The Planning Inspectorate

Appeal Decision

Site visit made on 21 August 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/D0840/W/19/3230261
Roundfields, Rosehill, Marazion TR17 0HB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
- The appeal is made by Mr Else against Cornwall Council.
- The application Ref PA18/09923, is dated 22 October 2018.
- The development proposed is demolition of existing building and construction of two dwellings.

Decision

1. The appeal is dismissed and planning permission is refused.

Procedural Matter

2. The description of development on the banner heading above is taken from the appeal form and the Council's statement of case, as no development description was provided on the application form.

Main Issues

3. The Council did not issue a decision notice determining the proposal. I have formed what I consider to be the main issues on the basis of the cases presented by both main parties.

4. The main issues are:

   - Impact on the character and appearance of the area; and
   - Effect on the living conditions of neighbouring properties, with particular reference to overlooking and overbearing impacts.

Reasons

Character and appearance

5. The appeal site is located on the west side of Rosehill, a residential road which is in an elevated position above the town centre and coast. The surrounding area is characterised by residential development on the hillside above the town, with the houses positioned to align with the land contours in a series of terraces above the town. There are a variety of dwelling types, including detached and terraced properties and bungalows and houses, of various

materials, roof forms and styles, including traditional and more contemporary designs.

6. The site is occupied by a detached, two storey, farmhouse style dwelling, which is of the local vernacular style, with stone faced walls under a pitched tiled roof. It is positioned below road level, and sits unobtrusively within the street scene, appearing as single storey from the front, with its main windows and full two storey elevation facing towards the rear. There is an existing vehicular access from Rosehill at the southern end of the site frontage which serves a hard-surfaced parking area and attached garage to the south side of the house.

7. Notwithstanding a number of additions to the front, side and rear of the building, the simple, narrow, rectangular form of the original building has been retained. The site has a spacious character, as the main building is positioned in the northeast quarter of the site, with garden surrounding it. The open, spacious character of the site is reinforced by the nature of built development to both sides. To the south side, the site is bounded by the rear gardens of the neighbouring properties in Godolphin Terrace and a parking area and detached garage. To the north there is a detached bungalow positioned at a lower ground level than the road and the appeal property, and with a large flat-roofed element at the front. This property also sits unobtrusively within the street scene.

8. There is no objection in principle to a more contemporary design for the new buildings. However, the appeal proposal would be at odds with the spacious nature of the appeal site and the simple, narrow, visually non-dominating form of the existing building. It would introduce a dwelling into the existing gap to the south of the existing house, and both new buildings would have a much greater depth than the existing building.

9. In addition to being three storey, the new buildings would have complex, bulky roof forms, with front, rear and side elevation gable ends. The three storey element on their rear elevations would be accentuated by the large expanse of floor to ceiling windows, which incorporate a strong vertical design, and the elevated position of the buildings in relation to their rear gardens and the neighbouring properties to the rear.

10. Consequently, the proposal would result in a bulky, incongruous form of development which would not respect the spacious character of the appeal site and immediate vicinity of this side of Rosehill. The resulting development would be visually intrusive, particularly when viewed from the rear, to the detriment of the visual amenities of the locality.

11. The provision of in and out amenity areas and the potential sustainability benefits of the new dwellings are acknowledged, but these do not outweigh the harm identified above.

12. The appellant has cited examples of other residential developments within the surrounding area. However, the circumstances of these cases are not directly comparable with those of the appeal proposal with respect to their design and site details, and they do not alter the above findings.

13. The proposed development would materially harm the character and appearance of the area. As such, the proposal would be contrary to Policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) (LP),

and Section 7 of the Cornwall Design Guide Supplementary Planning Document (2013) (CDG), which seek to ensure that new development is designed to a high standard, including respecting and enhancing the quality of place. For similar reasons, the proposal would also be contrary to Policies of the Framework which seek to secure high quality design as set out in Chapter 12.

Living conditions

14. The site is surrounded by residential properties on all sides. The dwellings on the opposite side of Rosehill are in an elevated position relative to the appeal site side of the road, and are set back from the road. As such, the living conditions of their occupants, having regard to privacy, outlook and light, would not be adversely affected by the appeal proposal. The juxtaposition of the detached bungalow to the north of the appeal site and its low ground level in relation to the appeal proposal, means that there would be no materially harmful impact on the living conditions of the occupiers of that property either.

15. The main glazed rear elevations of the new dwellings would look directly down onto the rear gardens and rear elevations of the houses at 33 and 35 Godolphin Terrace. Both these neighbouring properties have principal windows on their rear elevations and formally laid out, usable, rear gardens and patios. They are sited at a much lower ground level than the proposed new dwellings, as the land levels drop sharply towards the rear of the appeal site.

16. The proposed dwellings are likely to materially impact on the perceived privacy of these neighbours due to a combination of the distance between the rear walls of the new houses and the properties to the rear and their gardens, the proposed large amount of rear elevation glazing, including floor to ceiling windows and a rear balcony to plot 1, and the internal layout of the new dwellings with the living rooms and kitchens on the upper most floor to maximise the views towards the coast. Notwithstanding the sketch cross section showing the visual site lines between the proposal and no. 33 Godophin Terrace, the appellant has not satisfactorily demonstrated that there would be no materially harmful overlooking to that property given the steep decline in ground level westwards from the proposed development.

17. The appeal scheme would also have an overbearing impact on the occupiers of nos 33 and 35 due to the three storey height of the new buildings in an elevated position in relation to these neighbours. The overbearing impact on no.33 would be exacerbated by the proposed raised rear garden area with fence and landscaped planting above it to the rear of plot 1. This is not an appropriate method of attempting to overcome the privacy issue as it will result in an oppressive and overbearing outlook for the occupiers of 33 Godolphin Terrace due to its position close to the rear boundary of that property.

18. Consequently, given the above, the appeal proposal would likely result in material harm to the living conditions of the occupiers of 33 and 35 Godophin Terrace with respect to loss of privacy and overbearing impact. As such, the proposal scheme would not accord with LP Policy 12 and Sections 4 of the CDG, in so far as they aim to ensure the new development does not cause unacceptable harm to the amenity of neighbours.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed and planning permission is refused for demolition of existing building and construction of two dwellings.

S Leonard

INSPECTOR