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# Appeal Decision

Site visit made on 14 February 2017

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

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

**Decision date: 07 March 2017**

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**Appeal Ref: APP/D0840/W/16/3163139**

**52 Copper Beeches, Truro Road, St Austell, Cornwall PL25 5JJ**

- 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 Stephen Tarrant against the decision of Cornwall Council.
  - The application Ref PA15/08556, dated 11 September 2015, was refused by notice dated 12 August 2016.
  - The development proposed is residential development of 8 units.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The Restormel Borough Council Local Plan 2001 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:
  - whether the proposal would preserve or enhance the character or appearance of the St Austell Conservation Area.
  - the effect of the proposal on the living conditions of surrounding occupiers with particular regard to privacy and outlook.

## Reasons

### *Character and appearance*

4. The appeal property is situated within the St Austell Conservation Area. Paragraph 132 of the *National Planning Policy Framework* (The Framework) states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The significance of this part of the Conservation Area lies mainly in the presence of the historic buildings and structures, including the Grade II listed road bridge over the St Austell River.
  5. While there are a broad range of architectural styles present within the area (including a number of contemporary buildings) the part of Truro Road to the
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immediate south-west of the road bridge is characterised by a number of older style buildings, including the appeal property. The traditional proportions of these buildings help to define the more historic elements of the street scene in this part of the road. A further characteristic is the presence of gardens and vegetation along various parts of the street frontage. This gives Truro Road with a relatively open and verdant appearance at this point. Although views from the bridge include modern housing and industrial units, the older properties to the south west are visible in the context of their more open surroundings as Truro Road slopes upwards from the bridge.

6. The appeal site forms part of the garden of No 52 Truro Road, although it had been cleared and was fenced off at the time of my visit. Being a relatively large garden which runs parallel to the road, it provides the street scene with a particularly open appearance at this point. It also helps to visually expose the principle elevation of No 52, a traditionally proportioned villa, within the wider surroundings (including from the road bridge). The appeal site therefore makes a direct contribution to the distinctive characteristics of the Conservation Area in this particular location.
7. The proposed building would be positioned towards the north east of the site near Trevarrick Road. Some degree of openness would therefore be retained between the new development and No 52 Truro Road. Although it would be partly set into the ground it would nonetheless be a relatively tall building, being three storeys in height. Rather than being an entirely solid structure, the building would be broken up into separate built elements which would help to reduce the massing and allow some visual permeability. However, the building would still assume a rather bulky appearance, somewhat accentuated by its flat roofs and squared elevations. It would therefore become a conspicuous feature within this part of Truro Road.
8. I recognise that there are other contemporary buildings in the vicinity and the proposed design would reflect some of the materials seen elsewhere within the wider surroundings. However, the dwellings to the south west of the bridge are generally modest in scale and simply designed, even those which are more contemporary in nature. In contrast, the proposed building would have a relatively complex appearance in terms of its fenestration, roofing and overall built form. This would further increase its visual prominence.
9. The street scene in the vicinity of the bridge has a very mixed appearance, with a high-rise residential block visible towards the south east and commercial units situated to the north, below the bridge. When the appeal site is viewed from the junction with Gover Road and parts of the bridge, some of these commercial units are seen in the foreground. However, the backdrop of the site consists of residential development which defines the Truro Road street scene to the south west of Trevarrick Road. This includes the traditionally proportioned elevations of No 52 Truro Road and the neighbouring dwelling which are clearly seen from the bridge. When travelling along this part of Truro Road, the appeal site is therefore appreciated in the context of this residential development rather than the nearby commercial units.
10. Considered in isolation, the proposed building would not have a particularly substantial impact on the setting of the Grade II listed road bridge due to the level of physical separation that exists. Nonetheless, due to its relatively bulky and complex appearance, the building would not be particularly representative

of other development within its immediate setting. As such, it would visually distract from the more traditional elements of the street scene and would therefore harm the significance of the Conservation Area in this particular location. Although the principle of residential development within towns may be acceptable in general terms, I am mindful that the Framework assigns great weight to the protection of heritage assets.

11. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. The addition of 8 residential units to the housing supply is a public benefit to which I give moderate weight. However, this does not outweigh the great weight which the Framework assigns to the protection of Conservation Areas.
12. I therefore conclude on this issue that the proposed development would not preserve or enhance the character and appearance of the St Austell Conservation Area. There would be conflict with Policy 24 of the Cornwall Local Plan (the Local Plan) which aims to maintain the special characteristics of Conservation Areas.

#### *Living conditions*

13. The proposed building would be situated to the rear of a group of modest sized retirement bungalows in Robert Eliot Court. Due to the difference in site levels, the proposed ground floor windows would be positioned below the level of the rear facing windows in the neighbouring bungalows. Although the proposed first floor windows would be similar in height to the nearest windows in Robert Eliot Court, there would nonetheless be potential for mutual overlooking above the fence. In particular, the first floor windows in the north west elevation of unit No 4 would enable views across the garden of No 1 Robert Eliot Court at relatively close quarters. As these windows serve a kitchen and living area it is likely to be a well used space where future occupants would linger. Hence, I consider that the privacy of the current occupants of No 1 Robert Eliot Court would be harmed as a result of potential overlooking from these windows.
14. Although privacy could be maintained by obscure glazing, the windows in question provide the main outlook from the living area of the proposed unit. Whilst there would also be a window in the south west elevation, it is small and narrow. As such, it would not be appropriate to impose a condition requiring the windows in the north west elevation of unit No 4 to be obscure glazed as it would restrict outlook within that unit. I note that there are also second floor windows in unit No 7 that would enable views of Robert Eliot Court. However, as these windows serve bedrooms they are unlikely to be places where residents would dwell during all times of the day and they are also set further back away from the boundary with the nearest bungalows.
15. While the building would be dug into the site and would be designed in a manner that helps to reduce its massing, it would still be a relatively large structure in the context of surrounding development. With this in mind, I am aware that the outlook obtained from the rear gardens of the nearest properties in Robert Eliot Court is mainly over the boundary fence. Although the building may have an acceptable effect in terms of overshadowing, it would

nonetheless loom over the boundary fence and quite substantially reduce the openness experienced within the nearest gardens (particularly No 1 Robert Eliot Court). Taking into account the limited size of these gardens, I consider that the proposal would have a harmful impact in this respect.

16. I therefore conclude on this matter that the proposal would have a harmful effect on the living conditions of surrounding occupiers. There would be conflict with Policy 12 of the Local Plan which sets out design standards.

*Other matters*

17. The appellant argues that the Council are unable to demonstrate a five year supply of housing land because the Local Plan housing targets are contingent on the future adoption of site allocation documents. Despite this assertion, the Council have provided a monitoring report which indicates a five-year supply of deliverable housing sites and I have been provided with little in the way of alternative evidence. Nonetheless, I accept that the availability of housing land is likely to vary over time and recognise that the Framework aims to significantly boost the supply of housing. For this reason, the housing targets within the Local Plan are expressed in terms of minimums.
18. The addition of 8 residential units to the housing supply is of clear benefit and should not be overlooked. I therefore assign this moderate weight. However, against this benefit is the harm to the Conservation Area that I have identified. The Framework indicates that 'great weight' must be given to the protection of heritage assets. Therefore, even if I were to agree that there is a shortfall in the five year supply, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits. As such, the proposal cannot be said to represent sustainable development.

*Conclusion*

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

*Colin Cresswell*

INSPECTOR