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Item No: 7.3

Application: 171456

Applicant: Mr Daniel Coe

Agent:

Proposal: Retrospective replacement of garden wall.

Location: 208 Harwich Road, Colchester, CO4 3DE

Ward: St Anne's & St John's

Officer: Mark Russell

Recommendation: Refusal

1.0 Reason for Referral to the Planning Committee

- 1.1 This application has been called in to the Planning Committee by Councillor Paul Smith for the following reason: *“I can see nothing wrong with the improvements to the property.”*

2.0 Synopsis

- 2.1 The key issues for consideration are highway safety and the effect of the development on visual amenity.
- 2.2 It is concluded that, in this context, while there are no highway concerns, the appearance is not visually satisfactory. The application is subsequently recommended for refusal.

3.0 Site Description and Context

- 3.1 208 Harwich Road is within a small group of five houses, forming a larger group of eleven, which are on the northern side of Harwich Road and appear to be older than the rest of the road. The group is set back from the main building line, giving deep front gardens and it appears that the subject property may have been added to the terrace of four at a later date.
- 3.2 It is at the eastern end of the row and is next to the Reynard Heights development on the site of the old Flying Fox public house. The area is predominantly residential with some shops opposite.
- 3.3 The frontage to the group of houses in question is generally open, although some fences have recently been erected which run down towards the road. The wall under consideration is the only enclosure which stretches across the front of these properties.

4.0 Description of the Proposal

- 4.1 The application is retrospective and seeks to retain two brick piers (2.1 metres and 2.2 metres respectively) and two three metre stretches of brick wall approximately 1.8 metres high. The walls bend away from the footway to the front of 208 Harwich Road and leave a three metre access five metres back from the footway edge.

5.0 Land Use Allocation

- 5.1 Predominantly residential.

6.0 Relevant Planning History

- 6.1 None

7.0 Principal Policies

7.1 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF) must be taken into account in planning decisions and is a material consideration, setting out national planning policy. Colchester's Development Plan is in accordance with these national policies and is made up of several documents as follows below.

7.2 The adopted Colchester Borough Core Strategy (adopted 2008, reviewed 2014) contains local strategic policies. Particular to this application, the following policies are most relevant:

UR2 - Built Design and Character
PR2 - People-friendly Streets

7.3 The adopted Colchester Borough Development Policies (adopted 2010, reviewed 2014) sets out policies that apply to new development. Specific to this application are policies:

DP1 Design and Amenity
DP13 Dwelling Alterations, Extensions and Replacement Dwellings
DP14 Historic Environment Assets
DP16 Private Amenity Space and Open Space Provision for New Residential Development
DP19 Parking Standards

7.4 Some "allocated sites" also have specific policies applicable to them. The adopted Site Allocations (adopted 2010) policies set out below should also be taken into account in the decision making process:

n/a

7.5 Regard should also be given to the following adopted Supplementary Planning Documents (SPD):

The Essex Design Guide
External Materials in New Developments

8.0 Consultations

8.1 The stakeholders who have been consulted and who have given consultation responses are as set out below. More information may be set out on our website.

9.0 Parish Council Response

9.1 n/a

10.0 Representations from Notified Parties

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties. The full text of all of the representations received is available to view on the Council's website. However, a summary of the material considerations is given below.
- 10.2 Three letters of support have been received, two from Borough Councillors, the third from a commuter from Suffolk.
- 10.3 Cllr Smith stated: *I would support this application and should the Officer be minded to reject it should like it referred to the Planning Committee.*
- 10.4 Cllr Hogg stated: *I have visited the address and spoken to the applicant and support this retrospective application to retain the new entrance and brickwork which I believe enhances the area.*
- 10.5 The commuter, from Ixworth in Suffolk, stated: *My wife & I often use this Road to commute to and from work at university of Essex and had noticed renovation works had been carried out to this property which we feel the owner has done to a great standard considering what they had to work with from how the property was left. I believe that the driveway and wall really improves the look of the area which still has a couple of derelict houses. I hope somebody buys and improves those as well as the owners have here. Great job.*

11.0 Parking Provision

- 11.1 The provision remains the same, there is ample on-site parking.

12.0 Open Space Provisions

- 12.1 n/a

13.0 Air Quality

- 13.1 The site is outside of any Air Quality Management Area and will not generate significant impacts upon the zones.

14.0 Planning Obligations

- 14.1 This application is not classed as a "Major" application and therefore there was no requirement for it to be considered by the Development Team and it is considered that no Planning Obligations should be sought via Section 106 (s.106) of the Town and Country Planning Act 1990.

15.0 Report

- 15.1 The two main issues to consider for this application are Highway safety and efficiency and visual amenity:
- 15.2 On this first point, the Highway Authority (HA) has no issues with this application, other than requesting that the dropped kerb be extended to the south by 1.8

metres to ensure a 90 degree access on to the road and asking that there be no loose materials.

15.3 It is noted that the brick wall has a letter box on it. This indicates that there might be an intention to install gates. If these were in excess of one metre in height, they would require Planning permission, but this has not been applied for here.

15.4 It is presumed, therefore, that there are no Highway issues.

15.5 The key consideration, therefore, is simply one of visual amenity. Is the appearance of the development acceptable?

15.6 As earlier stated, 208 Harwich Road forms part of a distinct group of houses which are set back considerably from the main building line of Harwich Road. A map regression shows that buildings have been on this site since the 18th century and possibly before, when a limb of Parsons Heath extended westward along Harwich Road. This explains the odd positioning of the row.

15.7 The current houses date from the early 20th century, but still follow that early set-back position and therefore have their own setting and sense of place, which requires consideration.

15.8 The gardens in the immediate group of five are approximately sixteen metres deep, with the next group being almost twelve metres. This compares with depths of between four and five metres for all of the rest of this side of Harwich Road within the 180 metre stretch between Dilbridge Road (East) and Alderton Road, with the opposite side measuring only two to three metres. The application site and its group has, therefore, a unique characteristic.

15.9 Unsurprisingly, the owners of the properties in question have taken advantage of this wealth of space and opened it up to use it for the parking of vehicles. Whilst aesthetically it would be preferable for the gardens to be fronted with dwarf walls and, perhaps, railings (as can still be seen on at least one property further down Harwich Road) the removal of such items is a matter beyond Planning control and it would be unrealistic to expect house owners not to try and use the space in some way.

15.10 That said, the Local Planning Authority *can* control fences, walls and enclosures which are in excess of one metre in height. If these are seen to be visually inappropriate in any way, then the Authority may seek to refuse or amend, even if the enclosures are already in place.

15.11 That the walls in question are already in place does assist in assessing the visual impact. As one progresses from the north-east, all buildings are open to view, including the more recent (although dating from the early 2000s) Reynard Heights, which has railings between 1.5 and 1.8 metres high, giving views of that development.

15.12 The first main obstruction to views from the north-east is not the wall in question, but the close boarded fence which forms the boundary between the application site and Reynard Heights. This light brown structure predates this

application, has been in place for some time and does temper the visual impact of the wall to a certain degree.

- 15.13 The walls do become very apparent diagonally opposite the site (just past the bus cage) and, in your Officer's opinion, are totally out of keeping when one is immediately opposite.
- 15.14 In slight defence of the proposal, there was previously a brick pier on the right hand side (bordering Reynard Heights) in the same position as the new one and of a similar height. However, there were no other structures in excess of one metre in height, instead was a dwarf wall which had a "dry-stone" appearance.
- 15.15 The fact that the walls and piers are the only such structures in the vicinity means that they are stark within their setting. Even when allowing for the fence to the right (Reynard Heights), it is highly prominent. This is slightly offset by the return fence, which runs up the garden (also on the applicant's property), but that fence is also in excess of a metre in height where it meets the highway and also requires Planning permission as does, apparently, the fence a few houses to the left.
- 15.16 This discordant appearance could be tempered if other properties were to build similar structures. Then the row would have more of a uniformity about it and the development would appear less incongruous, albeit potentially.
- 15.17 However, the nearby plots do not have sufficient width to contain a development such as this and still be able to accommodate vehicles. The application site is eight metres in width, whilst the other properties are generally four to four and a half metres in width (in one case being just three metres) whilst number 188 (at the opposite end of the group) measures almost seven metres.
- 15.18 This fact militates both in favour of and against the proposal. In its favour, it means that the likelihood of a forbidding 45 metre long stretch (from Alderton Road to Goring Road) of similar piers and walls (which it would be very difficult to exist if this application were approved) is very slim, with the possible exception of 188 Harwich Road, some 38 metres away.
- 15.19 Against it is the fact that it would, therefore, stand alone as a walled structure of 1.8 metres in height (up to two metres at pier) in a group of eleven houses with no front boundaries, barring a two and a half metre stretch of brick wall at number 198 and another at the corner on 188 (both no higher than a metre and therefore visually acceptable as well as being beyond our control).
- 15.20 The visual discordance is only offset by the fact that the brick pier, railings and return fence are already in place at Reynard Heights and this forms a back-drop of sorts. It is the latter item which does the most to absorb the visual effect.
- 15.21 The left-hand-side return fence at the application property also does much to obstruct the visual impact of the wall as seen from the south-west, but it must be recalled that this is also unauthorised.

15.22 Design and appearance are both a matter of taste and, whilst the walls have been built well, it is their sheer height which is discordant and this is more apparent when passing by the site on the same side as it.

15.23 Whilst it is acknowledged that improvements have been made to the house and garden, it is still felt that the proposal is visually unacceptable.

16.0 Conclusion

16.1 To summarise, whilst the property has been improved by the applicant, your Officer feels that the works subject of this application are too high when viewed close up form a discordant within the context of this group of eleven houses and within the wider setting of this part of Harwich Road.

16.2 For these reasons, your Officers recommend that this application be refused.

17.0 Recommendation to the Committee

17.1 The Officer recommendation to the Committee is for:

REFUSAL of planning permission for the reasons set out below:

- Visual amenity and incongruity in this location. Contrary to the NPPF, UR2 and DP1.

18.0 Informatives

18.1 The following informatives are also recommended:

The applicant is advised that the structures the subject of this application, in addition to the return fence are all unauthorised and should be removed or reduced to a height of no more than one metres.