

## Appeal Decision

Site visit made on 13 September 2016

**by CD Cresswell BSc (Hons) MA MBA MRTPI**

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

**Decision date: 27 September 2016**

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**Appeal Ref: APP/D0840/W/16/3153299**

**1 The Bungalow, Chapel Road, Leedstown TR27 6BA**

- 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 Jim Gilbert against the decision of Cornwall Council.
  - The application Ref PA15/10371, dated 5 November 2015, was refused by notice dated 9 February 2016.
  - The development proposed is the construction of a single storey dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey dwelling at 1 The Bungalow, Chapel Road, Leedstown TR27 6BA in accordance with the terms of the application, Ref PA15/10371, dated 9 February 2016, subject to the conditions set out in the Schedule at the end of this Decision.

### Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

### Reasons

3. No 1 The Bungalow is among several dwellings on this side of Chapel Road which are situated close to the street frontage and follow a generally consistent building line. Although some dwellings are set back further from the frontage, this pattern of development is a prevalent feature of the street scene from the appeal site as far as the crossroads to the north-west. Therefore, even though there are a range of architectural styles in the area, this side of the road maintains a degree of consistency.
  4. The appeal site is situated to the rear of No 1 the Bungalow and is accessed by a short driveway. It is not easily seen from within Chapel Road because it is mostly screened by neighbouring properties, although there are direct views into the site from near the entrance. It can also be seen from the rear windows and gardens of the surrounding dwellings.
  5. The proposed new bungalow would not appear highly prominent in longer views within Chapel Road due to its relatively low height and degree of set back from the street frontage. When standing near the Post Office and looking in the direction of the appeal site, the appearance of a consistent building line would be maintained as the proposed bungalow would be well screened by other dwellings. For similar reasons, the proposed bungalow would not be easily
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seen when approaching the site from a south-easterly direction. Hence, the appearance of the wider street scene would be maintained.

6. The proposed bungalow would be most visible from within Chapel Road near the site entrance. The pattern of development in the immediate vicinity is more variable than elsewhere in this part of the street as the neighbouring dwellings (Primrose Cottage and Cran Mor) are positioned towards the rear of their plots and orientated at angle to the street. Therefore, whilst the proposed bungalow would be set back less than some of the other nearby developments referred to by the Council (such as Post Cottage) it would be compatible with the more varied pattern of development to the immediate south east.
7. Although the new bungalow would only be partially obscured by surrounding development when seen from near the site entrance, it would not be a highly prominent feature within the street scene as it would not be widely exposed. Indeed, I have established that the characteristic building line running between No 1 The Bungalow and the crossroads to the north-west would be maintained in longer views within the street scene.
8. Due to its relatively low height and modest footprint, the bungalow would not appear particularly prominent or overbearing when seen from the rear of neighbouring properties. Although the quantity of open space in this area would be reduced, the surroundings would maintain a sense of spaciousness as neighbouring dwellings have relatively large gardens and there is also open agricultural land to the rear. As such, the development would not appear unacceptably cramped.
9. I therefore conclude that the proposed development would have an acceptable effect on the character and appearance of the area. There would be no conflict with the design objectives of the National Planning Policy Framework, including paragraphs 17, 56, 57 and 58. There would also be no conflict with the objectives of the Cornwall Design Guide 2013.

### **Other Matters**

10. Neighbouring occupiers express concern that the proposal would not make adequate provision for foul and surface water drainage. I have been told that the site is not connected to a mains sewage network and that other dwellings in the vicinity rely on soakaways. It has been argued that development of the site would increase the risk of localised flooding due to the prevalence of soakaways in the vicinity. I have also had regard to the photographs submitted in these respects.
11. Whilst I find the evidence on these matters inconclusive, there is little before me to indicate that a satisfactory engineering solution could not be found. Hence, in the event of the appeal being allowed, a condition could be imposed similar to that recommended within the original Committee Report. This requires further details to be approved by the Council prior to the development being implemented. Such a condition would allow further consideration of the matters raised by neighbouring occupiers.
12. I recognise that part of the north elevation of the proposed bungalow would run close to the rear garden of No 2 The Bungalow. However, as other parts of the north elevation would be distanced further from this boundary, it would not have unacceptably overbearing effect on this garden as a whole.

13. I note that the proposed dwelling would only have a small amount of private outdoor space and that the garden area of No 1 The Bungalow would be reduced as a consequence of the development. However, limited evidence is before me in this appeal to indicate that this would lead to unacceptable living conditions for the occupiers of either property.

### **Conditions**

14. In the interests of clarity, standard conditions have been imposed requiring that the development is carried out in accordance with the plans and within a time limit. To protect highway safety a condition is imposed to ensure parking and turning space is provided. To protect the privacy of neighbouring occupiers, there is a condition restricting new windows and openings. For this reason, a condition is also imposed requiring boundary fencing. To ensure adequate drainage and sewage disposal, conditions are also imposed requiring further details to be approved.

### **Conclusion**

15. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

*CD Cresswell*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No 15/16.
- 3) The approved dwelling shall not be occupied until space has been laid out within the site in accordance with Drawing No 15/16 for vehicles to be parked and turn so that they may enter and leave the site in forward gear. That space shall thereafter be kept available at all times for those purposes.
- 4) The development hereby permitted shall not commence until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
- 5) The dwelling hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of sewage has been completed in accordance with details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.
- 6) Notwithstanding condition (2) the south-west boundary with Primrose Cottage and Cran Mor shall be provided with close boarded fencing to a height of 1.8 metres in the position shown on Drawing No 15/16 prior to the first occupation of the development. Notice shall be given to the local planning authority when the fencing has been installed. The fencing provided shall not thereafter be altered or removed, other than by necessary replacement.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or openings shall be constructed on the South East and North West elevations.