



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/25/3369341

190 Mill Road, Mile End, Colchester, CO4 5JE

- 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 Grant Fryatt against the decision of Colchester City Council.
 - The application Ref is 250706.
 - The development proposed is the replacement of double storey all glass conservatory along with brick constructed storage area set out over three levels with a two-storey conventional construction extension, providing a lower level annex to accommodate an elderly relative and upper floor formal dining room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the host dwelling and wider context

Reasons

3. The appeal site is a detached 3-storey house with hipped roofs, fronting onto Mill Road in a predominantly residential area. I am told that it was architect designed and constructed in 1990-1991. It is constructed at a point with changing levels so that, whilst it has 3 storeys, the height of its roof is roughly on the same level as the neighbouring houses to the northeast. As a result the house has a lower ground floor, and upper ground floor and a second floor.
4. There are a variety of house types in the immediate area, although predominately semi-detached houses and detached bungalows. Immediately along the southwest boundary of the site curtilage is a public footpath that leads from Mill Road to a recently constructed estate to the rear. Mill Road is a busy road, with bus services running along it. There is a bus stop just outside the appeal property. The public footpath appears to be well use, no doubt in part due to its access to the new estate.
5. The appeal house has a substantial front garden, given over to access and car parking on a graded surface. To the rear, the back garden is of a good size, into which projects a rear wing, of 3-storeys, under a lower roof than the main roof.

This wing projects across the majority of the rear elevation, and it was on this wing that previously a 2-storey high conservatory was attached, although this was not as wide as the projecting wing itself. Unlike the transparent conservatory, the proposed 2-storey extension, which is largely completed, runs across the full width of the rear wing. It is also considerably deeper.

6. The drawings are not annotated with dimensions, but taking measurement from the scale bar, the proposed extension would have a width of 5.1m and would extend into the garden by 6.6m from the back of the rear wing, and would be capped with a flat roof. This large box like addition would be very much at odds with the form and character of the existing house. It is evident from Mill Road, looking from the south, and is clearly seen from the public footpath leading to the recent estate and would be seen from the houses on that estate that have a view in a southerly direction, as well as being an alien feature at the rear of the neighbouring houses to the northeast. Render can combine well with brick, but in the case of the appeal building, it draws attention to an incongruous addition.
7. Colchester City's Local Plan 2017-2033 Section 1, Policy SP7, requires all development to meet high standards of urban and architectural design, respond positively to local character and enhance the quality of existing places. Local Plan Section 2, Policies DM13 and DM15, also require that all development must be designed to a high standard and positively respond to its context, specifying that wherever possible development should enhance the character of the site, its context and surroundings in terms of its layout, architectural approach, height, scale, form, etc. The appeal extension does not meet these development plan policy requirements.
8. The appellant points to numerous examples of other applications that have been approved of substantial extensions with flat roofs, mostly on far smaller properties, which is said to evidence the inconsistent approach being taken by the council. But these all show situations that are not comparable to the appeal situation and I do not find them helpful in reaching a conclusion on the merits of the appeal. There is also reference to ways in which the extension might be modified, but it is the development as it is before me that must determine the outcome. The extension can provide a degree of overlooking of the public footpath, thereby acting as a deterrent to antisocial behaviour or even criminal behaviour, especially as the path is unlit during darkness; reducing crime by design is a desirable purpose, and is a minor matter in favour of the development.
9. I must also have regard to the use of the extension, which is intended to provide accommodation for Mrs Fryatt's mother. I need not set out the details that are referred to, but I can obviously understand the benefits to the family and possible public benefits in reducing demands on publicly funded care services and from returning her house to available housing stock. However, personal circumstances rarely are sufficiently persuasive because, among other things, the built development will exist well beyond those circumstances.
10. I have taken account of all other matters raised, but none outweighs the public harm to the character and appearance of the host dwelling and the negative impact on the surrounding area. These are matters that planning policy seeks to avoid,

and the proposal is clearly in contradiction of Policies SP7, DM13 and DM15. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR