



Appeal Decision

Site visit made on 9 April 2025

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2025

Appeal Ref: APP/A1530/W/24/3356506

The Little Glebe, Spring Lane South, Colchester CO3 4AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a failure to give notice within the prescribed period of a decision on an application for outline planning permission
 - The appeal is made by NAMMOS against Colchester City Council.
 - The application Ref is 241697.
 - The development proposed is an outline application to erect three new houses in the expansive garden area of "Little Glebe" (the host house), refurbish the rear barn as a residence (it already has permission). Provide an access serving the four dwelling units, based on approved access of permitted planning application 213003.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has supplied a document 'Further Reptile & Amphibian Surveys' (May 2025) after the pertinent deadline. I have not considered it as part of my determination as it not been subject to consultation.
3. The appeal relates to an outline proposal, with all matters reserved for future consideration. I have made my determination accordingly. A plan has been submitted indicating how the proposed dwellings could be accommodated on the site. I have taken this into account for illustrative purposes only.
4. The Council did not determine the application. However, it has indicated that had it been able to issue a decision, it would have refused permission on the grounds of harm to the character and appearance of the area, including heritage assets therein; insufficient information to assess the ecological effects of the proposal, and; there being no appropriate mechanism to secure contributions towards local facilities.

Background

5. The site includes an existing residential building (the Little Glebe) which is split into three dwellings, and a barn containing a residential studio. A previous appeal¹ allowed for the Little Glebe to be converted into a single house, for two new houses to be erected, and the barn to be used, in part, for associated parking (the approved scheme).

¹ Appeal Decision APP/A1530/W/22/3298662

6. The appeal proposal before me would result in a total of five residential properties, comprised of the Little Glebe converted to one dwelling, the continued residential use of the barn, and the erection of three new houses. Like the approved scheme, the appeal proposal is for outline permission with all matters reserved.

Main Issue

7. The main issue is the effect of the proposed development on the character and appearance of the area, including heritage assets therein.

Reasons

8. The site is in the Lexden Village Conservation Area (the CA), is neighboured to the south by Glebe House, a Grade II listed building², and includes The Little Glebe, a non-designated heritage asset. The statutory duty set out in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, the National Planning Policy Framework (the Framework) advises that when considering the impact of the development on the significance of designated heritage assets, great weight be given to their conservation.
9. The previous appeal found the CA to derive its significance primarily from *'its verdant parkland settings interspersed with a proliferation of historic architecture, with many buildings listed. Narrow lanes intersect with the broader street scene of Lexden Road, providing an attractive and varied character'*. I have no reason to see matters differently, though to my mind the spacious, verdant feel provided by the parkland setting becomes more pronounced as one travels north along Spring Lane towards the appeal site, as the number of buildings reduces.
10. In this respect the CA has a discernible core, set out along the junction of Lexden Road, Church Lane, and Spring Lane. Whilst road noise from Cymbeline Way is noticeable at the site, the termination of Spring Lane in a vehicular dead-end combined with the low number of buildings thereabouts creates a quiet, secluded feel, palpably removed from the centre of the CA. The appeal site benefits from and contributes to this feel, in that whilst there are some structures on its southern border, it is largely open and undeveloped behind the Little Glebe and the barn, and is neighboured by the open environs of Spring Lane Park and Lexden Springs Nature Reserve to the west and east respectively.
11. Under the proposed scheme the amount of residential development at the site would increase not only from four dwellings to five, but from four *smaller* dwellings (such as could be accommodated in the Little Glebe and the barn) to five. Of that five at least one, based on the size of the Little Glebe, would be a larger family home.
12. The number and extent of comings and goings would increase therefore, making Spring Lane busier. Both within the site and just outside it, a marked increase in lighting, sound, activities, and signage as associated with increased residential development would be apparent. Taken together, these factors would alter the character of the northern end of Spring Lane, giving it a busier, more suburban feel.

² List Entry No:1123518.

13. Whilst layout and access would be considered at reserved matters stage, it would be necessary to accommodate parking for five households. The planning statement with the application states that this would be on-site, but it is not evident that parking outside the site on Spring Lane could be prevented. Such overspill parking would give the area a busier, more developed appearance.
14. Even if all parking requirements, including for visitors and deliveries, were met on site, it would be necessary to provide a suitable access point and internal roadway. Such an access point would be wide enough that, wherever it was located, it would allow views into the site from the lane and/or the park. The roadways would, however laid out, erode the openness of the site behind the Little Glebe and barn, and be at least partially visible from the access point. Overall, the appeal proposal would undermine the quiet, secluded character and appearance of the site, and its role within the CA, thereby harming its significance.
15. The approved scheme is material in my determination. It represents a realistic fallback position which I have no reason to doubt the appellant would avail themselves of, and a recent decision with which the appellant can reasonably expect consistency, subject to a comparison of details and merits.
16. Due to the greater number of dwellings, the appeal proposal would create more activity and movements than the approved scheme. Whilst this would be limited to that generated by one extra household, given the two schemes comprise four and five dwellings, one of which is a studio, the effects of one extra house would be significant proportionally.
17. Furthermore, and whilst reiterating that the layout shown, references to plot and garden sizes, and to the number of bedrooms each house may have are all understood to be indicative, it is nevertheless reasonable to presume, given the significance of the CA, that the final layout would have to reflect something of the spacious character of the area. This would likely require reasonable separation distances, with development spread across the site to a greater extent than in the approved scheme.
18. The points of distinction between the approved scheme and the appeal proposal are such that, both as a fallback position and as a broadly comparable development, the former does not justify the latter.
19. The previous Inspector found Glebe House to derive its significance from its early 19th Century gothic architecture, and that the appeal site made a very limited contribution to its setting. This was partly the result of more modern extensions to Glebe House, which effectively separate it from the appeal site. I see matters no differently, and see no reason to find that the erection of three houses on the appeal site would be bound to harm the setting of Glebe House, given the separation described.
20. Whilst I have no reason to believe renovation of the Little Glebe could only be achieved through the appeal proposal, it is a benefit of the scheme nonetheless. In any event, I see no reason why, subject to acceptable appearance, layout and access arrangements, the appeal proposal would not be capable of preserving or enhancing the Little Glebe.
21. I do not consider the appeal proposal would, in principle, result in harm to the setting of Glebe House or harm to the Little Glebe. Overall, however, it would have

a harmful effect on the character and appearance of the area, including the CA therein, contrary to Policies ENV1, OV2, DM16, SP7, DM15, and DM13 of the Colchester Borough Local Plan (the Local Plan), where they require development to preserve or enhance the character or appearance of conservation areas, and to respect and enhance the characteristics of the site, its context and surroundings.

Other Matters

22. There is no dispute between the parties that the 'baseline' level of biodiversity at the site must be adequately captured, and that appropriate steps must be taken in respect of protected species. Even if I were to find that such matters could be addressed at a later stage, or that the existing information was adequate, I have no reason to view these as anything other than policy and statutory expectations rather than scheme benefits. As such, they are not capable of affecting the planning balance so as to overcome the harm to character and appearance, including heritage, I have identified above. It has not been necessary for me to consider the matter in detail, therefore.
23. A unilateral undertaking to provide mitigation for the increased pressure on local facilities and a proportionate RAMS contribution in respect of habitats sites has been provided. The Council raises no objection to the terms of the undertaking but notes that, in the absence of all the requisite signatures, no appropriate mechanism exists to secure the contributions. Though some time has passed since the appeal was submitted, I am not aware that the situation has changed. The contributions in question are to mitigate the effects of the development, they are not benefits capable of affecting the planning balance so as to overcome the harm to character and appearance, including heritage, I have identified above. It has not been necessary for me to consider the matter in detail, therefore.
24. I have made my determination on the merits of the appeal proposal as presented to me. In this, correspondence and communication between, and within, the main parties before the submission of the appeal are not material.

Planning Balance

25. The proposal would yield a net gain of one new house, assisting the Government's aim of significantly boosting supply. The benefits of housing delivery carry significant weight but are tempered in this instance by the modest scale of the scheme. There would be temporary economic benefits associated with the construction phase. Thereafter, there would be ongoing local economic benefits relating to the occupation of the site, and local facilities would benefit from increased demand. Nevertheless, given the modest scale of the proposal and the small number of new residents brought about, these benefits would be minor. The Framework states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Overall, the benefits from the appeal proposal would be outweighed by the harm caused to the character and appearance of the area, including heritage assets therein.

Conclusion

26. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed

A Knight

INSPECTOR