



Appeal Decision

Site visit made on 15 April 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th August 2019

Appeal Ref: APP/D0840/W/18/3216562

Land to Rear of 30 and 32 Dracaena Avenue, Falmouth, TR11 2EQ

- 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 & Mrs B & M Kiszczuk & Bidmead against the decision of Cornwall Council.
 - The application Ref PA18/08009, dated 28 August 2018, was refused by notice dated 23 October 2018.
 - The proposal is for development of the rear gardens to provide a terrace of 3.no new 3 bedroom family dwelling houses.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the:
 - (a) character and appearance of the area, with regard to form, height and density;
 - (b) living conditions of the occupiers of 32 Dracaena Avenue & 30 Tregenver Road with particular regard to privacy and outlook.

Reasons

Character and appearance

3. The pattern of development fronting on to Dracaena Avenue (A39) provides a character and appearance distinguished by a streetscene of substantial detached and semi-detached properties, of varying form, design and height, sitting generally centrally within their property frontage, behind parking and manoeuvring areas, with substantial private back gardens and driveways following side garden boundaries. The character of development fronting on to Dracaena Place finds detached and semi-detached mixed with terraced blocks of varying form, height and design, sitting on smaller plots. Tregenver Road is again detached and semi-dwellings fronting the highway, on similar scale plots to those on Dracaena Avenue, but differs in that the properties in the vicinity of the appeal site are predominantly bungalows.
4. Whilst the LPA accepts the principle of residential redevelopment, it is clearly not the principle of backland development that is being rejected but the numbers of dwellings and therefore the density of built development proposed, their

intended form and height and the consequent impacts these would have on the quality of the visual character of the area.

5. The proposals would create substantially more hard surfaced area within the site than exists at present in the form of car/cycle parking and patio/pathways around a new-build, stepped terrace comprising three dwellings. The proposal provides for substantially smaller plot sizes than adjoining development and a single building which is pressed so tightly to its perimeter boundaries it allows no pedestrian passage. Whilst the appellant argues this is an efficient use of land its proposed cramped layout in comparison to surrounding development would represent a significant and harmful departure from the surrounding built form.
6. The proposals would be visible from a number of vantage points in the public domain from within the highways around the site, viewed through gaps between existing buildings, providing a solid block of development in a backland location where none of this intensity and scale exists at present. The dramatic change in the character of the site will be greatest when openly viewed from not just the rear gardens and windows of surrounding private property but also from the public highway Dracaena Place. Clear views are available through the space between the rear face of the bungalow 'St Denys', 38 Dracaena Avenue, and the side wall of 1 Dracaena Place.
7. When viewed from Dracaena Place, the proposal would provide a solid block of uncharacteristic stepped form, within what currently appears as a solid wooded backdrop between the rear of existing properties. The form and height of the terrace would allow no views through (and/or planting between) to retain (or provide a new) vegetative vista. The form and height of the terrace would not provide any sense of open break in the built façade presented to the street (notwithstanding the stepping of the terrace form or the degree of set back of the terrace compared to the dwellings surrounding).
8. The density of this built form represents an over-intensification of development within the properties fronting on to Dracaena Avenue and visible from Dracaena Place, which comprise dwellings within substantial curtilages with high levels of private amenity space as a consequence. The proposal would not provide the necessary space around the proposed terrace to provide a comparative sense of openness between and separation from neighbouring dwellings. Nor does the proposal allow sufficient space around the built form proposed to accommodate an adequate level of new planting of specimens which could mature to sufficient size to have a genuine mitigating effect. Landscaped plots are a strong characteristic of the area, with mature planting within front and rear gardens and to side boundaries.
9. The Appellant has referred in their appeal submission to other planning permissions granted by the Local Planning Authority, in particular on another site on Dracaena Avenue, which I took the opportunity to view on the day of my visit to the appeal site. I do not find sufficient similarities in the relationship to existing properties to agree that the development provides a precedent relevant to the determination of appeal proposal, which I have considered on the basis of its own merits. I have also noted the Appellants references to the proposal's adherence to local adopted standards for minimum distances between dwellings, internal and external space, together with changes in advice from pre-application

to application stage in relation to on-site parking provision, but do not find this affects the proposal's clear departure from surrounding character.

10. For the reasons above, I conclude the proposal would be harmful to the character and appearance of the area. As a result, it conflicts with Cornwall Local Plan Policy 2 (part 1.a) which requires development to demonstrate a cultural physical and aesthetic understanding of its location and Policy 12 (part 2.a) which seeks to ensure development is of appropriate scale, density, height and mass. It would therefore also be at odds with the design aims of paragraphs 127 & 130 of the National Planning Policy Framework (the Framework).

Living conditions – 32 Dracaena Avenue & 30 Tregenver Road – outlook and privacy

11. Nos 30 and 32 Tregenver Road would be likely to experience a degree of reduced privacy for their rear gardens from the rear elevation of the proposed terrace as a consequence of overlooking of those gardens. Orientation of the terrace in relation to the rear garden of No 32, the use of rooflights and a recessed bedroom window at first floor in the closest of the three units, any overlooking of its rear garden would be reduced to tangential and thus not substantial. However, the orientation and proximity of the terrace building would (at its shortest distance) be 10.2 metres from the side boundary of the rear private garden of No 30 Tregenver Road. This proximity combined with the height of the terrace and its first floor rear windows would be likely to introduce a substantial element of overlooking from three new dwellings for the rearmost and most private area of the substantial external amenity space for No 30, notwithstanding the differences in site levels and the boundary landscaping within that property.
12. The height, scale, massing, position and proximity of the proposed terrace in relation to the new rear garden boundary of Nos 30 and 32 Dracaena Avenue means that the proposed terrace would appear very prominent when viewed from within these properties. The two storey blank gable end would dominate views from within the foreshortened rear gardens. The rear garden of No 32 Dracaena Avenue would be most severely affected, as the gable end would extend across approximately half the width of the property's new rear garden boundary. This visual dominance would not be ameliorated to any degree by closed board, boundary fencing and there is insufficient space provided within the appeal site to permit effective landscaping to adequately mitigate the impact.
13. Accordingly, the proposal would not adequately protect the living conditions of adjoining properties, with regards to outlook and privacy. The proposal would be contrary to Policy 2 (part 1.a) and Policy 12 (part 2.a) of the Cornwall Local Plan. In failing to do so it would also be at odds with the design aims of paragraphs 127 & 130 of the Framework.

Conclusion

14. For the reasons give above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee
INSPECTOR