
Appeal Decision

Site visit made on 3 February 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 06 February 2020

Appeal Ref: APP/D0840/W/19/3240491

Steeple Lodge, Steeple Lane, St Ives TR26 2AY

- 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 and Mrs T Wild against the decision of Cornwall Council.
 - The application Ref PA19/05428, dated 24 June 2019, was refused by notice dated 16 August 2019.
 - The development proposed is the retention of detached garage (with amendments to design relating to PA12/09175).
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. Alterations to an existing garage at the appeal property were previously approved by the Council¹ (the previously approved scheme). The appeal before me concerns amendments to the previously approved scheme, with the proposal seeking to retain a garage which did not conform with the plans as approved under the previous scheme. At the date of my site visit, the construction of the garage, which is the subject of this appeal, had been substantially completed.
3. The main issues in this appeal are:
 - The effect of the proposal on the street scene within Steeple Lane; and,
 - The effect of the proposal on the living conditions of nearby residents with particular reference to outlook, privacy and sunlight.

Reasons

Character and Appearance

4. The appeal site is located within a residential area, and comprises a dwelling, which is set back from the highway, and a substantial detached garage which is positioned between the host property and the highway. The detached garage is in an elevated position above the highway which runs adjacent to and in very close proximity to the northwest elevation of the detached garage.
5. Steeple Lane is a narrow road which is characterised by well proportioned detached dwellings set back from the highway behind generously sized front

¹ Local Planning Authority Reference: PA12/09175

gardens. Properties within this section of Steeple Lane comprise a mixture of designs and styles, with more modern development neighbouring older residences.

6. Whilst the overall footprint of the appeal scheme would be comparable to the footprint of the garage approved under the previously approved scheme, the height of the eaves and overall roof ridge line height would be significantly increased. This in combination with the increased pitch angle of the roof slopes, has resulted in a structure which is bulky in appearance. Although the roof ridge height would be lower than the roof ridge height of the host dwelling, the proposed garage would not appear as a subservient building, but rather would appear as an unduly prominent and substantial building within the plot and within the wider street scene. This would be exacerbated by the siting of the proposed garage in very close proximity to the adjacent highway.
7. Whilst I acknowledge that a large part of the front garden at the appeal property would be retained for parking and garden areas, in my view the appeal proposal would nevertheless appear overly dominant. From the evidence before me, the more modest overall height and bulk of the garage under the previously approved scheme would not have appeared to be overly dominant and would have appeared subservient to the host dwelling, reducing its prominence within the street scene.
8. It has been put to me that boundary treatments and vegetation within the gardens of neighbouring properties would screen the appeal proposal and conceal a majority of the building. Whilst I acknowledge that there is some vegetation within the gardens of neighbouring property which would somewhat screen the appeal scheme from wider views, the proposed garage would nonetheless be highly visible to those travelling uphill or downhill within Steeple Lane and past the site.
9. By reason of the height, scale, bulk and appearance of the garage which is substantial, the proposal would be overly dominant within the street scene, would draw the eye and would be detrimental to the character of Steeple Lane. The design of the proposal would not respect the skyline and would not, in my view, be sensitive to its surroundings.
10. The appeal scheme would therefore conflict with Policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which requires, amongst other things, that development respects the character of its setting. For the above reasons, the appeal proposal would also be contrary to Policies BE6 and GD1 of the St Ives Neighbourhood Development Plan 2015-2030 (the SINP) and paragraphs 124, 127, 128 and 130 of the National Planning Policy Framework (the Framework). Furthermore, the proposal would not accord with the provisions of the Cornwall Design Guide (the Design Guide) with regards to its design and effect on the surrounding character and would not accord with the aims and objectives of the Cornwall Council Domestic Alterations and Extensions Guide with regards to garages being of modest size and scale.

Living Conditions

11. The appeal proposal has been substantially completed and is sited in close proximity to the boundary with the neighbouring property known as Treloyan Cottage which is located northeast of the appeal site. For the reasons given

above with regards to the height and scale of the proposal and in combination with the change in land levels, the appeal scheme would be very prominent from the southwest facing windows, and the adjacent fairly narrow garden patio space, at Treloyan Cottage. Given its height, scale and proximity to the boundary, the appeal scheme would be overly dominant and oppressive, having an overbearing and enclosing impact from facing windows at Treloyan Cottage, and particularly from the garden patio area. The resulting harm would result in an unacceptable reduction in living conditions for occupiers at that property with regards to loss of outlook.

12. The evidence and plans before me indicate that the proposal would also introduce rooflights in the northeast facing slope of the garage roof. In this regard, the Council is concerned at the prospect of loss of privacy, actual and perceived, caused by the presence of windows which face towards Treloyan Cottage. However, in this instance and in my view, the use of obscured glazing would prevent any actual loss of privacy. Such methods of protecting privacy are commonplace in residential areas, and in my view, the Council's point as to the fear of perceived overlooking arising has little merit.
13. With regards to loss of light, the Appellant has submitted drawings which seek to demonstrate that there would be no loss of light with reference to the 25/45 degree rules. The Appellant has put it to me that the proposal would comply with the BRE Guidelines in this respect. Based on what I have seen and read, I have no substantive reason to doubt the accuracy of the drawings prepared by the Appellant.
14. In this regard, whilst I acknowledge the submissions from the Council and the comments from interested parties, the submitted drawings demonstrate that the impact of the appeal scheme on daylight to Treloyan Cottage would be within acceptable limits set out in the BRE Guidelines and as a result, the changes in daylight resulting from the appeal scheme when compared to the previously approved scheme, would not be significant.
15. From the evidence before me and taking into account the make-up of the built environment surrounding the appeal site, I conclude that whilst the development may have a slightly greater impact on light levels to the neighbouring property when compared to the previously approved scheme, it would not be to an unacceptable level, and would not cause harm overall to living conditions of occupants of Treloyan Cottage with regards to loss of light.
16. Notwithstanding my conclusions with regards to the effect of the appeal scheme on loss of light and loss of privacy, I conclude that the proposal would be a visual intrusion which is overbearing and would lead to significant harm to the living conditions of occupants at Treloyan Cottage with regards to outlook.
17. The appeal scheme would therefore conflict with criterion 2b) of Policy 12 of the Local Plan with regards to being overbearing. Furthermore, the appeal proposal would be contrary to the provisions of the Design Guide with regards to loss of outlook and would not accord with paragraphs 124, 126, 127, 128 and 130 of the Framework which, amongst other things, seek to ensure that the design of development does not adversely affect the living conditions of nearby residents. The proposal would also fail to accord with criterion a) of Policy GD1 of the SINP with regards to minimising the impact of development on the living conditions of neighbouring residences.

Other Matters

18. I have considered the Appellant's submissions that planning permission has been granted for applications which the Appellant contends should be considered to be precedents. However, I have not been provided with the full details of these schemes and so cannot be certain that the circumstances and considerations are comparable to the appeal scheme before me. In any case I have considered the appeal proposal on its own merits.

Conclusions

19. In summary of the above, I give significant weight to the harm to the street scene and consequent conflict with the development plan. I also attach significant weight to the harm to the living conditions of nearby residents with regards to outlook, which would result from the proposal. The fact I have concluded that the appeal scheme would not result in harm with regards to a loss of light and loss of privacy, does not outweigh the harm identified above in relation to the impact of the proposal on living conditions.
20. For the reasons given above, I conclude that the appeal scheme conflicts with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR