
Appeal Decision

Site visit made on 26 September 2025

by **J L Cheesley DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 October 2025

Appeal Ref: APP/A1530/D/25/3370574

Finbar Lodge, Vine Road, Tiptree Colchester CO5 0LR

- 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 and Mrs M Flack against the decision of Colchester City Council.
 - The application Ref is 250636.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the host dwelling and surrounding area; and

the effect of the proposal on the living conditions of occupiers of 2 Thatched Cottage, with particular reference to privacy.

Reasons

Character and Appearance

3. The appeal property is a one and a half storey detached dwelling in a primarily residential area. The surrounding detached and semi-detached dwellings are of various traditional designs. The appeal property is of unique design in the streetscene. The proposal is for a two-storey side extension, with a slight set down of the roof level and a slight set back.
4. From my observations, due to the somewhat contrived design, particularly the fenestration on the rear elevation, together with the bulk of the proposal, I consider that it would appear as an incongruous addition to the existing dwelling, to the detriment of the character and appearance of the existing dwelling. The proposed extension would be a large dominant addition, which due to its scale and form would overwhelm the character and appearance of the existing dwelling. In such a prominent location, this would be to the detriment of the character and appearance of the surrounding area.

Living Conditions

5. The proposal includes a dormer window. This would be for a bedroom, which would have an additional window on the left flank elevation. The proposed dormer window would provide views into the garden of the neighbouring property at 2 Thatched Cottage. From my observations, due to the close proximity of the neighbouring garden, this would create unacceptable overlooking and loss of privacy for neighbours. The appellants have stated that the dormer window could be fixed and obscure glazed. I consider it would be reasonable and necessary to impose a condition to ensure the dormer window is fixed and obscure glazed. This would alleviate my concern regarding overlooking. As an additional window is proposed for the bedroom, that room would retain acceptable living standards. Thus, with the imposition of a condition, I do not consider the proposal would have an adverse effect on the living conditions of neighbours.

Conclusion

6. In reaching my conclusion, I have had regard to all matters raised. I have found that the proposal would not have an adverse effect on the living conditions of neighbours. Thus, the proposal would be in accordance with Policy DM13 in the Local Plan Colchester Borough 2017-2033 Section 2 (2022), where it seeks to ensure that development does not have an adverse effect on the amenities of neighbours. Nevertheless, I have found that the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding area. The harm I have identified is so significant that it has led me to dismiss the appeal.
7. For the above reasons, the proposal would be contrary to Policy SP7 in the Colchester Borough Local Plan 2017-2033 Section 1 (2021) and Policies DM13 and DM15 in Section 2 (2022), where they seek to ensure development positively responds to its context. These policies are broadly in accordance with the National Planning Policy Framework where the Framework seeks to ensure good design that is sympathetic to local character.

J L Cheesley

INSPECTOR