
Appeal Decision

Site visit made on 17 August 2016

by J F Powis BA (Hons) MSc MRTPI

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

Decision date: 20 September 2016

Appeal Ref: APP/D0840/W/16/3145655

Land on the north side of 1 Castle View, St Stephens, Cornwall PL12 4RD

- 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 Copp against the decision of Cornwall Council.
 - The application Ref PA15/08011, dated 25 August 2015, was refused by notice dated 3 December 2015.
 - The development proposed is construction of a single dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposed development would provide adequate living conditions for future occupants, with particular reference to internal and external amenity space.

Reasons

3. Castle View is a residential street comprising a mixture of single and two storey properties. The appeal site is an area of land adjacent to the road, located between the front garden of the house at 1 Castle View to the south and a pair of existing garages to the north. The proposal would provide a one bedroom bungalow on the site together with one car parking space.
4. The national space standard¹ for a one bedroom dwelling with two bed spaces is for a minimum gross internal floor area of 50 sqm. For a one bedroom dwelling providing only one bed space, this reduces to 39 sqm. The appellant states that the proposed dwelling would have a gross internal floor area of approximately 40.02 sqm and indicates that the number of bed spaces to be provided is one. On this basis, the proposal would appear to meet the minimum national standard.
5. I note the Council's submissions that the internal floor area would be less than that indicated by the appellant. However, I consider that the variance in figures is minor and may be attributed to slight differences in the way that measurements have been taken from the plans. There is also disagreement between the parties as to whether or not the technical requirements of the national standard would be satisfied in relation to the minimum floor area of

¹ 'Technical housing standards – nationally described space standard', Department for Communities and Local Government (March 2015)

the single bedroom and built in storage space, as set out in at points 10(c) and (a). In any case, it is clear that at best the proposal provides bedroom and built in storage space at a level approximate to the minimum specifications in the national standard.

6. The Written Ministerial Statement of 25 March 2015 makes it clear that the national space standard can only be applied where there is a relevant current local plan policy. In this case, there is no relevant development plan policy although I note that draft Policy 14 of the emerging Cornwall Local Plan: Strategic Policies 2010-2030 seeks to apply the national standard, which constitutes a clear intention to do so. In this context, I afford the national standard modest weight in my decision.
7. Against this backdrop, I have had regard to the particular characteristics of the appeal site. The eastern boundary of the site is marked by a substantial retaining wall for the rear garden of a neighbouring property on St Stephens Hill which is situated at a significantly higher level than the appeal site. The proposed dwelling would be sited tight against the wall, facing west. The bungalow would have full height windows, but only on its western elevation, together with a door to the car port on the southern elevation. A close boarded fence of approximately 1.8m high would enclose the site on the southern, western and north western boundaries, with the side elevation of the existing garage forming the boundary to the north east.
8. The Council estimates that the fence on the western boundary would be sited between approximately 2 and 5 metres from the windows along the western elevation. This is not disputed by the appellant. Given the close proximity of the windows to the fencing, and the fence's height sitting just below the top of the windows, outward views from within the dwelling would be severely restricted. For the same reasons, the availability of natural light to the interior of the property would also be limited. I consider that this, combined with the small internal floor space, would create an unacceptably oppressive effect on future occupants of the dwelling.
9. Turning to the external amenity space provided within the scheme, the appellant states that the proposal would provide approximately 54 sqm of outdoor space. I note, however, that this figure includes the car port area. The Design and Access Statement states that deducting the car port would result in an external amenity area of approximately 42 sqm which would undoubtedly constitute a small garden. This space would be roughly triangular in shape, with the southern section forming a thin wedge between the front elevation of the dwelling and the front boundary fence. This would create a narrow, shaded area, further reducing the amount of useable garden space available.
10. Moreover, the garden would be located along the front of the dwelling. I note the appellant's case that the absence of any private rear garden space would be compensated by the tall fencing bounding the front garden. However, given the size and shape of the garden space, I consider that the fencing would also make the garden feel enclosed and reduce the availability of sunlight, resulting in a poor quality space.
11. I acknowledge the appellant's submissions that as a one bedroom dwelling, the proposal is not designed to function as a family home and therefore may not require an equivalent quantum of garden space. However, I consider that in

this case, the limited provision of garden space would be compounded by its poor quality and the low level of internal space provided, as outlined above. Overall, the bungalow would feel cramped in its plot and would not provide an acceptable standard of all round living accommodation.

12. Whilst the appellant contends that the proposed development would replicate similar proportions to other dwellings and plots in the vicinity, this is not supported by specific evidence in relation to the dimensions of other properties. On my visit, I found that the proposed dwelling and its plot would be perceptibly smaller than those surrounding it. Nearby properties typically have private rear gardens as well as front external amenity areas; based on the information before me, including what I observed while conducting my site visit, the proposed dwelling would be likely to offer considerably less outdoor amenity space.
13. I therefore conclude that the proposal would not provide adequate living conditions for future occupants, with particular reference to internal and external amenity space. Consequently, it would be contrary to Policy ALT2 of the Caradon Local Plan First Alteration (adopted August 2007), which, amongst other things, requires that new development is of a good design that incorporates hard and soft landscaping. I also find conflict with paragraphs 9 and 58 of the National Planning Policy Framework, which seek to improve the conditions in which people live and create comfortable, well-functioning places.

Other matters

Benefits of the proposal

14. The site is within the town development limits of Saltash, and is therefore considered to be a sustainable location for new housing. The proposed bungalow would provide an additional home and good standard of disabled accessibility. These are matters that weigh in the proposal's favour. However, these benefits are not sufficient to overcome the harm that I have identified in respect of the main issue in this case.
15. I have also taken into account the other matters raised by the appellant, including the effect of the proposal on the character and appearance of the area, however these have not led me to any different overall conclusion.

Conclusions

16. For the reasons given above I conclude that the appeal should be dismissed.

Jessica Powis

INSPECTOR