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## Appeal Decision

Site visit made on 16 November 2020

**by Nick Palmer BA (Hons) BPI MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 03 December 2020**

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### **Appeal Ref: APP/A1530/W/20/3249184**

### **161 Shrub End Road, Colchester CO3 4RG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Shaun Ellis of Absolute Construction against the decision of Colchester Borough Council.
  - The application Ref 191939, dated 25 July 2019, was refused by notice dated 19 December 2019.
  - The development proposed is removal of existing derelict dwelling and replacement with new build 3 bed bungalow.
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### **Decision**

1. The appeal is dismissed.

### **Procedural matter**

2. The site address in the heading is as given on the application form and as indicated on the proposed site plan.

### **Main Issue**

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

### **Reasons**

4. The site is on the corner of Shrub End Road and King Harold Road, within a residential area that is characterised by mainly 20<sup>th</sup> century houses and bungalows. The existing dwelling is a cottage of timber frame construction which appears to date from the early 19<sup>th</sup> century. It has been vacant for a number of years and a former side extension adjacent to the King Harold Road frontage has been removed, leaving a gap in the side gable wall.
5. The dwelling has two rooms on each of its two floors, which are arranged on either side of a central hall and staircase. The original dwelling was faced with weatherboarding, some of which remains, but two elevations have been rendered over the original material. The windows are of uPVC. The building has a gabled slate roof. To the rear there is a brick ground floor addition with a lean-to slate roof.
6. Although some of the architectural significance of the building has been lost in terms of its external materials and windows, the original form and layout of the building is intact. It is of a type that is typical of the early 19<sup>th</sup> century in this

- area. It is an example of the early development of Shrub End and of the historic vernacular.
7. For these reasons the building has some historical and architectural significance. The Council advises that although it is not on the local list, it meets the criteria for inclusion on that list. Those criteria concern the age of the building, its style, form and construction being easily identifiable and potentially restorable.
  8. The appellant's structural survey report identifies amongst other matters severe rot and decay within the timber structure. The report also states that the foundations are in poor condition and require repair or replacement. The structure also requires upgrading.
  9. The survey report thus shows that a significant amount of work is necessary to restore the building to a habitable condition. However, there is no information before me on the financial viability of such work. The use of specialist conservation methods could avoid unnecessary removal of historic fabric, but it has not been demonstrated that such methods have been investigated.
  10. For these reasons it has not been convincingly demonstrated that retention of the existing dwelling is not viable. I concur with the Council that the building should be considered a non-designated heritage asset. The loss of the asset would not accord with Policy DP14 of the Development Policies<sup>1</sup> (DP), which requires preservation and enhancement of heritage assets, including non-designated assets. Neither would the proposal accord with Policies ENV1 and UR2 of the Core Strategy<sup>2</sup> which require conservation and enhancement of the historic environment and character and protection of buildings that contribute positively to character.
  11. Because the site occupies a corner plot, the existing building is prominent in the street scene. Although its current condition may detract from the appearance of the site to some extent, this would of course not be the case if the building were restored. The proposed bungalow, by contrast, would be of an unremarkable design and would not enhance the appearance or character of the site. The proposal would not accord with Policy DP1 of the DP which requires development to respect and enhance the character of the site.
  12. Because the proposal would involve the complete loss of the building it would clearly differ from the previously approved scheme which would involve partial loss.
  13. For the reasons given I conclude that the proposal would unacceptably harm the character and appearance of the area.
  14. I have had regard to all other points raised, including the proximity of the site to local facilities and services and safety concerns. I saw on my visit that the site is enclosed with security fencing to prevent trespass. The other points raised do not alter my conclusions on the main issue.

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<sup>1</sup> Colchester Local Development Framework Development Policies (2010)

<sup>2</sup> Colchester Local Development Framework Core Strategy (2008)

**Conclusion**

15. I conclude that the appeal should be dismissed.

*Nick Palmer*

INSPECTOR