
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: 21st November 2017

Appeal Ref: APP/D0840/W/17/3179357

Land north of 18 Pentire Avenue, Newquay TR7 1PB

- 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 Oceanflow Yoga against the decision of Cornwall Council.
 - The application Ref PA16/11511, dated 16 November 2011, was refused by notice dated 19 April 2017.
 - The development proposed is for the erection of 2 one bedroom dwellings to rear of 18 Pentire Avenue
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposed development on the character and appearance of the area and the effect on the living conditions of future occupiers with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The proposed development would occupy a portion of a large garden area associated with 18 Pentire Avenue (no.18). The host property is proposed to be demolished and replaced by a modern building that will be used as a centre for yoga teaching with associated accommodation. However, this development has yet to commence.
4. The wider suburb contains an eclectic mix of house types and plot layouts, including similarly designed contemporary flats and houses that have been built in similar infill style. However, whilst there are several examples of relatively high density arrangement of dwellings sitting cheek by jowl, they generally have ample spacing between properties and off-street parking and garaging facilities that together help create the impression, at least, of a relatively spacious suburban environment.
5. The appeal scheme would introduce a pair of one bed semi-detached dwellings with sharply pitched roofs incorporating a bedroom and bathroom along with a yoga meditation room at first floor and living/kitchen/wc at ground floor. In terms of scale, form and materials, the proposal would broadly fit into the area. Whilst properties around the appeal site have a larger footprint, are generally

off-set by reasonably sized gardens around them and have off-street parking spaces or garages, I do not consider that for a development of the size proposed the overall plot would be uncharacteristically small. It would moreover echo the arrangement of the adjacent apartment development immediately to the east.

6. In the context of the surrounding development that exists at this location, the proposed development would respect the character and appearance of the area. Therefore, I consider that the proposal would comply with Policy 12 of the Cornwall Local Plan that seeks to ensure, amongst other things, that the design of new development promote local distinctiveness. In this regard the development would also fulfil paragraph 4.10 of the Cornwall Design Guide (2013) in requiring the integration of new development using a similar grain and density to that found in the immediate area.

Living conditions

7. The recent development in this local area has seen the introduction of relatively high density development of flats and apartments that have been designed to limit the degree of direct overlooking of existing and newer properties. Nevertheless there is a general acceptance that the nature of apartment style living incorporating private balconies will inevitably lead to a reduction in privacy levels when compared to mainstream housing developments. Throughout other schemes, the impacts arising in terms of privacy appears to have been negated through the introduction of design devices such as off-set balconies, privacy screens etc.
8. In this case however, the proposal would be considerably overlooked by existing development making the outdoor space uncomfortable to use. Moreover the occupiers of the dwellings would be confronted by the perception of being overlooked as they enter and leave the properties. Furthermore, the discomfort that would be felt by future occupiers would be heightened by the narrow pedestrian-only access to the properties. Whilst the appellant points out that the local highway authority has not objected to the proposal, in combination, these factors would nevertheless provide a poor inter-relationship between existing and proposed development and create unacceptable living conditions as a result.
9. In addition, No.18 and its neighbouring developments are of substantial scale and height by comparison. The location of the proposed dwellings in such close proximity to existing development would mean that they would loom over the new dwellings making it unacceptably oppressive for their occupants. The plans submitted that demonstrate what is proposed once No.18 is redeveloped merely adds to the concerns that I have in terms of outlook. Although this concern might have been reduced had the dwellings formed part of the proposed yoga centre (Council planning permission Ref. PA16/11509) and be controlled as such, the appeal development has been presented as two separate residential dwellings, which would be available for any occupier connected or unconnected with the business use. In this regard also, there is no guarantee that the proposed yoga centre will materialise leaving the existing conditions and relationships of buildings to prevail.
10. Taking these matters into account, I conclude that the proposed development would be significantly overlooked by other existing properties in the neighbourhood while occupants of the proposed dwellings would be confronted

by existing buildings that would create an unacceptable and oppressive outlook. Therefore, there would be significant harm to the living conditions of future occupiers of the two dwellings with regard to privacy and outlook. Accordingly, the proposal would be in conflict with Policy 12 of the Local Plan in terms of requiring developments to be of an appropriate scale and layout and to the Cornwall Design Guide that seeks amongst other things for new development to have regard to issues of scale, height, distance from and effect upon adjacent buildings together with setting out to maintain satisfactory privacy levels and outlook. From what I have found the development would be contrary to paragraph 9 of the Framework in terms of improving the conditions in which people live and would not represent sustainable development in the meaning of the Framework.

Conclusion

11. In view of the above reasons and having regard to all other matters raised, I conclude that this appeal should fail.

Gareth W Thomas

INSPECTOR