



Appeal Decision

Site visit made on 14 July 2025

by **T Bennett BA(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 July 2025

Appeal Ref: APP/A1530/W/25/3361609

4 Parsons Field, Dedham, Essex CO7 6BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Miss Nutman against the decision of Colchester City Council.
 - The application Ref 241212 was approved on 17 September 2024 and planning permission was granted subject to conditions.
 - The development permitted is for UPVC porch to allow for stairlift to be installed.
 - The condition in dispute is No 4 which states that: *Permission for the development hereby permitted shall be personal to Miss Jacqueline Nutman, for the period of their residential occupation of the property known as 4 Parsons Field, Dedham, Colchester CO7 6BZ and shall not enure for the benefit of the land. On the cessation of occupation, the development shall thereafter be removed from the land and the site made good within a period of 6 months, unless otherwise agreed, in writing, by the Local Planning Authority.*
 - The reason given for the condition is: *For the avoidance of doubt as to the scope of this permission because the development is granted solely in recognition of the personal situation and individual circumstances of this case and would not have otherwise been acceptable to the Local Planning Authority.*
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Decision

1. The appeal is allowed and the planning permission Ref 241212 for UPVC porch to allow for stairlift to be installed at 4 Parsons Field, Dedham, Essex CO7 6BZ granted on 17 September 2024 by Colchester City Council, is varied by deleting condition No 4.

Main Issue

2. The main issue is whether the condition is necessary and reasonable having regard to the character and appearance of the area.

Reason

3. The appeal property is a first-floor flat situated within a residential area, adjacent to the Dedham Conservation Area (CA) and within the Dedham Vale National Landscape.
4. Parsons Field predominantly consists of two-storey semi-detached properties and blocks of two-storey flats. There is a sense of spaciousness with properties set back behind drives and front gardens. I observed a variety of porches forward of the main front elevations on properties in Parsons Field. These include flat roofed, mono-pitched and gable fronted canopies as well as brick built porches, along with a variety of front and side extensions. Consequently, the street does not have a

uniform appearance, with the variety contributing to the character and appearance of the area.

5. The modest-sized, flat-roofed UPVC porch is required for a stair-lift, to improve access to the first-floor flat. It would project a modest 1.86 metres in depth from the front elevation. This would be smaller in depth than a previously approved porch granted in 2018, which the appellant states did not have a personal permission condition attached. Consistency in decision making is important. The Council has given very limited information on why there was no need to impose a personal permission on the previous scheme. Notwithstanding this, I do not have the full details of the elapsed permission, so I cannot be sure of its overall design and how it compares to the appeal scheme.
6. Whilst the design of the appeal proposal as a whole would not be typical of others within the streetscene, this does not necessarily equate to harm. The white UPVC would be sympathetic to the material and colour of the fenestration seen on both the host and surrounding properties and would be largely glazed resulting in a lightweight appearance. Its limited depth and width would ensure the proposal appears subordinate to the host dwelling and within the street scene. The proposals limited depth would also ensure that it would not appear cramped within the site, retaining the sense of spaciousness that currently exists. The proposal would not extend forward of the side boundary fence at Crown Corner limiting its visibility on the approach from Crown Street and the proposed flat roof would not appear incongruous given the variety of roof forms in the vicinity. With the above points in mind, I find that the proposal would not be unduly prominent and would not have a harmful effect on the character and appearance of the area.
7. The appeal site is within the Dedham Vale National Landscape (DVNL), formerly known as the Dedham Vale Area of Outstanding Natural Beauty (AONB). The National Planning Policy Framework requires great weight to be given to conserving and enhancing the landscape and scenic beauty in these areas which is the statutory purpose of such landscapes. I am mindful of my duties to further the purpose of conserving and enhancing the natural beauty of National Landscapes.
8. The Dedham Vale AONB Management Plan 2021-2026 outlines the special qualities of the DVNL which has been designated in part because of the natural beauty of the agricultural landscape consisting of a gently winding river, scattered woodlands, sunken rural lanes and historic timber buildings with the area retaining a rural charm and tranquillity.
9. The proposal would also be within the setting of the CA. The significance of the CA is derived, in part, from the historical and architectural qualities of many of the buildings, particularly in the heart of the village evidencing the evolution of the village over many years, as well as the green spaces which allow for views out to the open countryside. Those buildings immediately adjacent to the appeal site and that fall within the CA have limited architectural merit. Given the limited scale of the proposal, viewed against the existing varied, modern residential backdrop on Parsons Field, the proposal would not have an adverse effect on the significance of the CA as whole. For these same reasons, it would not have a detrimental impact on the DVNL where the defining features of the DVNL are not readily visible from the appeal site, where the proposal would be perceived in connection with the immediate residential context. The officer report also confirms there would

be limited visibility in sensitive views of the DVNL. I am satisfied that the proposal would leave the landscape and scenic beauty of the National Landscape unharmed, so there would be no conflict with the statutory purpose of the designation.

10. In conclusion, I find that the disputed condition is not necessary or reasonable as the proposal would not have a harmful effect on the character and appearance of the area. As such I find that there would be no need to remove the development following cessation of occupation by Miss Nutman. The proposal would comply with Policy DM15 of the Colchester Borough Local Plan (2022) which, amongst other matters, require proposals to respond positively to its context and surroundings, respecting the character of the site.

Conclusion

11. For the reasons given above I conclude that the appeal should succeed. I will vary the planning permission by deleting the disputed condition.

T Bennett

INSPECTOR