

Appeal Decision

Site visit made on 10 January 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 02 February 2017

Appeal Ref: APP/D0840/W/16/3158642

Old Telephone Exchange, Helston Road, Penryn TR10 8NH

- 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 Messrs R & G James against the decision of Cornwall Council.
 - The application Ref PA16/05315, dated 8 June 2016, was refused by notice dated 30 August 2016.
 - The development proposed is conversion and extension of existing dwelling to provide self-contained residential units.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Carrick District Wide Local Plan no longer forms part of the statutory development plan for the area. I have determined this appeal in accordance with the policies of the Cornwall Local Plan, which was formally adopted by the Council during the course of the appeal process.

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 surrounding occupiers having particular regard to outlook, privacy and noise.

Reasons

Character and appearance

4. The majority of Helston Road is characterised by rows of simply proportioned terraced cottages which are positioned close to the street frontage on either side of the road. A number of these buildings are Grade II listed and are important components of the Penryn Conservation Area. The significance of the Conservation Area lies mainly in the quality of these historic buildings and the character of the narrow, enclosed streets. Further towards the junction with Station Road to the west, Helston Road assumes a more contemporary appearance. This part of the street lies outside the Conservation Area, with flats and suburban housing become visible near the railway bridge.
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5. The appeal property is a former telephone exchange which has been converted into a dwelling. According to the Council, it was constructed in the 1960s and is a simply proportioned building with a pitched roof and a low, rectangular profile. Although the property is situated outside the Conservation Area, it is immediately adjacent to the boundary and there are listed buildings on the opposite side of the road. It is therefore situated in a part of Helston Road where it is read alongside the historic components of the street scene rather than the more contemporary buildings to the west.
6. Due to the topography of the site, the appeal property is elevated above street level and is well set back from the frontage of Helston Road behind an area of open space. When seen from the pavement outside, much of the building is obscured by the vegetation which sits above the stone retaining wall. As such, the appeal property is not a particularly prominent feature within the street scene and has a largely neutral effect on the setting of the historic buildings situated within the Conservation Area. Indeed, the relatively leafy and spacious appearance of the site helps to form a clear transition between the Conservation Area and the more contemporary parts of the street.
7. Although the proposed extension to the front of the appeal property would be set back from Helston Road, it would nonetheless occupy a good deal of the existing space between the building and the pavement. Furthermore, the front elevation of the extension would be level with the pavement outside, whereas the front of the existing building is elevated above Helston Road behind a set of steps. I recognise that the boundary wall and planting along the street frontage would partially screen the development. However, even though the extension would be a similar width to the existing building, the effect of its projection forward at pavement level would make the building appear substantially more conspicuous than it does at present.
8. As the front extension would feature a natural slate roof with stone elevations, it would reflect the general palette of materials present within the street scene. When seen from near the site entrance, it would also maintain a relatively simple appearance in terms of its fenestration and general proportions. Nonetheless, the proposal would increase the prominence of contemporary development in a part of the street which is characterised by historic buildings, including the terraced cottages directly opposite the appeal site. As a result, the proposal would visually distract from the traditional appearance of the street scene in this part of Helston Road. Furthermore, the reduction of the open space in front of the existing building would undermine the visual transition between the Conservation Area and the more contemporary parts of the street further to the west. This includes when the development is viewed near the junction of Station Road, where the stepped profile of the roofline would be seen in the foreground of the Conservation Area. The overall effect of the development would therefore be to undermine the setting of the nearby heritage assets, thereby harming their significance.
9. I am conscious that the proposal has been modified substantially from the scheme that was previously dismissed at appeal¹ and the Officer Report recommended approval. Whilst the current scheme clearly goes some way to addressing the concerns raised by the previous Inspector, I am particularly mindful that the National Planning Policy Framework (the Framework) states

¹ Appeal Decision: APP/D0840/W/15/3139303

that 'great weight' should be given to the protection of heritage assets. It is also made clear that the significance of these assets can be harmed by development within their setting. For the reasons given above, I have determined that the proposed development would undermine the setting of the Conservation Area and its associated listed buildings.

10. I therefore conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies 2, 13 and 24 of the Cornwall Local Plan (the Local Plan) which require development to respect local distinctiveness and the historic characteristics of places.

Living conditions

11. Seven of the proposed units would be accessed from a series of doors to be installed along the east elevation of the building, with one unit being accessed from the front. Consequently, the majority of future occupiers would need to pass close to the boundaries of No 95 Helston Road and the flats within Park Villa. During the course of my site visit, I noted that there are a number of first floor windows in Park Villa which directly overlook the eastern elevation of the appeal property. However, the proposed covered walkway would help to reduce the degree of mutual overlooking as it would screen the entrances of the units in closest proximity to Park Villa. Although the neighbouring windows would still be seen when approaching the north entrance of the walkway and from the doorway to an upstairs unit, the views from these perspectives are more oblique and would not facilitate direct views inside the living areas of the Park Villa residences. In addition, proposed and existing boundary vegetation would help to prevent overlooking of the amenity areas and ground floors of these neighbouring properties.
12. I recognise that some of the first floor windows in Park View are also in close proximity to the amenity area at the rear of the appeal property. This is an area where residents may linger and, hence, there is some potential for mutual overlooking to take place. Nonetheless, I am mindful that the amenity area is already an existing feature. The appeal property is a sizeable dwelling in its current form and there is already potential for the garden to be well used. Hence, the manner in which the garden is utilised is unlikely to change substantially as a result of the proposed development, even though a greater number of residents would have access to it. The potential for overlooking would not be worsened as a result of the proposal.
13. Similarly, while the comings and goings of residents accessing the building and making use of the rear garden is likely to generate some noise, there is already potential for sound to be made from the existing use of the property. The covered walkway would confine a certain amount of noise and most of the hard surfaces and confined spaces that the Council refer to are existing features. Overall, there is little to indicate that any noise generated from the more intensive use of the site would be of such an extent that it could be said to undermine the living conditions of surrounding occupiers.
14. Turning to the effect of the development on No 4 Park Wise, I note that the proposed front extension would be seen from windows within that dwelling as well as the private garden space. However, the extension would not extend the full length of this neighbouring garden and it would be set back from the boundary. As such, a reasonable outlook could be maintained. There are no windows proposed in the west elevation of the extension and the proposed roof

lights would not facilitate direct views towards Park Wise. Although some of the existing windows in the west elevation of the appeal property would face towards opposing windows in both No 3 and No 4, this is an existing relationship which the appeal proposal would not worsen. Besides, the proposed improvements to the boundary screening would help to reduce the likelihood of any harmful overlooking taking place. An acceptable level of privacy would therefore be maintained.

15. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of surrounding occupiers. It would comply with Policy 13 of the Local Plan in terms of protecting individuals from unacceptable loss of privacy, noise and disturbance. There would be no conflict with the provisions of the Cornwall Design Guide in these respects. There would also be no conflict with paragraph 123 of the National Planning Policy Framework. This aims to avoid noise from giving rise to significant adverse impacts and also seeks to protect the tranquillity of areas prized for their recreational and amenity value.

Conclusion

16. The Framework states that there are three dimensions of sustainable development; social, economic and environmental. With this in mind, I note that the proposal would contribute to the supply of housing in an accessible location. Nonetheless, I have found that the development would harm the setting of designated heritage assets, the protection of which is assigned great weight within the Framework. Whilst the harm would be less than substantial, it would not be outweighed by public benefits. Consequently, the adverse impacts of granting planning permission for the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework as a whole, including the imperative to boost the supply of housing. Therefore, despite the merits of the proposal, it does not represent sustainable development for which there is a presumption in favour.
17. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR