



Appeal Decision

Site visit made on 4 February 2026

by **D Ellis MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9th March 2026

Appeal Ref: APP/A1530/W/25/3375645

30 Booth Avenue, Colchester, Essex CO4 3BB

- 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 Arjan Terziu of Right Choice Service Ltd against the decision of Colchester City Council.
 - The application Ref is 251309.
 - The development proposed is change of use from C3 residential to C2 care home including garage conversion, ground floor rear extension and first floor rear/side extensions.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from C3 residential to C2 care home including garage conversion, ground floor rear extension and first floor rear/side extensions at 30 Booth Avenue, Colchester, Essex CO4 3BB in accordance with the terms of the application, Ref 251309, subject to the conditions in the attached schedule.

Preliminary Matters and Main Issues

2. The second reason for refusal related to the proposed car parking provision. An amended proposed block plan (drawing no. AWA/1268/06) has been submitted in response to the Council's concerns in this matter. The amended drawing shows a minor relocation of the car parking spaces and the bin and cycle stores and does not fundamentally alter the appeal scheme. An Operational Management Plan and a Noise Management Plan have also been included with the appellant's appeal submission in response to the first reason for refusal. The Council and interested parties have had the opportunity to comment on the amended drawing and management plans. I am therefore satisfied that no party would be prejudiced by my consideration of these documents in my assessment.
3. The Council confirms that the amended block plan addresses their concerns and based on the evidence before me I have no reason to disagree. Subsequently, the second reason for refusal has fallen away.
4. Therefore, the main issues are the effect of the change of use on the character and appearance of the area and the living conditions of occupiers of neighbouring properties, with particular regard to the potential for noise and disturbance.

Reasons

5. The appeal site comprises a two-storey dwelling in an established residential area. It is one of broadly similar detached and semi-detached properties built in the later half of the twentieth century. They are arranged in regular plots with gardens, to

face Booth Avenue with an open frontage. Overall, these factors result in a pleasant suburban residential character.

6. The proposal would see the existing three-bedroom property extended and converted into a four-bedroom care home. There is no dispute that the physical alterations to the property would be in-keeping and I have no reason to find otherwise. Rather the Council's concerns primarily relate to the impacts arising from activity associated with staff changeovers at the home.
7. The original proposal was for a maximum of four residents whilst the appeal submission indicates that there would be a maximum of three residents. There would also be no more than two carers at the site at any one time, with no routine staff handovers between 22:00 and 07:00 as outlined in the Operational Management Plan.
8. The use of the property would remain residential in character, as would its appearance. The number of occupants proposed would be broadly similar in scale to nearby residential properties of three or four bedrooms. Moreover, the use of the house by a single family could generate a similar amount of activity, noise and disturbance in and around it. Furthermore, the Operational Management Plan would ensure that there are no routine staff handovers during unsociable hours. The emergency services could be called to any property in the area at any time and the evidence before me does not show that the presence of a care home for adolescents would automatically result in an increase in antisocial behaviour and crime.
9. The Operational Management Plan and Noise Management Plan would both be added to the list of approved documents in the conditions attached to the planning permission. Any breach of the measures included in these Management Plans would be a matter for the Council's planning enforcement team.
10. For these reasons, the change to a four-bedroom care home would maintain the pleasant residential character of the area and would not harm the living conditions of the neighbours. The proposal would therefore accord with Policy DM15 of the Colchester Borough Local Plan 2017-2033 Section 2 (July 2022) and Policy SP7 of the Colchester Borough Local Plan 2013-2033 Section 1 (2021), insofar as they require development to positively respond to its context, respect the character of the site, and protect residential amenity including with regard to noise and disturbance.

Other Matters

11. Representations have been received from neighbouring residents during both the application and appeal stages. The operation of the property as a care home is covered by other legislation and regulations, and no substantive evidence has been provided that the proposed care home would not be operated competently. The amended proposed block plan shows the retention of the existing tree and boundary hedge in the rear garden. The effect of a proposal on property values is not a material planning consideration.
12. I note that the original proposed block plan shows the bin and cycle stores to the front of the property and that the Council raised no concerns in these regards. Furthermore, the amended block plan shows the bin and cycle stores would be situated behind planting.

Conditions

13. The Council has suggested a series of conditions, which I have considered against the tests set out in the National Planning Policy Framework and Planning Practice Guidance. In some cases, I have edited the suggested condition to improve precision and enforceability.
14. In addition to the standard time limit condition, I have attached a condition specifying the approved plans to provide certainty.
15. Conditions requiring the external materials to match the existing dwelling, as per the planning application form, and for the cycle and bin stores to be provided in accordance with the approved drawings are necessary in the interests of the character and appearance of the area.
16. In the interests of the character of the area and the living conditions of neighbouring residents, a condition is necessary to restrict the occupancy of the property in accordance with the Operational Management Plan. A condition restricting the hours of demolition and construction of the approved extensions is also necessary in the interests of the living conditions of neighbouring residents.
17. The proposal would utilise the existing car parking arrangements, with the dropped kerb and driveway widened. It is therefore not necessary to attach conditions relating to the construction of a vehicular access or requiring the existing access to be closed. However, conditions relating to the use and materials of the car parking spaces would be necessary in the interests of highway safety.
18. Whilst a condition requiring for the provision and implementation of a Residential Travel Information Pack may be desirable to promote the use of sustainable transport, based on the evidence before me I am not convinced it is necessary to make the proposal acceptable in planning terms. Hence, I have not imposed it.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed subject to the conditions in the attached schedule.

D Ellis

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos AWA/1268/01 (excluding the Proposed Block Plan), AWA/1268/04, AWA/1268/05, AWA/1268/06, Appendix A Operational Management Plan dated 10 November 2025, Appendix C Noise Management Plan dated 29 October 2025.
- 3) The external materials of the extensions hereby permitted shall match those used in the existing dwelling.
- 4) The premises shall be used for a residential care home for up to a maximum of 3 young persons (up to 18 years of age) and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 5) Demolition or construction works for the approved extensions shall take place only between 08:00 and 18:00 on weekdays and 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No unbound material shall be used in the surface treatment of the vehicular access within 6 metres of the highway boundary.
- 7) Prior to the first use of the development hereby permitted cycle and bin stores shall be provided in accordance with the approved drawings. The cycle and bin stores shall be retained thereafter.
- 8) Prior to the first use of the development hereby permitted the vehicle parking spaces shall be provided in accordance with drawing no AWA/1268/06. Thereafter those spaces shall be retained only for the parking of vehicles related to the use of the development.

End of schedule