
Appeal Decision

Site visit made on 12 October 2016

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 11 November 2016

Appeal Ref: APP/D0840/W/16/3153465

17 Queen Street, Lostwithiel, Cornwall, PL22 0AD

- 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 Kildrum Management Ltd against the decision of Cornwall Council.
 - The application Ref PA16/01257, dated 8 February 2016, was refused by notice dated 20 April 2016.
 - The development proposed is conversion of redundant bank premises to four units of living accommodation.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Kildrum Management Ltd against Cornwall Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Lostwithiel Conservation Area; and (ii) the effect of the proposal on the living conditions, on both future occupiers of the proposed development with particular regard to space standards and privacy and existing neighbouring occupiers with particular regard to outlook.

Reasons

4. The appeal site is the former Barclays Bank property, on the A390 main road (Queen Street) in Lostwithiel town centre. The main bank building is stone built with mainly vertical windows facing Queen Street. It has two arched doors. One was the main entrance to the bank; the other leads to a rear courtyard and the single storey section which gives the appeal property an L shape. The existing first floor flat is situated above the banking hall.

Issue 1 – Impact on Lostwithiel Conservation Area

5. The proposed development would leave the north-west elevation, facing Queen Street, unchanged. This is the principal elevation in relation to the character and appearance of the Conservation Area. The remaining three elevations do not affect the public realm, as they are enclosed by other buildings and a storage yard. I therefore conclude that the proposal would not detract from the character or appearance of the Conservation Area. As such, it would not be

contrary to the statutory requirement for development to either preserve or enhance the character of Conservation Areas¹, which is also a requirement of paragraph 131 of *the Framework*² and Local Plan³ policy 31.

Issue 2 – Living conditions of future occupiers and existing neighbouring occupiers

6. Four units of living accommodation are proposed. Units 1 and 2 would occupy the ground floor of the bank, whilst units 3 and 4 would be a two-storey redevelopment of the existing single storey rear extension. All four would be one-bed units.
7. There is some dispute between the main parties over whether the size of the proposed units would be sufficient to afford an acceptable amount of living space in relation to the criteria in the Technical Housing Standards⁴. Even if the Appellant's larger internal space estimates are correct, and the units meet these thresholds, it is clear that the occupiers of the existing first storey flat would have direct views into the bedroom of unit two as they climb the stairs at the rear of the bank to gain access to their flat. This level of overlooking would be unacceptable at such close proximity.
8. The courtyard area would appear to be for communal use, which would provide the potential for the occupiers of units 3 and 4 to be overlooked in their living rooms from close quarters, which would be an unacceptable loss of privacy. I also consider that the outlook from the kitchen at the rear of unit 1 into the courtyard, under the stairway to the existing flat, would be poor.
9. Although the existing first floor flat has a dual aspect, the outlook to the north-west onto Queen Street is onto a busy – and narrow – main road, which carries all forms of traffic, including HGVs. This increases the necessity for the occupiers of the flat to have an acceptable outlook to the rear, which they currently have through a large window. The proposed north-west elevation of unit 3 would be about 3m from this window, which would have unacceptable impact on the existing open outlook that the existing occupiers enjoy.
10. Taking the above matters into consideration, I conclude that the proposal would harm both the living conditions for future occupiers of the proposed development with particular reference to overlooking, but also in relation to outlook, and the occupiers of the existing flat above the bank with particular reference to outlook. It would therefore be contrary to paragraph 17 [4] of *the Framework*.

Other matters and Conclusion

11. Although the appeal site is sustainably located and the proposal would meet a modest proportion of Cornwall's housing need, I consider that these positive aspects are outweighed by the reasons which have led me to dismiss the appeal. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR

¹ The Planning (Listed Buildings and Conservation Areas) Act 1990, Section 72 (1).

² DCLG National Planning Policy Framework (*the Framework*); March 2012.

³ Restormel Local Plan 2001- 2011, which contains a number of saved policies.

⁴ Technical Housing Standards – see xxx