
Appeal Decision

Site visit made on 3 August 2016

by R J Marshall LLB DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 September 2016

Appeal Ref: APP/D0840/D/16/3150233

Landrevy, Manor Drive, St Ives, Cornwall, TR26 2AW

- 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 M Telning against the decision of Cornwall Council.
 - The application Ref PA15/09573, dated 13 October 2015, was refused by notice dated 8 March 2016.
 - The development proposed is side extension and internal alterations.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on: **first**, the character and appearance of the surrounding area; and **second** its effect on the living conditions of the occupants of an adjoining property, Kemen.

Reasons

Character and appearance

3. The appeal site fronts onto Manor Drive. This narrow road faces onto a belt of trees on one side. On the other side of the road lies a ribbon of bungalows which include the appeal property. The road, and the development to one side of it, appears as an area quite distinct from neighbouring residential areas. A combination of the woodland and the generally attractive bungalows facing onto it gives Manor Drive a most pleasant appearance. This is particularly so given a broad uniformity in terms of the materials and external finishes of the bungalows, mostly white render walls with slate roofs, combined with a modest variation in terms of scale and design.
4. The appeal property is not unlike others in the road, albeit it has a gable end to one side and a hipped roof to the other. The proposal would alter the roof of the appeal property by, amongst other things, replacing the gable end with a hipped roof. This would, in conjunction with other works proposed, add somewhat to the apparent bulk of the property. However, this would not be to a degree that, in the context of other bungalows in the road, would make it appear unacceptably out of keeping. Indeed the proposed hipped roof would provide a rather more balanced appearance to the appeal property. This would

be of some improvement to the character and appearance of the area. Albeit this would be a limited one given that the existing property does not detract unduly from the character and appearance of the area, in part due to the amount of trees/vegetation locally and the alignment of the road limiting the extent to which it is seen.

5. It is concluded that the proposed development would not detract from the character and appearance of the surrounding area but would result in, an albeit minor, improvement. Thus there would be no conflict with Policies GD-1 and GD-2 of the Penwith Local Plan 2004 in so far that they seek to ensure that new development is in keeping with its surroundings and Policy 13 of the emerging Local Plan in so far that it has the same objectives.

Living conditions

6. The Council's concern on this issue is that the proposed development would appear overbearing when seen from the adjoining house to the north, Kemen. A proposed side extension would bring the appeal property closer to the boundary with this property, which is on slightly lower land. Given this, and its considerable length, this would make the proposed extension, even with an eaves line lower than that of the existing dwelling, appear over dominant. This would especially be so when seen from the neighbour's rear garden.
7. I note the neighbour's concerns on loss of sunlight and daylight. On the former the location of Kemen to the north of the appeal site makes it unlikely that there would be an unacceptable loss of sunlight. As for daylight, without more comprehensive evidence I am not convinced that the case made should stand against the proposal. However, this does not make the proposed development more acceptable on this issue given the harm found on visual impact. By extending in part over a raised decking the proposed development would reduce to some degree the extent to which the occupants of Kemen are currently overlooked from the appeal property. However, any benefit in this regard would not outweigh the harm through visual impact.
8. It is concluded that the proposed development would have an unacceptably detrimental affect on the living conditions of the occupants of the adjoining property Kemen to the north. As such there would be conflict with the National Planning Policy Framework which seeks to ensure a good standard of amenity for existing occupiers.

Other matters

9. From what I saw the concerns that the existing decking would be enlarged appear to be unfounded. Moreover, a window in the proposed side extension would be sufficiently distant from Trevenna for no unacceptable loss of privacy to be caused to the occupants of that property. Whether the proposed development would result in the appeal property becoming a holiday let is purely subjective as is the view that harm would thereby be caused. There is no substantial evidence to support concerns that past mineral workings in the area would cause problems in relation to excavations required for the proposed development. Concerns that the existing decking may not have planning permission are for the Council and not for this decision.

Conclusion

10. I have found lack of harm on the first issue and on the "other matters" raised. Indeed I found some, albeit limited, benefit to the character and appearance of the area. Nor did I find harm in relation to loss of sunlight to the property to the north. However, this does not make the proposal acceptable given the harm found with regard to visual impact on the second issue and it is this that I find decisive. In doing so I note the appellant's observations of a difference of opinion between the case officer and other officers. However, such differences can arise and my decision is based on all I have read and seen.
11. For the reasons given it is concluded that the appeal should be dismissed.

R J Marshall

INSPECTOR