



Appeal Decision

Site visit made on 21 November 2017

by K Taylor BSc (Hons) PGDip MRTPI

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

Decision date: 23rd November 2017

Appeal Ref: APP/D0840/W/17/3180022

5 Breakwater Road, Bude EX23 8LQ

- 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 A Ellison against the decision of Cornwall Council.
 - The application Ref PA17/02354, dated 11 March 2017, was refused by notice dated 4 May 2017.
 - The development proposed is the removal of the existing outbuildings, including garage, and the erection of a single dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the removal of the existing outbuildings, including garage, and the erection of a single dwelling at 5 Breakwater Road, Bude EX23 8LQ in accordance with the terms of the application, Ref PA17/02354, dated 11 March 2017, subject to the conditions in the attached schedule.

Procedural matters

2. Since the determination of the application the Bude-Stratton Neighbourhood Development Plan (the NDP) has been made. It therefore forms part of the development plan and I give it full weight in the consideration of this appeal.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Conservation Area (the CA) and the effect of the development on the living conditions of the future occupiers of the development with particular regard to the proposed garden area.

Reasons

Character and appearance

4. The appeal site is located within the CA and forms part of the garden at 5 Breakwater Road. The properties in this road are primarily 2 storey semi-detached Victorian houses that overlook the Bude Canal. To the rear of these houses the gardens are located on rising land with Church Path to the south west of the rear gardens. The church and cemetery are accessed from Church Path which the Bude Conservation Area Appraisal describes as having an informal lane-like and pastoral character.
5. The appeal site and the rear of a number of other properties in Breakwater Road are accessed from a narrow lane to the side of Church Path with an area of intervening vegetation between the two. This planting adds to the verdant

character of the area and provides a degree of visual separation between Church Path and the various buildings which are located in the rear gardens.

6. Two houses, Combermere Cottage and Trewin, have been constructed relatively recently on land to the south east of the appeal site. Having regard to the submitted documents and the site plan it is apparent that each has been built over the rear portion of two gardens of properties in Breakwater Road. However when seen from Church Path each property appears as a building in its own right and the former division of the gardens is not obvious. Both properties appear as relatively low but wide structures with a simple character appropriate to their informal lane setting. There are gaps to the side of each of these properties but these are modest.
7. There are two buildings on the appeal site, each with a low ridge height. The shape and positioning of these buildings is such that, from the lane, they appear as overlapping and together filling much of the width of the plot. The appeal dwelling would also fill much of the width of the plot but it would not be as wide as either Combermere Cottage or Trewin. Its height would be similar to both these neighbouring properties and the front elevation would have a relatively simple appearance. To the south east the lower height of the garage structure and the orientation of its ridge with the roof sloping away from the appeal property would provide a visual break between the buildings at roof level. With a gap between the appeal property and the nearest garden building to the other side of the site, the development would not appear cramped.
8. The curved wall of the flat-roofed section of the building would be located near an area which could be used for parking and this reflects a similar arrangement at Trewin. It would be appropriate to the setting of the site and would not appear as an indication that the development is cramped. I note the concerns raised in respect of the development setting a precedent for other similar forms of development as well as the reference to a refused planning application for a dwelling to the rear of No.6. However I have considered the appeal development on its own merits. Any future development would also need to be considered on its own merits including any cumulative impacts.
9. For the above reasons I conclude that the development would preserve the character and appearance of the CA. It would accord with the design and conservation aims of Policies 2 and 12 of the Cornwall Local Plan Strategic Policies (the LP), Policy 3 of the NDP, and those within the National Planning Policy Framework (the Framework). In its statement the Council refers to Policies 5 and 15 of the NDP, but this relates to development in the town centre, which does not appear to be relevant to the appeal scheme. In any event I see no conflict with either of these policies.

Living conditions

10. The development would have a rear garden area and, at the time of my site inspection, the garden had been subdivided by a fence which appeared to be along the proposed boundary. Although the garden would be relatively modest in size it would not be an unpleasantly cramped space and I consider it would be sufficient for the modest scale of the proposed dwelling. The orientation of the garden and existing tree planting is such that there would be limited direct sunlight. However, the low building height of the appeal property and neighbouring garage would allow for some morning sun and sufficient ambient

light would reach the garden. I therefore consider that this space would not be shaded to such a degree that it would be an unpleasant environment.

11. I conclude that the development would not result in harm to the living conditions of the future occupiers of the appeal building and that there would be no conflict with Policies 2 and 12 of the LP or the Framework. These require that development provides a good standard of living conditions for future occupants of land and buildings and creates high quality private space.

Other matters

12. The existing dwelling appears to have been extended in the past and it would be left with a rear garden area of a reduced size. However it would not be such a small space that inadequate living conditions would be created for the occupants of 5 Breakwater Road.
13. I have no evidence that an additional dwelling would put undue strain on the local infrastructure or create an unacceptable increase in traffic. Indeed I note that Bude is expected to accommodate some housing growth over the development plan period. There is nothing within the proposals that suggest there would be any adverse effect on the access lane or any important landscaping.

Conditions

14. I have imposed a condition specifying the relevant plans as this provides certainty. Given that the appeal site is small it is necessary to secure appropriate means for parking and the storage of materials during the construction phase. I have simplified and reduced the scope of the condition suggested by the Council so that it is proportionate to the small scale of the development and only addresses these matters. To be effective these details would need to be agreed before any development commences.
15. To ensure that space is provided for the parking of a vehicle I have included a condition to deal with this. Although there is space on the plans where this could be accommodated it is not expressly annotated as such and so it is necessary that a plan is provided to the Council. In the interests of the character and appearance of the CA, it is also necessary that the details of the external materials are approved by the Council. I have amended the wording of the suggested conditions for clarity and to meet the tests in the Framework.

Conclusion

16. As I have found that no harm would arise to the character or appearance of the CA and that the living conditions of the future occupiers of the development would be acceptable, the development would meet the social and environmental roles of sustainable development. It would accord with the development plan when it is considered as a whole. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

K Taylor

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1633 001, 1633 002, 1633 003, 1633 004, 1633 005, and 1633 006.
3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The Statement shall provide for:
 - the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials; and
 - storage of plant, materials used in constructing the development, and demolition and waste materials.

The approved Construction Method Statement shall be adhered to throughout the demolition and construction period for the development.

4. Prior to the occupation of the dwelling, details of the vehicle parking arrangements for the development shall be submitted to and approved in writing by the local planning authority. The parking shall be provided in accordance with the approved details before the dwelling is occupied and thereafter be retained for the life of the development and kept available at all times for the parking of vehicles.
5. No development shall commence, which involves the use of external materials, until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.