a similar position to the dwelling to be demolished, maintaining the broadly consistently building line of the area. It would have some classical architectural influences, particularly with its strong frontage. However, this does not continue to the sides or the rear elevations. The side elevations are poorly articulated in terms of detailing and include fenestration that do not correlate to the design context of the frontage.
8. The simple shallow hipped roof design departs from the properties in the vicinity which tend to have rooflines that include subordinate gables, pitches and projections serving to break up the massing of these otherwise substantial dwellings. In contrast, the roofline especially along the south side, would comprise a largely unbroken expanse of roof line. This would top a substantial length of two storey development. This would significantly increase the bulk of development at the sides which would project back into the site, way past the adjacent NDHA at No. 20. Overall, this would result in a poor design that is unduly bulky and one that dilutes the quality of the surrounding context.
9. There is a generous set back distance from the road such that the full extent of these side elevations would not be fully visible from the street scene. However, the roof forms of the adjacent dwelling at No. 20 and its detached outbuilding, slope away from the boundary. This would therefore allow for subtle, but nevertheless important, glimpses of the appeal site, particularly from the south which would be more pronounced during the winter months. The proposed use of full render would make this all the more striking. The large scale and massing of the building would also be appreciated from the rear of No. 20, within the setting of the NDHA, competing with it, which adds to the harm identified.
10. The appeal site does not lie within a conservation area. Nevertheless, it does not follow that the area does not possess attributes that contribute positively to its character and appearance, and I have identified some of them above.
11. My attention has been drawn to the contemporary dwelling at 3 Alton Drive, off Fitzwalter Road in support of the appellant's case. However, this is located in an area that comprises newer development where the context is not directly comparable, such that I attribute limited weight to this.
12. The appellant has also appended a copy of the approved plans relating to works at No.16. I observed on site that external works to this adjacent dwelling are underway. Whilst the approved plans show substantial works, they relate to an extension of an existing dwelling rather than a replacement. The extended dwelling would not project as deep into the site as the appeal before me and the roof form would not appear as bulky. Furthermore, as far as I am aware, unlike the appeal scheme before me, No. 16 is not immediately adjacent to a NDHA. Therefore, the two schemes are not directly comparable, and I afford this limited weight.

13. I have found that the combination of the wider footprint, the depth, bulk and design would result in an incongruous dwelling that would be harmful to the surrounding character and appearance of the area, including a NDHA. This is in direct conflict with Policy SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 (2021) and Policy DM15 of the Local Plan S2. Together these policies require a high standard of design. Amongst other things, new development is expected to reflect place shaping principles, respect and enhance the character of the site in terms of context, architectural approach, height, scale, form, massing, proportions, materials and detailed design features.

Planning Balance and Conclusion

14. Paragraph 216 of the National Planning Policy Framework requires a balanced judgement in weighing applications that directly or indirectly affect NDHAs. In this case, I have found that the proposal would have an indirect harmful effect on the setting of No. 20. Moreover, there would be wider detrimental effects to the character and appearance of the area.
15. I acknowledge that there would be some modest economic benefits during the construction phase and the replacement would likely have better energy performance than the existing dwelling by having to meet modern building regulation standards. However, these benefits would be limited and would not outweigh the harm identified. This brings the scheme into conflict with the development plan and material considerations do not indicate a decision otherwise than in accordance with it. I therefore conclude the appeal should be dismissed.

C Walker

INSPECTOR