



Appeal Decision

Site visit made on 12 September 2019

by S Hanson BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/D0840/W/19/3231278

30 Wellington Street, Torpoint, Cornwall PL11 2DF

- 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 Andrew Clarkson against the decision of Cornwall Council.
 - The application Ref PA18/09584, dated 10 October 2019, was refused by notice dated 4 December 2018.
 - The development proposed is an extension to rear of 30 Wellington Street, Torpoint, Cornwall PL11 2DF.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of existing and future occupiers of the appeal property and for the occupiers of 32 Wellington Street.

Reasons

3. The appeal site is an end of terrace property within a predominantly residential area. The properties within this terrace are of similar form. They sit in long narrow plots with gardens or areas of hardstanding to the rear, some of which are covered with domestic ancillary buildings of varying forms. Most of the properties within the row of terraced houses have a two-storey element that projects to the rear, with a building line that is fairly consistent along the row.
4. There is an existing single storey flat-roof extension to the rear of the appeal property which extends beyond the aforementioned rear building line. Beyond this is a garage which is on land at a higher level than the house. The detached garage, which covers the width of the site, adjoins the access/service road to the rear of the appeal property. Immediately to the southwest, the appeal site shares its boundary with No 32 Wellington Street (No 32).
5. The proposed development would introduce a two-storey rear extension which would create an independent one-bedroom unit of accommodation. The appeal proposal would extend the existing rear building line with a further two-storey element on the boundary with No 32, part of which would be over the existing single storey projection to the rear and part of the area currently occupied by the garage. Between the end of the proposed extension and the rear boundary of the site, would be a small area of outdoor space.

6. The proposed two storey rear addition would significantly increase the volume of the existing property, leading to an imposing structure, particularly as the extension would span the entire breadth of the appeal site over two floors. Given the relationship between the appeal property and No 32, the siting, depth and height, and therefore the overall bulk and massing of the two-storey development would result in a very overbearing and enclosing effect for these immediate neighbours. This would harm their outlook from their rear windows as well as from their area of open space to the rear of the house.
7. Although the proposed addition would have a lower ridge height and a hipped roof that would slope away from the neighbouring property, its position on the boundary and its excessive length would result in an increased sense of enclosure for the occupiers of No 32. This would be overbearing and oppressive especially with respect to the 'L' shape form of the building.
8. The Council's reason for refusal also refers to the impact on the living conditions for existing and future residents of the appeal property No 30 Wellington Street (No 30) in terms of the '*significant reduction of function or recreational private amenity space*'. The proposal would cover a small area of outdoor space between the house and garage and between the side wall and the boundary with No 32. However, both spaces appear of limited use for recreational purposes due to limited size and the space to the rear of the garage being on two distinct levels.
9. Nevertheless, the proposal would create a new area of outdoor space and although this would appear to be only for the benefit of the future occupiers of the appeal proposal, it would be considerably more functional than the existing outdoor space. Additionally, as it is unclear as to the usage of the existing 'recreational private amenity space', my view is that what is proposed is an improvement on the existing provision. Consequently, I do not consider that the proposal would be harmful to the living conditions of the existing or future occupiers of No 30 in terms of outdoor living space.
10. However, my findings regarding this matter do not affect the conclusion I have already reached in respect of the neighbours at No 32, despite the support that they offered the proposal. The proposed development would cause unacceptable harm to the living conditions of the occupiers of No 32 as detailed above. Consequently, the appeal proposal would conflict with Policy 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (2016) which amongst other matters, requires development proposals to protect individuals and property from harm caused by overshadowing and an overbearing impact.

Other Matters

11. I have been referred to examples of other developments to the rear of terraced properties within the area. However, I am not aware of the exact circumstances for these developments and consequently a judgement upon similarity would not be reliable. Nevertheless, these cannot be seen as setting any sort of precedent and moreover, each appeal must be considered on its own merits.

Conclusion

12. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

S Hanson

INSPECTOR