

Appeal Decision

Site visit made on 4 June 2019

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/D0840/W/19/3221911

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 PA18/08938, dated 24 September 2018, was refused by notice dated 20 November 2018.
 - The proposal is construction of a new sustainable dwelling with sedum roof.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. At the outset of the appeal the appellant submitted revised plans which alter openings within the north and south elevations of the dwelling to provide high level windows. Having regard to the Wheatcroft principles¹, as the revisions relate to the effect of the proposal on the living conditions of neighbouring occupants, amending it in such a manner could cause prejudice to interested parties. I have therefore determined the appeal strictly on the basis of the development originally applied for and subject to the Council's decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of 'Southerlys' with regard to privacy.

Reasons

Character and appearance

4. Sea View Studio is a detached dwelling on the outskirts of Newlyn. Although the architecture in the area is varied, dwellings are generally large, detached and set in spacious plots which give way to the surrounding countryside. The area has a verdant appearance which, together with its elevation high above Mounts Bay, provides an exposed and open character.
5. The appeal site is the far, eastern end of Sea View Studio's long garden, which is set in the space between the neighbouring dwellings Gernick Field and Southerlys. The south and north boundaries taper in slightly which creates a pinch point at its centre. As such, although when expressed numerically the area

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment and Another [1980]

of the appeal site is not inconsistent with plots elsewhere, it has a notably restricted and narrow shape, which sets it apart.

6. Last year an appeal relating to a single dwelling was dismissed at the site². In his reasoning, the Inspector identified that the gap provided by the site contributes to the area's open character when observed from the Gernick Estate road. He also noted that, although the houses within the adjoining row to the north also fill the width of their plots, the comparative narrowness of the site and consequent appearance of the proposed dwelling would lead it to appear incongruously cramped within this immediate setting.
7. The appeal dwelling would maintain a plot coverage similar to neighbouring sites and would have a staggered arrangement and reduced width, with its widest point set back within the plot and a slimmer 4.6m wide element projecting forward towards the site frontage. As such, this forward element would be the most publicly prominent part of the dwelling.
8. Whilst I accept that the innovations to the dwelling's design would retain a degree of the site's openness, this would be modest, and its narrow proportions would be in harmful contrast to the surrounding built environment. It would therefore appear cramped within its confined plot, would fail to harmonise with the spacious qualities of the area, would not appear as a logical continuation of the adjoining row of houses, nor make efficient use of the land.
9. I therefore conclude that the proposal would harm the character and appearance of the area. It would conflict with the design aims of Policies 2, 12 and 21 of the Cornwall Local Plan (adopted 2016) (CLP) and the National Planning Policy Framework (the Framework).

Living conditions

10. The location and height of the dining room window would bring a degree of unacceptably close, mutual overlooking between the dwelling and the terrace and bedroom of Southerlys. However, as the dining room is part of a larger open plan space with its aspect towards a wide windowed set of doors within its east wall, the disputed opening would have no essential purpose with regard to outlook. On this basis it would be reasonable to condition it to remain obscure glazed and fixed shut, in the event I was minded to allow the appeal.
11. I therefore conclude that the proposal would not harm the living conditions of the occupants of Southerlys with reference to privacy. It would comply with Policy 12 of the CLP and the Framework insofar as they seek development to achieve an appropriate standard of amenity for existing and future users.

Planning Balance

12. The Government is seeking to significantly boost the supply of housing and the dwelling would contribute to local supply in an accessible location where the principle of new residential development is supported by the development plan. However, a single dwelling would provide a modest social benefit in this regard and would not outweigh the harm to the character and appearance of the area that I have identified. I therefore find that the proposal would conflict with the development plan when read as a whole. There are no other considerations, including the Framework, that outweigh this conflict

² Appeal Ref APP/D0840/W/17/3192059

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR