
Appeal Decision

Site visit made on 15 May 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 29th June 2017

Appeal Ref: APP/D0840/W/17/3169018

11 Prospect Place, Truro TR1 1HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr W Partridge against the decision of Cornwall Council.
 - The application Ref PA16/05644, dated 19 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is described on the application form as the 'redevelopment of existing garage building to provide one bedroom dwelling'.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues are whether or not the development proposed would provide for appropriate living conditions for its future occupants, and the effect of the proposal on the privacy of the occupants of nearby dwellings.

Reasons

3. No 11 Prospect Place is a modest traditional terraced house. The surrounding area is characterised by similar properties regularly arranged around a network of narrow carriageways clearly reflective of the historic development of the city. The appeal site falls within the Truro Conservation Area.
 4. However the proposal does not relate to No 11 itself. Instead it is to redevelop a modest detached single-storey building opposite Nos 11 and 10 Prospect Place which is now in separate ownership (the 'building'). The building is of utilitarian construction, set at a substantially lower ground level than that of neighbouring gardens, and in a poor state of repair.
 5. On account of its scale, appearance and relationship to nearby dwellings, the building presents as a residential outbuilding. On the plans before me it is annotated as a garage, alluding to its former use, and many properties of Prospect Place have comparable outbuildings (none of which I observed appeared to be independent dwellings).
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Living conditions of future occupants

6. The appellant describes the proposal as for the creation of an independently occupied studio flat. The footprint of the building would be extended slightly towards No 11, giving an internal floorspace of approximately 33.5 square metres. Outside courtyard space of 3.6 square metres would be provided.
7. Notwithstanding certain alterations to the roof, the overall height of the dwelling proposed would be broadly consistent with the existing building. New glazing and doors would be installed facing Prospect Place and the courtyard, with three roof lights proposed. Given the current nature of the building, and the relatively minor operational development proposed, the proposal would not adversely affect the Truro Conservation Area.¹
8. The Council accept that policy 13 'Development standards' of the Cornwall Local Plan Strategic Policies 2010 to 2030 adopted on 22 November 2016 (the 'Local Plan') refers only in the context of affordable housing to the Government's nationally described space standards published on 27 March 2015 (the 'space standards'). Nonetheless, by way of illustration alone, the floorspace proposed would be short of the minimum recommended level in the space standards for a dwelling of this type, being 37 square metres.
9. The appellant explains, however, that the floorspace would exceed the minimum 29.7 square metres recommended by the Parker Morris Committee in 1961. These historic standards have no substantive bearing in the present. Irrespective of present or historic standards, the internal floorspace proposed would be limited so as to provide for relatively cramped living conditions.
10. There is no development plan policy requiring the provision of outside space, and the appellant has brought to my attention a number of other decisions where development has been permitted with limited or no outside space (all of which pre-date the adoption of the Local Plan).² In this context the provision of outside space cannot be said to be determinative, nonetheless in this instance the outside space provided would be minimal and compromised.
11. The building is set on a substantially lower level than adjacent gardens and variously enclosed by a substantial boundary wall, fencing and planting. The courtyard would therefore be significantly enclosed and overshadowed. Critically, by consequence, there would be highly limited natural light within, or outlook from, the proposed bedroom or living room.
12. Outlook from the dwelling proposed would, instead, be principally across Prospect Place. The ground level slopes downwards from the appeal site towards Paul's Row and beyond. Nevertheless the carriageway is narrow, pattern of development close-knit, and the rear elevations of properties along Paul's Row are close by. Accordingly there would in my view no meaningful openness of outlook from the dwelling proposed.
13. Furthermore I observed that Prospect Place has the character of a functional access lane, as it is annotated on the supporting plans, rather than one with

¹ With regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

² As referenced in paragraph 5.12 of the appellant's appeal statement.

residential frontages. It principally serves outbuildings and is used for parking. The dwelling proposed would be accessible solely via Prospect Place, which, for the above reasons, is not a particularly welcoming environment.

14. I accept that the appellant, and indeed any future occupant, would make an informed choice about whether to reside in this location. However for the reasons given above, taken as a whole I conclude that the proposal would provide for clearly substandard living conditions for future occupants.
15. Accordingly the proposal conflicts with criterion 2.b of policy 12 'Design' and criterion 1 of policy 13 'Development standards' of the Local Plan. The former establishes that individuals should be protected from overshadowing and overbearing impacts, and the latter requires that all housing should have sufficient internal space. Conflict also arises with paragraph 17 of the National Planning Policy Framework (the 'Framework'), which sets out that planning should seek to secure a good standard of amenity for all occupants.

Living conditions of those nearby

16. I have previously identified that the principal views, such as they are, from the dwelling proposed would be across Prospect Place, a narrow and enclosed carriageway. There are three nearby windows to consider in particular, two at No 17 and one at No 18.³
17. The closest window of No 17, although opaque glazed, is set within a rear extension to the property which extends almost to the boundary of the carriageway. A clear first floor window of No 17 is also visible from the appeal site in the original rear elevation of that property almost directly opposite. Although at a slight angle, there are also views from the appeal site at close proximity through a clear first floor window in the rear elevation of No 18 Paul's Row. The rear boundary features of this property did not appear to me to obscure views here.
18. I accept that Prospect Place is a public thoroughfare, and that the degree of privacy within properties along Paul's Row is somewhat qualified (as is commonly the case of more close-knit urban environments). However the effect in respect of privacy from occasional passers-by is inevitably intermittent and fleeting. This is in marked contrast to the sustained overlooking in close proximity that would result from the dwelling proposed.
19. Paragraph 4.11 of the Cornwall Design Guide recommends a separation distance of 25 metres between facing habitable rooms. The Council sets out here, and the appellant does not specifically dispute, that the separation distances here would be approximately 8 metres.⁴ By any measure and in any context this would be an extremely close inter-relationship.

³ I am not of the view that adverse effects would result to the occupants of No 16 Paul's Row as was cited by the Council. The rear extension to this property contains no windows facing the appeal site, and there are no substantive views from the appeal site into the property through what the Council describe as a glazed 'roof lantern' serving a ground floor element of that property. Likewise the angle between the glazing proposed and the window in the rear elevation of No 19 Paul's Row is sufficiently acute such that no undue loss of privacy would arise in that respect.

⁴ Paragraph 5.35 of the Council's appeal statement.

20. Therefore whilst I accept that one facing window is obscured glazed and that there is a qualified level of privacy for the occupants of properties along Paul's Row at present, the effect of the development proposed would nevertheless be significant and detrimental. Clear views at close proximity into habitable rooms of nearby properties would result.
21. I therefore conclude that the proposal would have a significant adverse effect on the living conditions of the occupants of Nos 17 and 18 Paul's Row in relation to privacy. Accordingly the proposal conflicts with criterion 2.a of policy 12 'Design' of the Local Plan which seeks to protect individuals from unreasonable loss of privacy, and with the approach in paragraph 17 of the Framework cited above.

Other matters

22. I accept that the proposal would be beneficial to the appellant, and have taken account of his health and his seeking to be located closer to Treliske Hospital by consequence. However there is no robust evidence before me to substantiate why the proposal should be justified on this basis, for example there is no thorough evidence before me of alternative accommodation considered and discounted.
23. I further acknowledge that there would be benefits to the proposal including that it would result in the provision of a modest dwelling in an established residential area, and as occupants thereof would make use of nearby services and facilities. However the benefits of one new home would be slight and moreover the support in the Local Plan and the Framework to enabling housing appropriate to the needs of different groups in the community is not at the expense of ensuring all development integrates appropriately with its environment. Accordingly no other matter is sufficient to outweigh or alter my reasoning in respect of the main issues in this case.

Conclusion

24. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR