
Appeal Decision

Site visit made on 11 October 2016

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 31 October 2016

Appeal Ref: APP/D0840/W/16/3154745

Land to rear of 14 Trevallyn Road, Launceston, Cornwall PL15 7HN.

- 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 & Mrs B Robbins against the decision of Cornwall Council.
 - The application Ref PA16/03593, dated 14 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is described as "Demolish garage adjoining No 14. Construct two bedroom bungalow to the west of No 14 in rear garden. Extend existing vehicular access, form next to No 14".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether adequate arrangements would be made for surface water drainage.
 - the effect of the proposal on the living conditions of neighbouring occupiers having particular regard to noise and disturbance.

Reasons

Character and appearance

3. This part of Trevallyn Road contains properties of various architectural styles which are set within spacious plots. Like its neighbours on either side, No 14 Trevallyn Road has a lengthy rear garden. As this converges with the rear gardens of other adjacent dwellings, it forms part of a strip of undeveloped garden space which runs to the rear of properties in Trevallyn Road and Woburn Road. Although this is not easily appreciated from the public domain, it nonetheless contributes to the open, spacious and verdant characteristics of the private areas to the rear of the properties in this area.
 4. The proposed new bungalow would occupy part of the existing garden space to the rear of No 14. Due to its positioning, it would not be particularly conspicuous when seen from public viewpoints within Trevallyn Road as it would be well screened by No 14 and neighbouring properties. The clearest views of the development from Trevallyn Road would be of the driveway,
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turning area and parts of the newly created rear garden. According to the Council's Tree Officer, the largest boundary trees could be protected if the driveway were re-positioned. I agree that this could be achieved by a planning condition in the event of the appeal being allowed. Whilst there may be pressure to fell or prune the trees in the future, the principle views of the site from the street would remain generally open and verdant. As such, the characteristic features of the street scene would be largely preserved.

5. However, the characteristic features of the area are also experienced from within the private domain. The bungalow itself would be simply designed and would not conflict with other properties in the area from an architectural perspective. However, despite being low in height and partially screened, the bungalow would be clearly seen from the upper stories of No's 14 and 16 as well as the gardens of these properties. As the new dwelling would visibly encroach upon the area of undeveloped space behind the established building line, the open and spacious appearance of this area would be somewhat undermined by the presence of the new bungalow.
6. Furthermore, the proposal would have the effect of intensifying domestic activity within an area that is presently undeveloped. In addition to the visual impact of the proposal, a new dwelling in this location would inevitably increase noise and vehicle movements over and above the existing use of the site as a garden. The effect of the proposed dwelling on the living conditions of surrounding occupiers is considered separately within this decision. However, even if the noise and activity was not sufficient to harm living conditions, it would nonetheless be perceivable by surrounding occupiers. As such, the character of this presently undeveloped space would be changed.
7. The development would therefore have the effect of causing incremental harm to the peaceful, open and spacious character of the private spaces to the rear of this particular group of properties. Whilst each application must be treated on its own merits, I am especially mindful of the Council's argument that approval of this proposal could be used in support of similar schemes. There appear to be other opportunities within the immediate vicinity to develop in a similar manner. Allowing this appeal could make it more difficult to resist further planning applications for similar developments which cumulatively would significantly alter the character of this area over time.
8. I therefore conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area. There would be conflict with Policy DVS1 of the North Cornwall Local Plan 1999 (the Local Plan) which requires development to respect the character and appearance of the surroundings. There would also be conflict with the aim National Planning Policy Framework (the Framework) to reinforce local distinctiveness, including the provisions of paragraph 60. There would also be conflict with aspects of the Cornwall Design Guide 2013, including Section 2.9, insofar as the proposal would not reflect the distinctive characteristics of the area.

Drainage

9. Based on the evidence presented to me, I have little reason to doubt that the site is located within a Critical Drainage Area. Although the appellants have provided an Environment Agency map to show that the site is situated outside a Flood Zone, this is a separate designation. The purpose of the Critical Drainage Area is to prevent development from contributing to off-site flooding

elsewhere within the catchment. Whilst the Framework does not make specific reference to Critical Drainage Areas, paragraph 103 makes it clear that development should not increase flood risk elsewhere. It is therefore appropriate for the Council to request additional details of how surface water runoff would be managed within the site.

10. I understand the appellants' point that providing these details at the application stage would have added to costs. However, the site is relatively small and I am conscious that there may be physical constraints associated with accommodating an adequate drainage solution alongside the proposed dwelling. In the absence of at least some information to indicate that surface water runoff could be successfully managed within the confines of the site, I am unable to conclude that a planning condition would necessarily be able to make the development acceptable.
11. I therefore conclude on this issue that adequate arrangements would not be made for the disposal of surface water from the site. It would conflict with paragraph 103 of the Framework which, amongst other things, aims to ensure that development should not increase flood risk.

Living conditions

12. The proposed bungalow would be accessed by a driveway which would run to the rear of No 14 Trevallyn Road into what is currently the back garden. This driveway would pass close to the boundaries of both No 14 and No 16, the neighbouring dwelling. However, the driveway would only serve a small bungalow and is therefore unlikely to generate a great deal of pedestrian or traffic movements or be in constant use.
13. The driveway would be separated from No 16 behind the existing boundary wall which would help to contain sound and prevent headlights from beaming directly into the windows of that property. With regards to No 14, suitable boundary treatments to the rear garden (such as a fence or wall) would have a similar effect and there are no windows on the side elevation of No 14 which would directly face the extended driveway. Whilst a certain degree of noise would be likely to be generated by future occupiers, the new bungalow would be relatively small and, hence, any disturbance is unlikely to be significant enough to harm the living conditions of neighbouring occupiers.
14. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of neighbouring occupiers. There would be no conflict with Policy DVS3 of the Local Plan or the provisions of the Framework with regards to the protection of amenity.

Other matters

15. I appreciate the appellant's wish to construct a smaller property to live in during their retirement. However, there is little evidence to suggest that the proposed development is the only way of facilitating this. As such, this matter does not outweigh the harm I have identified above.
16. The appellant's indicate that they have found the Council's justifications for refusing the scheme to be imprecise, vague and unnecessarily lengthy. Although I understand these concerns, they are matters for a Costs Application and I am therefore unable to address them within this appeal decision.

Conclusion

17. I have found that the proposed development would have an acceptable effect on the living conditions of surrounding occupiers. However, this does not outweigh the harm that I have identified in terms of character appearance and in terms of drainage.
18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR