Planning Inspectorate

Appeal Decision

Site visit made on 23 September 2025

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 06 October 2025

Appeal Ref: APP/A1530/D/25/3367985
Ivy Green Farm, Middle Green, Wakes Colne, Colchester, CO6 2BJ

- 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 Clarke against the decision of Colchester City Council.
- The application Ref is 250602.
- The development proposed is a single storey rear extension.

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at Ivy Green Farm, Middle Green, Wakes Colne, Colchester, CO6 2BJ in accordance with the terms of the application, Ref 250602, and the plans submitted with it, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The external materials used in the construction of the development hereby permitted shall be those specified on the application form and the plans.

Main Issue

2. The main issue in this case is the effect of the proposed addition on the character and scale of the dwelling.

Reasons

3. The appeal site is located within open countryside. Along this part of Middle Green, properties are located sporadically and comprise of large, open plots with detached dwellings. The hedge lined boundaries and spaciousness around and within the plots contributes to the highly verdant and rural character of the area. Ivy Green Farm has a detached house, set back from the road frontage, with the access taken off towards the northern boundary of the site. The dwelling is of traditional design, reflective of the style of property which is seen in this rural area. Although relatively isolated in its siting, the building is unimposing and is well screened by the existing soft landscaping along the eastern (roadside) boundary.

4. Colchester City Local Plan and the National Planning Policy Framework, require high quality design. Policy DM13 of the Local Plan relates specifically to domestic development and sets out detailed criteria in respect of residential extensions. This policy requires proposals to be compatible with the scale, appearance and character of the original dwelling, subordinate to the original dwelling, not to result

in an adverse impact on the streetscene and character of the area and not result in the over-development of the site.

5. Having regard to these criteria, the proposed singly storey rear extension would not result in an adverse impact to the appearance of the street scene and character of the area and not result in the over-development of the site. The host dwelling is set back from the road frontage within a large site, and the rear elevation cannot be seen from any public viewpoint as it is well screened. South of the plot are small open paddocks and to the north a large outdoor menage and stables. I satisfied myself that the only possible view point might be from Parkhurst Green Lane that runs off Middle Green to the south, and as far as I could tell, any single storey extension on the rear of the house would not be visible. Indeed, the officer's report accepts that there are no adjoining or nearby neighbours who would be impacted by the proposed development, and there would be no adverse harm to the character or visual amenities of the area.

6. The council has previously granted permission for a very similar, but slightly smaller rear extension. The appeal proposal would be greater in depth than that approved by 70cm. It would also not have the small insets from each flank wall of the house. The latter point means that it can be judged to be less subordinate than that approved, and the officer's report states that in other circumstances the amendment to that scheme would be viewed as a minor increase. I fully understand why, having negotiated the previous submission to the form that was given approval, the council does not welcome permission being given to a scheme that reverts back to pre-negotiation.

7. However, the fact is that the differences between the 2 schemes could not be discerned from any public view point, and the minor changes do not change the fact that it is a simple design of a similar scale, and I conclude that the criticism of it by the council is not sufficient to warrant refusal. The appeal will therefore be allowed.

Conditions

8. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. The conditions are that the materials must match the existing building and that the development is carried out in accordance with the plans. However, the materials proposed on the plans and described on the application form vary slightly from those on the host dwelling and therefore the condition should refer to those specified. The second suggested condition is necessary for certainty and avoidance of doubt as to the development permitted, but it can be incorporated in the terms of the permission itself.

Terrence Kemmann-Lane

INSPECTOR