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**Item No:** 7.3

**Application:** 230761

**Applicant:** Mr And Mrs Nigel Chapman

**Agent:** Mrs Lucy Carpenter

**Proposal:** Retrospective application for construction of side boundary brick walls.

**Location:** Holly Cottage, Straight Road, Boxted, Essex, CO4 5QN

**Ward:** Rural North

**Officer:** Nicola Perry

**Recommendation:** Approval

## **1.0 Reason for Referral to the Planning Committee**

1.1 This application is referred to the Planning Committee due to the applicant being a former Colchester City Council Councillor. Section 9 of the Planning Procedures Code of Practice requires all applications which are submitted by or on behalf of former Councillors (within the last 6 months) to be reported to the Planning Committee.

## **2.0 Synopsis**

2.1 The application seeks retrospective planning permission for two brick boundary walls to the south side of the site, between Holly Cottage and Pond Cottage. The key issues for consideration are the design and visual impact of the development on the application site and surrounding area including the setting of the Listed Buildings, as well as the effect on residential amenity.

2.2 Having assessed the application against local and national legislation, policy and guidelines it is considered that the development does not have a detrimental impact visually or adversely affect neighbouring amenity, nor does it harm the setting of the Listed building,

2.3 The application is subsequently recommended for approval, subject to conditions. All relevant issues are assessed in the report below.

## **3.0 Site Description and Context**

3.1 The application site contains a single detached residential property known as 'Holly Cottage' located on the west side of Straight Road to the south of the junction with Oakfield Drive, within the Parish of Boxted.

3.2 Holly Cottage (List UID 1238548) was originally one of two Grade II listed buildings dating from the 17th Century, that has since been combined with adjoining Box Cottage to the north (List UID 1274103) to form a single dwelling under the same ownership. The two-storey property accommodates a first floor in the roof served by dormers and is of traditional timber framed, rendered and thatched construction. Adjacent property, Pond Cottage to the south is unlisted but its architecture, as well as evidence from historic maps, suggest it dates from at least the mid-19<sup>th</sup> Century.

3.3 Holly Cottage is set back from the highway to include a garden area to the front bordered by hedging and a picket fence along the boundary and vehicular access for off-street parking. The property is grouped with other nearby properties, whilst the wider surroundings are characterised by predominately linear residential development along Straight Road and open countryside.

3.4 The application site is not situated within designated land such as a Conservation Area, an Area of Outstanding Natural Beauty (AONB), and is not a designated Scheduled Monument. There are no trees within or immediately adjacent to the site that are covered by Tree Preservation Orders (TPO's).

#### **4.0 Description of the Proposal**

- 4.1 Householder planning permission is sought retrospectively for the construction of side boundary brick walls, situated between Holly Cottage and adjacent Pond Cottage.
- 4.2 The brick walls subject of the application are described as comprising of two independent sections. One of which is located along the southern boundary, separating the front garden area of Holly Cottage from the parking area to Pond Cottage (wall 2 on the supplied plan). The other is located on the boundary to the rear of Pond Cottage, separating the private rear courtyard area of this adjacent property from Holly Cottage (wall 1 on the supplied plan).
- 4.3 A brief Planning Statement and Heritage Assessment have been provided with supporting information in addition to the supplied drawings.

#### **5.0 Land Use Allocation**

- 5.1 Established residential curtilage located within Boxted settlement boundary.

#### **6.0 Relevant Planning History**

- 6.1 An application for Listed Building Consent (230762) was submitted concurrently but subsequently withdrawn as it was not required in this instance.

#### **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 Local Plan 2017-2033 Section 1**

The shared Section 1 of the Colchester Local Plan covers strategic matters with cross-boundary impacts in North Essex. This includes a strategic vision and policy for Colchester. The Section 1 Local Plan was adopted on 1 February 2021. The following policies are considered to be relevant in this case:

- SP1 Presumption in Favour of Sustainable Development
- SP7 Place Shaping Principles

##### **7.3 Local Plan 2017-2033 Section 2**

Section 2 of the Colchester Local Plan was adopted in July 2022. The following policies are of relevance to the determination of the current application:

SG8 Neighbourhood Plan  
ENV1 Environment  
DM13 Domestic Development  
DM15 Design and Amenity  
DM16 Historic Environment  
DM19 Private Amenity Space

7.4 The Neighbourhood Plan for Boxted is also relevant. This forms part of the Development Plan in this area.

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

The Essex Design Guide  
External Materials in New Developments  
Boxted Parish Plan incorporating Village Design Statement

## **8.0 Consultations**

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

### **Historic Buildings and Areas Officer**

8.2 The Historic Buildings and Areas Officer has analysed the impact upon heritage, advising in summary that Holly Cottage comprises two listed buildings that have been linked and are under the same ownership, Box Cottage (List UID 1274103) and Holly Cottage (List UID 1238548). Adjacent property, Pond Cottage is unlisted but its architecture and the evidence from historic map suggest that it dates from at least the mid-19<sup>th</sup> century or perhaps a bit earlier. It forms a pleasant group with the group of listed buildings to the north (including Holly Cottage, Box Cottage, and Medlars) and other unlisted properties in the vicinity, such as Bartons and the Old Forge House.

8.3 The predominant means of enclosure in the area are hedges, picket fences and close board fences. Ordinarily, the recommendation for the wall sections in question would therefore be the use of one of these options, to be in keeping with the character of the area. However, having regard for the retrospective nature of the application and the quality of the brick walls that have been built with good materials and detailing, the proposal can be supported provided that some form of mitigation is agreed, to soften the impression of the tall walls (especially the front section that is visible from Straight Road) and assist their integration in this context. Suggested mitigation could include some form of hedge planting before the wall and/or the use of trellis panels, to support climbing plants.

It is noted a query was also raised in respect of the status of planning permission for a large outbuilding located to the front garden of Pond Cottage, however this is a separate matter which does not form part of the assessment of this application.

## **Archaeological Advisor**

- 8.4 The Archaeological Advisor has examined the submitted plans and documents and confirms the development would not result in material harm to the significance of below ground archaeological remains. Therefore, no there would be no requirement for archaeological investigation.

## **Essex Highway Authority**

- 8.5 The Highway Authority do not object to the development as submitted. An informative is provided requesting any works within or affecting the highway to be agreed by prior arrangement with the Highway Authority before commencement. As the application is for retrospective planning permission this guidance is not required.

## **9.0 Parish Council Response**

- 9.1 The Parish Council have not returned any comments on this application.

## **10.0 Representations from Notified Parties**

- 10.1 The application resulted in a number of notifications to interested third parties including neighbouring properties, a site notice was also displayed and a press advert published. No written representations from members of the public (objections/or support) were received in response.

## **11.0 Parking Provision**

- 11.1 Parking provision would be unaffected by this development.

## **12.0 Accessibility**

- 12.1 The Equality Act 2010 legally protects people from discrimination in the workplace and in wider society. The development does not raise any issues of potential direct or indirect discrimination and the consultation responses and/or representations received, have not identified any specific equality implications requiring additional consideration.

## **13.0 Open Space Provisions**

- 13.1 The application does not include, nor is it required by policy to make any open space provisions.

## **14.0 Air Quality**

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

## **15.0 Planning Obligations**

15.1 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.

## **16.0 Report**

16.1 The main issues in determination of this application are:

- The Principle of Development
- Design and Layout
- Visual Impact on the Surrounding Area
- Impacts on Neighbouring Amenity
- Impacts on Heritage Assets
- Other Matters

### **Principle of Development**

16.2 The application site has an established residential use and is located within the settlement boundary for Boxted. Domestic development is therefore generally acceptable in principle, subject to material planning considerations. This includes the design of the development, with particular regards to the visual impact on the character and appearance of the application site, surrounding area, and setting of the Listed Buildings, as well as the effect on residential amenity in terms of outlook, light and privacy.

### **Design, Layout and Impacts on Neighbouring Amenity**

16.3 The National Planning Policy Framework (the Framework) (NPPF) (2023) and the Planning Practice Guidance (PPG) recognise the importance of good design, specifically in paragraph 130 of the NPPF which requires planning decisions to ensure development is visually attractive as a result of good architecture, and sympathetic to local character. Paragraph 126 states that the creation of high quality and beautiful buildings and places are both fundamental to what the planning and development process should achieve.

16.4 The relevant policies from the adopted Colchester Local Plan include Section 1 Policy SP7 *Place Shaping Principles* which states all new development should meet high standards of urban and architectural design, and respond positively to local character and context to preserve and enhance the quality of existing places and assets of historical value. Section 2 Policies DM13 *Domestic Development* and DM15 *Design and Amenity* are also applicable. These policies require development to be designed to a high standard to respect and enhance the character and appearance of the site, its context, and surroundings, to achieve good standards of amenity and positively integrate with the character of the existing built environment, including heritage assets.

- 16.5 The application relates to the erection of brick walls to the shared boundary of the site between Holly Cottage and Pond Cottage. The two sections of wall comprise a large, angled stretch (wall 2) to the front southern boundary and a smaller infill piece (wall 1) to the mid southern boundary replacing a holly hedge with metal stakes and a dilapidated wall respectively. Both sections of wall are approximately 186.5cms in height (depending on ground levels) and constructed from multi red bricks in Flemish bond capped with a red creasing tile and a brick on end.
- 16.6 The brick walls are typical of this form of traditional boundary enclosure. A palette of high-quality materials and techniques have been used in terms of brick type, texture, colour, and bond, which correspond appropriately with the character and appearance of the host dwelling and surrounding area.
- 16.7 Owing to the location of the brick walls along the side boundary and orientation of the large section to the front in relation to the highway, the development is not overly obtrusive within the street scene. Although it is acknowledged the large section is partially visible when approaching the site from north to south, the presence of existing boundary treatment to the sites frontage, comprising an established hedge and picket fence, provides an element of screening. It was noted during the case officer site visit, this is further enhanced by planting adjacent to and in the foreground of the large section of brick wall which helps soften its appearance. The brick walls are also expected to weather in time dulling down in tone. A compliance condition is therefore considered sufficient and proportionate to the scale of development, to ensure planting is retained in perpetuity, should permission be granted.
- 16.8 Whilst the smaller section of brick wall does not benefit from any soft landscaping in its foreground, it is considered to have negligible impact on the wider surroundings owing to its location, modest size and the characteristics of the site.
- 16.9 The submitted Planning Statement advises the brick walls were constructed by the owners of neighbouring property Pond Cottage, in conjunction with the owners of Holly Cottage. Nonetheless, due regard has been given to the impact of the proposed development on the residential amenity of current and future occupiers. The location, density and height of the brick walls are comparable to typical boundary treatments found between residential properties and therefore are not considered to result in material harm or represent an unneighbourly form of development.
- 16.10 For the reasons described, the design of the development is satisfactory on its own merits to integrate accordingly with the context of the site. The brick boundary walls are considered visually acceptable and do not materially detract from the appearance of the host dwelling, nor do they diminish the character of the site, the street scene or surrounding area.

## Impacts on Heritage Assets

- 16.11 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which they possess.
- 16.12 The National Planning Policy Framework (NPPF) (2023) aims to conserve and enhance the historic environment. Section 16, Paragraph 199 determines that when considering the impact of a development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraphs 201 and 202 deal with substantial harm and less than substantial harm respectively. Where less than substantial harm is caused to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 16.13 This test of the Framework is reflected in Section 2 Policy DM16 *Historic Environment* of the adopted Colchester Local Plan, which requires development affecting the historic environment seeks to conserve and enhance the significance of heritage assets and any features of specific historic, archaeological, architectural, or artistic interest.
- 16.14 The application relates to development within the curtilage of Holly Cottage, a Grade II Listed Building. Advice from the Council's Historic Buildings and Areas Officer has therefore been sought regarding the impact of the development upon the character and setting of the designated heritage asset. The NPPF Glossary defines the setting of a heritage asset as "the surroundings in which a heritage asset is experienced" and clarifies that "its extent is not fixed and may change as the assets and its surroundings evolve".
- 16.15 In summary, the Historic Buildings and Areas Officer is able to support the development, owing to the quality of the brick walls that have been constructed, including materials and detailing. However, this is subject to some form of mitigation such as planting, to soften the impression of the walls particularly the section to the front that is visible from Straight Road and assist its integration in this context. It is noted from the case officer site visit that an area of planting exists in the foreground of this section of wall and some shrubs are already established, however this should be retained in perpetuity, should the application be approved. The smaller section of wall to the rear is relatively conspicuous in comparison due to its location.
- 16.16 Having due regard to the specialist advice received, with reference to the supplied Heritage Statement, Planning Statement and case officer site visit, the development is not considered to result in significant harm to the character and setting of the listed building, subject to appropriate mitigation. A condition securing planting would be included, should permission be granted.



## Other Matters

16.17 Finally, in terms of other planning considerations such as. damage to trees, or archaeology, the development does not raise any concerns. The development is considered to accord with policies and guidance contained within the Boxted Neighbourhood Plan insofar as they relate to design, amenity and heritage. Additionally, the Parish Council have not returned any comments of support or objection in relation to the application.

## 17.0 Planning Balance and Conclusion

17.1 To summarise, the development is acceptable in design terms, including taking into account the visual impact on the site, the surrounding area and setting of the Listed Buildings, subject to conditions. The level of harm to neighbour amenity is not considered to be material or unacceptable. No objections have been received and it is felt that the development accords with the Council's policy requirements including Policies SP7, DM15 and DM16 from Section 1 and Section 2 of the adopted Colchester Local Plan.

## 18.0 Recommendation to the Committee

18.1 The Officer recommendation to the Committee is for:

APPROVAL of planning permission subject to the following conditions:

1. The development hereby permitted shall be permanently retained in accordance with the 'existing' details shown on the submitted Drawing Numbers:

**2023-707-001, 2023-707-002**

Reason: For the avoidance of doubt and to ensure that the development is carried out as approved.

2. The materials shall be those specified on the submitted application form and drawings and shall be retained as such in perpetuity.

Reason: To ensure that materials are of an acceptable quality appropriate to the area.

3. Within 1 year from the date of this permission, the area of garden to the front of the site shall include a section of planting adjacent to and along the length of wall 2, to include a mix of deciduous and evergreen plants and shrubs. These plants and shrubs shall then be monitored, in the event that any of these plants or shrubs, within a period of 5 years of being planted, die, are removed, destroyed, fail to thrive or are otherwise defective during such period, they shall be replaced during the next planting season thereafter, with others of similar size and type, unless the Local Planning Authority agrees, in writing, to a variation of these approved details.

Reason: In order to ensure that a sufficient landscaping scheme is retained to soften the development in the interest of visual amenity and to protect the setting of the Listed Buildings.

## **19.1 Informatives**

Not applicable.

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