
Appeal Decision

Site visit made on 6 November 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 9th November 2017

Appeal Ref: APP/D0840/W/17/3179313

2 Whipsiderry Close, Porth, Newquay, Cornwall TR7 3LZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Gary Roberts against Cornwall Council.
 - The application Ref PA17/02671, is dated 17 March 2017.
 - The development proposed is for the erection of detached dwelling at the rear of No.2 Whipsiderry Close including amenity space and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effects of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site encompasses the rear garden of a detached bungalow on a relatively large corner plot located at the junction of Whipsiderry Close and the B3276 Alexandra Road. The site at this point is elevated above the bungalow and associated outbuilding as the Class II highway leaves the settlement of Porth. The dwellings that form the row of properties on the northern side of the Close have a uniform and spacious plot arrangement with similarly sized rear garden areas. Whilst there have been the addition of contemporary designed dwellings in the vicinity, the suburban character and plot layout has helped define the overriding character of the area.
4. The proposal would see the erection of a 3-bed two storey flat roofed dwelling that would occupy some a considerable proportion of the rear garden of the host property. The integral garage would be accessed from the Class II highway and a vehicular turning area provided to the front of the dwelling. A balcony at first floor would provide the majority of the useable outdoor amenity space for future occupiers.
5. Siting a new two storey house between the flank wall of No 1a Trevelgue Road and No.2 Whipsiderry Close would significantly erode the spaciousness of the street scene on this prominent hillside plot. Moreover, the house would be hard up against the side boundary of the neighbouring property thus adding to the incongruous position and cramped appearance of the appeal scheme.

6. Whilst the overall design of the house would be similar to others recently built in the area, the proposed development would entail relatively extensive excavations to provide a level platform for the dwelling. I would agree with the Council that this would appear contrived and depart from the area's characteristic uniformity.
7. My attention has been drawn to a recent appeal decision¹ for a dwelling at Camelford where the Inspector opined that the proposal would fail to provide adequate private garden space for future occupiers of the dwelling. Whilst the details of that scheme are not available to me, the Inspector was particularly mindful of the need to provide adequate outdoor living space for a property that was specifically designed as a family dwelling.
8. In this appeal, the position of the dwelling together with the access and vehicular turning area significantly diminishes any reasonable private amenity area at ground floor. The Cornwall Design Guide (2013) (the CDG) requires that domestic gardens are large enough to be useable by occupants and capable of incorporating both functional and recreational uses. I do not consider that the incorporation of the first floor balcony that overlooks a busy main road would provide reasonable and functional outdoor amenity space for a family dwelling comprising three bedrooms. This accentuates the concerns derived from the overdevelopment of the plot.
9. In the light of the foregoing, my conclusion is that the proposed development would result in the erection of a dwelling that would appear cramped and contrived in a manner that would be harmful to the character and appearance of the wider street scene. Its cramped nature moreover would fail to provide useable and functional outdoor amenity space suitable for a family dwelling of this nature. Consequently, the proposal would be contrary to policies 12 (1 a & b) of the Cornwall Local Plan (2016), which require amongst other things, that development responds to local context and complements attractive qualities of local distinctiveness. It would also fail to meet a Core Planning Principle of the National Planning Policy Framework (the Framework) that seeks a good standard of amenity for future occupants of buildings.

Other matters

10. The occupiers of the neighbouring property, No.4 Whipsiderry Close raise the potential dominating effect of the proposal and that this would seriously affect the outlook from that property. However, whilst acknowledging the likely harm that would be caused to the character and appearance of the area more widely as explained earlier, the proposal would essentially be cut into the topography and appear relatively low lying as a result. In this regard, I have found that the proposal would be unlikely to seriously affect the living conditions of the neighbouring property in terms of outlook.
11. The appellant maintains that the proposed development would amount to sustainable development as defined in the Framework. Clearly the site is located in a sustainable location; however, this point alone would not make the proposal sustainable development per se. Paragraphs 6, 7 and 8 of the Framework identify there are three mutually dependent strands to sustainable development (economic, social and environmental). Paragraph 9 of the Framework sets out to ensure that developments make a positive improvement

¹ APP/D0840/W/15/3131753

to the quality of the built, natural and historic environment, as well as in people's quality of life. In these regards, the proposal would fail to constitute sustainable development in the terms set out in the Framework.

Conclusion

12. For the above reasons and having considered all other matters raised, I conclude that this appeal should be dismissed.

Gareth W Thomas

INSPECTOR