
Appeal Decision

Site visit made on 21 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 15 March 2017

Appeal Ref: APP/D0840/W/16/3162754

61 Bonython Road, Newquay, Cornwall TR7 3AL

- 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 Guy Adams against the decision of Cornwall Council.
 - The application Ref PA16/00006, dated 8 February 2015, was refused by notice dated 2 August 2016.
 - The development proposed is a new dwelling and further detached garage to 61 Bonython Road.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed new dwelling and further detached garage to 61 Bonython Road, at 61 Bonython Road, Newquay, Cornwall TR7 3AL, in accordance with the terms of the application Ref PA16/00006, dated 8 February 2015, and subject to the conditions set out in the Schedule to this decision.

Preliminary matters

2. Since the application was refused planning permission, the Council has adopted the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP). The policies contained therein have replaced Policy 6 of the Restormel Local Plan (RLP), which is referred to in the Council's reason for refusal. This is explained in the Council's submission and the appellant has had opportunity to comment. This change in development plan does not diminish the representation received from third parties, which I have fully considered in my decision. No party has therefore been prejudiced.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to part of the spacious plot of No 61 Bonython Road, located on the corner with Praze Road. The existing dwelling at this address is a detached bungalow, which is the characteristic built form in the area.
 5. The main ridgelines of the dwellings in the area predominantly run parallel to the road and are wider than they are deep. Nevertheless, many of the bungalows incorporate front projecting gables and a short distance to the north east of the site are a number of bungalows that have their main gable
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elevations expressed to the road, and are therefore deeper than they are wide. As consequence, the appeal proposal would not sit uncomfortably within this context and this is demonstrated in the proposed typical street view drawing.

6. This drawing also demonstrates that although the dwelling would sit close to its side boundaries, it would achieve an adequate visual separation between the existing dwelling at No 61 and the main part of the dwelling at No 14 Praise Road to the north. As such it would not appear cramped within its plot. The spaciousness is assisted by the gable elevation of the dwelling being expressed to the road, thereby reducing its mass at roof level. Even if the flat roof extension to the rear of the No 61 is deeper than that depicted on this plan, given its relative height, it would not materially alter the degree of spaciousness. Whilst the clear visual separation would be less evident from oblique angles, any harm arising would not be to an extent which would warrant withholding planning permission.
7. The dwelling would also be set back from the road frontage and would sit only marginally forward of the side building line of No 61 to the north. Although it would sit further forward of the building line of No 14, that dwelling is also set well forward of the next property to the south at No 12 Praise Road. The proposal would not therefore appear out of character in this regard.
8. I accept that the rear garden would be shallower than that of other properties in the area, however, this would not be readily apparent from the public realm such that the dwelling would appear cramped within its plot. Consequently, this would have limited influence on the character and appearance of the area.
9. Whilst the Council state that there are no chalet type bungalows within the immediate locality, there is no substantive difference between what is proposed and the other bungalows in the area which include living accommodation within the roof. Moreover, the proposed street view elevation demonstrates that the main ridgeline would not be higher than that of No 14.
10. I do not therefore find that the appeal proposal would amount to inappropriate development of a residential garden that would cause harm to the local area, as envisaged by paragraph 53 of the National Planning Policy Framework (the Framework).
11. I therefore conclude that the proposed development would not cause unacceptable harm to the character and appearance of the area and as such would not result in conflict with CLP Policies 12 and 21 or the Cornwall Design Guide 2013. These policies state, amongst other matters, that development should demonstrate a design process that has clearly considered the existing context and, to ensure the best use of land, encouragement will be given to sustainably located proposals that increase building density where appropriate, taking into account the character of the surrounding area.
12. It follows therefore that I do not find conflict with paragraphs 17, 53, 56, 58 and 64 of the Framework which, amongst other things, require high quality design that responds to and takes opportunities for improving the character and quality of an area.

Other matters

13. At the time of my site visit I was able to observe that traffic flow and on-street parking levels along this part of Praise Road were very low. I appreciate that

my site visit only provided a snap shot of highway conditions at that time and that on-street parking may increase when football matches are held at the nearby pitch. However, I have no evidence to demonstrate that what I observed would be substantially change for the majority of the time.

14. Similarly, although there are number of existing vehicular access points in this section of road, I have no evidence, such as accident or traffic flow data, to suggest that this situation has had any adverse impact upon highway safety, or that the addition of a further access towards the southern part of the site and the additional traffic arising from one dwelling would compromise this further. Moreover, the proposal would provide acceptable levels of off-street parking for the existing and proposed dwellings and whilst visitors would likely park on the street, this would be unlikely to cause harm to highway safety in this lightly trafficked cul-de-sac.
15. I appreciate the concerns expressed by local residents but I find no reason why one additional dwelling would unacceptably affect existing levels of peacefulness. I accept that residents may be inconvenienced during construction, however, this is an inevitable short term matter.
16. I note the concern that the property would be used for holiday rentals, however, should this be the case, any additional harm arising would not be sufficient to warrant withholding planning permission, whilst any prohibitive provision contained within the leasehold agreements are private legal matters.
17. The proposals for obscure glazing in the south and west elevation bedrooms would prevent unacceptable levels of overlooking into the rear of No 14 and No 59 Bonython Road respectively. Given that the dwelling would be set down slightly with a pitched roof that slopes away from No 14, the proposal would not result in an overbearing effect on the occupants of that property. Similarly, the pitched roof arrangement and set back would ensure that the proposal would not have an overbearing effect when viewed from No 59. Due to the greater separation, I do not consider that the living conditions of the occupants of any other nearby dwelling would be materially affected by the proposals.
18. I acknowledge the benefits of garden areas in terms of surface water drainage, however, at the time of my site visit the site was a loose surface parking area rather than a grassed area. The proposal would therefore likely increase the extent of garden area over the existing situation. In any case I have not been provided with evidence to suggest that any existing drainage problems would be unacceptably exacerbated by the current proposal.
19. Furthermore, in general, the courts have taken the view that the protection of purely private interests, such as the impact of a development on the value of a neighbouring property, cannot be material consideration.
20. Concern has been expressed regarding a precedent being made for other development in the upper Praze Road area. However, I have not been made aware of any other comparable sites where such development opportunities would arise. Reference is made to an application at No 17 Praze Road, but I have no details of this and I make no comment on it as to do so would usurp the local decision making process.
21. Whilst the question of need has been raised by a number of interested parties, CLP Policy 2a establishes key targets for the delivery of a minimum of 52,500

new homes during the Plan period to 2030. Moreover, paragraph 47 of the Framework seeks to boost significantly the supply of housing. The proposal would therefore make a modest contribution in this regard.

22. Having regard to the foregoing I am satisfied that in overall terms the proposal would meet the social, economic and environmental dimensions of sustainable development and as such benefits from a presumption in its favour, as anticipated by CLP Policy 1 and paragraph 14 of the Framework.

Conditions

23. I have had regard to the conditions provided by the Council. In addition to the standard condition that limits the lifespan of the planning permission, I have specified the approved plans for the avoidance of doubt and in the interests of proper planning. A condition ensuring the windows annotated as obscure glazing in the southern and western elevations is necessary in order to safeguard privacy.
24. Given the size of the rear garden and the position of the property in relation to its neighbours, I agree that the exceptional circumstances anticipated in the Planning Practice Guidance exist to justify the removal of the majority of the permitted development rights suggested by the Council. However, I am not convinced that such rights should be removed for the provision of a porch or for hard surfaces. In the interests of highway safety, a condition is necessary to ensure the access is provided prior to the occupation of the dwelling.
25. For a number of the conditions I have amended the wording to ensure compliance with the provisions of paragraph 206 of the Framework.

Conclusion

26. For the reasons given above, and taking into account all other matters raised, I conclude the appeal should be allowed.

Richard S Jones

INSPECTOR

SCHEDULE

CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01A, 02A, 03B, 04B, 05 and 06.
- 3) The dwelling hereby permitted shall not be occupied until the windows on the south and west elevations, as annotated on drawing number 02A, have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured 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.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development shall be carried out without an express grant of planning permission in respect of:
 - the enlargement, improvement or other alteration of the dwellinghouse;
 - the enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - any other alterations to the roof of the dwellinghouse; and
 - the provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.
- 5) The dwelling hereby approved shall not be occupied until the accesses and parking areas for the new dwelling and the existing dwelling at No 61 Bonython Road have been constructed, drained and surfaced in accordance with details to be submitted to and approved by the local planning authority. The parking areas shall be retained and used for no other purposes than as approved.