
Appeal Decision

Site visit made on 6 December 2017

by David Richards BSocSci DipTP MRTPI

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

Decision date: 19th December 2017

Appeal Ref: APP/D0840/D/17/3180759

Sea View Studio, Tredavoe Lane, Newlyn, Cornwall, TR18 5DL

- 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 David Caldaralo against the decision of Cornwall Council.
 - The application Ref PA17/02330, dated 10 March 2017, was refused by notice dated 4 July 2017.
 - The development proposed is a first floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for a first floor extension at Sea View Studio, Tredavoe Lane, Newlyn, Cornwall, TR18 5DL in accordance with the terms of the application, Ref PA17/02330, dated 10 March 2017, subject to the following 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: Refs KB0168 /01, /02, /03, /04, /05, /06, /07, /08, /09, /10.
 - 3) With the exception of the window and external door openings shown on approved drawing numbers KB0168/09 and KB0168/10, no new openings shall be added to any elevation.

Main Issues

2. The main issues are the effects on the character and appearance of the area, and on the living conditions of neighbours.

Reasons

3. The appeal property is a single storey detached dwelling with a dual pitched roof set on an elevated site on the western edge of Newlyn, in an irregularly shaped plot which extends down the hillside. The site has two immediate neighbours either side (Hill Top and Gernick Field), and four properties to the north of the site. The proposal is for a first floor extension with roof lights.
4. The application scheme was amended following a previous refusal of permission (PA16/10099) on grounds of excessive overlooking. The appeal

scheme includes a reduction in the height of the rear flat-roofed extension, omits a Juliet balcony and reduces the amount of glazing.

Character and appearance

5. The appeal site occupies a very attractive elevated location on the western edge of Newlyn. The character of development in the area is mainly residential, but within that there is a considerable diversity of design and period, including an extended detached house (Gernick Field) to the south, and Hill Top, a detached bungalow and garage to the north-west. There is relatively modern development of single storey dwellings on the opposite side of Tredavoe Lane.
6. The officer's report to committee commented that 'when viewing the site from within the Newlyn Conservation Area, it is felt that the area where the proposal is located is characterised by houses and bungalows of various designs and sizes with no typical roof design. The proposal would be viewed in this context and would not, in the Officer's opinion, be out of keeping with the area or have an adverse impact on the setting of the Conservation Area'.
7. I acknowledge that the design is self-consciously modern in approach, using profiled steel sheeting for the monopitch roof and contrasts with the simple twin gables of the existing property. Nevertheless it would not be unattractive in its own right, and in view of the diverse character and appearance of neighbouring development, I do not consider the proposal would be out of keeping in this context, or result in material harm to the character and appearance of the area.

Living conditions

8. Following the previous refusal the east elevation has been amended by removal of the Juliet balcony, and the principal windows in the east elevation have been offset at an angle of 45 degrees to take advantage of the view over Mount's Bay. In my opinion this would substantially avoid any potential for overlooking of the glazed doors in the western element of Gernick Field and the patio area. Two windows have been omitted in the north elevation which would also significantly remove the potential for overlooking of the amenity area of Hill Top. While additional roof lights have been included in the southern elevation, these would be at a high level and do not involve any potential for overlooking. Two windows have been reduced in size in the west elevation, which in any event looks towards the front garden of Hill Top rather than the dwelling itself.
9. In summary I consider that the amendments have satisfactorily addressed any overlooking issues, and that any residual impact on the privacy of neighbours would not be material.
10. With regard to the suggestion that the design would be overbearing, I consider that Sea View Studio is well separated from its neighbours. The highest point of the ridge would be the same as in the previously refused scheme (which was not considered by the Council to be overbearing), and would fall away towards Tredavoe Lane. The flat roofed section has been reduced in height by 400 mm, and although the north elevation would be significantly higher than the existing building, I consider that there is sufficient separation to ensure it would not be overbearing in relation to neighbouring properties. The overall effect is of a reduction in mass and bulk compared with what would result from a first floor extension with a more traditional roof design.

Conclusion

11. For the reasons given above I conclude that the proposal would not result in material harm to the character and appearance of the area, or to the living conditions of neighbours. The scheme would comply with the relevant policies of the development plan and with the plan as a whole, and I therefore allow the appeal.
12. In addition to the time limit for commencement, a condition specifying the approved plans is needed to define the permission and in the interests of proper planning. A condition restricting the insertion of additional windows is needed to protect the living conditions of neighbours.

David Richards

INSPECTOR