
Appeal Decision

Site visit made on 6 December 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 16 January 2017

Appeal Ref: APP/D0840/W/16/3157940
10 Margaret Avenue, St Austell PL25 4SH.

- 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 John Battersby against the decision of Cornwall Council.
 - The application Ref PA16/04498, dated 9 May 2016, was refused by notice dated 8 July 2016.
 - The development proposed is to demolish existing house and replace with two new dwellings.
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Decision

1. The appeal is allowed and planning permission is granted to demolish existing house and replace with two new dwellings at 10 Margaret Avenue, St Austell PL25 4SH in accordance with the terms of the application, Ref: PA16/04498, dated 9 May 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The Cornwall Local Plan was adopted during the course of the appeal process. I have determined this appeal in accordance with the policies of this plan.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of future occupiers with particular regard to privacy and disturbance.

Reasons

Character and appearance

4. This part of Margaret Avenue forms a small cul-de-sac which contains a group of detached bungalows and dormer bungalows. Although architectural styles vary, the properties are simply designed and orientated to face the street behind front gardens. Hence, the street scene is distinctly suburban in character. The appeal property is a small bungalow which is generally typical of other dwellings within the cul-de-sac. However, while orientated to face Margaret Avenue, the existing bungalow is set further back from the street frontage than other properties in the vicinity.
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5. It is proposed to demolish the bungalow and replace it with two semi-detached dwellings. Unlike other properties in the vicinity, these would be orientated so that they would be at 90 degrees to Margaret Avenue, with the gable end of the development facing the street. Whilst this would not be typical of other properties in the cul-de-sac, the site has a relatively narrow frontage and the dwellings would be set further back into the plot than others in the street (consistent with the existing dwelling). As such, the gable end would not be a particularly prominent feature within the street scene and the orientation, whilst not typical of the area, would have an acceptable visual impact.
6. I note that the dwellings on Plots 1 and 2 would be different heights and slightly offset from one another, creating a staggered roofline. However, this would not be highly conspicuous given the degree to which the dwellings would be set back from the street frontage in comparison to their neighbours. Neither would the ridgeline appear unduly high in comparison with the surrounding dwellings.
7. The dwellings would retain the appearance of small bungalows and, in this respect, they would be broadly consistent with the predominant style of housing in the vicinity. I am nonetheless aware that they would be the only semi-detached dwellings within the cul-de-sac and am mindful of the Council's point that subdivision of the plot into smaller units would not be representative of the pattern of development in the vicinity. However, the visual impact would be largely mitigated as the Plot 2 dwelling would be mostly obscured from the street frontage behind the Plot 1 dwelling.
8. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy 13 of the Cornwall Local Plan (the Local Plan) which seeks to promote good design and maintain local distinctiveness.

Living conditions

9. The proposed pedestrian access to the Plot 2 dwelling would run close to the frontage of the Plot 1 dwelling where there is a ground floor bedroom window in the north elevation. Hence, there is potential for close quarter views inside the bedroom as residents pass by. This would clearly have an unacceptable impact on privacy. However, if the north facing window were to be blocked or obscured, adequate privacy could be maintained. This could be imposed by a condition. As the bedroom in question also has an east facing window, the room would still benefit from adequate daylight and outlook.
10. The outdoor space for Plot 1 faces the road and would not provide adequate levels of privacy unless it was screened. Whilst the plans do not indicate any fencing this could be required by a condition. A fence would also have the effect of helping to prevent overlooking and headlight glare from the parking spaces towards the windows of the Plot 1 dwelling.
11. I note that the pedestrian access from Margaret Avenue appears to cross the parking spaces and this is likely to cause a conflict when the spaces are occupied. However, there appears to be adequate room on the site to separate the pedestrian access from the parking spaces and this could be similarly imposed by a condition.

12. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of future occupiers, subject to conditions being imposed. There would be no conflict with Policy 13 of the Local Plan in terms of living conditions.

Other matters

13. I have considered the concerns of neighbouring occupiers with regard to the effect of the proposal on on-street parking within the cul-de-sac. However, given that the proposed dwellings would be relatively modest in size and unlikely to support large households, I consider that a single off-street parking space per unit would be acceptable in this particular instance.

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 help protect the privacy of neighbouring occupiers, there is a condition withdrawing certain permitted development rights. In the interests of privacy, there is also a condition requiring details of boundary fencing together with a condition requiring the ground floor bedroom window on the Plot 1 dwelling to be blocked or obscured. To prevent conflict between pedestrians and parked vehicles, a condition is also imposed requiring further details of the pedestrian access. Finally, in order to ensure adequate drainage, a condition is imposed requiring further details of a drainage scheme.

Conclusion

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

Colin 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: PD458/01, PD458/02, PD458/03, PD458/04.
- 3) Before the development hereby approved is commenced, details of a scheme for the management of the site's surface water shall be submitted to and approved in writing by the Local Planning Authority. The details shall include as a minimum:
 - Details of the final drainage scheme, including pathways and flow routes for excess surface water during extreme weather;
 - A construction quality control procedure;
 - A plan for the future maintenance of the system and of any overland flow routes.

Prior to the occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that the scheme is completed in accordance with the agreed details. The scheme shall thereafter be maintained in accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
 - The enlargement, improvement or other alteration of the dwelling house;
 - The enlargement of the dwelling house consisting of an addition or alteration to its roof;
 - Any other alterations to the roof of the dwelling house.
- 5) Notwithstanding condition (2) the boundary of the garden for Plot 1 shall be provided with fencing to a height of 1.8 metres in accordance with details to be approved in writing by the Local Planning Authority. 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.
- 6) Notwithstanding condition (2) no development shall take place until further details of the pedestrian access from Margaret Avenue to the dwellings hereby approved have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 7) Notwithstanding condition (2) the dwelling hereby permitted on Plot 1 shall not be occupied until the ground floor bedroom window on the north elevation has been permanently blocked or otherwise fitted with obscured glazing with

the window being incapable of being opened. Details of the type of glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.