



Appeal Decision

Site visit made on 27 January 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

Appeal Ref: APP/D0840/W/19/3239045

Double Garage, Land Adjacent to Trethiggey Touring Park, Quintrell Downs TR8 4QR.

- 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 Miss Munden against the decision of Cornwall Council.
 - The application Ref PA19/04171, dated 22 April 2019, was refused by notice dated 23 September 2019.
 - The development proposed is the demolition of an existing double garage and the construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the processing of the application by the Council, further plans were submitted to show the visibility sight lines and front stone wall. With the exception of Plan HBH10056/SK01, which refers to a site further to the north, I will consider the same plans to determine this appeal.

Main Issues

3. The main issues are whether the proposal would provide:
 - a safe and suitable highway access, and
 - acceptable living conditions for occupiers of the dwelling, with particular regard to outdoor amenity space.

Reasons

Highway access

4. The site is a modest sized plot of land and includes a double garage, area of hardstanding and a vehicular access onto the A3058. The proposal would involve the demolition of the garage and the erection of a dwelling with two car parking spaces within a car port and an external area for vehicle turning. The wall at the front of the site would be removed to aid the visibility to the north.
5. The adjoining road is an A class road and the site would access onto a section which is subject to a 40mph speed limit. While only a snap shot in time, at my visit I noted a reasonably steady flow of traffic and based on the information

before me I have no substantive reason to consider that this was not generally representative of the traffic situation on other occasions.

6. My attention has been drawn to the advice in the Manual for Streets (MfS) and the Manual for Streets 2 (MfS2) which advises on visibility from junctions and accesses. The general advice is that the distance back from the edge of the road to measure visibility should be 2.4m and the visibility from that point should be measured to the nearside kerb of the road. I am not satisfied, based on the information before me, that this A class road is a slow speed situation that would allow a distance back of 2.0m to be considered for visibility.
7. The visibility from the access to the north could be improved across the frontage of the site, but is limited by the reasonably tall front boundary wall of Trethiggey Villa, a Grade II Listed Building, which adjoins the site. The boundary wall is beyond the application site. The highway plan submitted to support the proposal shows a line of visibility with a 2m set back distance (rather than 2.4m) and the line of visibility intersects with the nearside kerb a reasonably short distance further up the road because of the limiting effect of the boundary wall of the adjoining property. Looking at these details and examining the matter at my site visit, including that the traffic would have just left the 30mph zone before reaching the site, I am not satisfied that adequate visibility would be provided or that the proposal would meet with the requirements and approach for stopping sight distances as set out in MfS and MfS2.
8. The case is made that the garages are lawful and could be used to park vehicles associated with one or more properties and would generate at least as many vehicle movements as the single dwelling proposed. However, it seems that the garages are now in separate ownership from Trethiggey Villa and that this property and others in the vicinity appear to have parking available without a clear need to use the garages. I have not been provided with detailed evidence of the present vehicle movements associated with the garages or with clear and robust information as to why, in practice, given the location is somewhat away from the main area of housing in Quintrell Downs that these garages would be an attractive proposition for local residents to park a vehicle(s) and thereby would result in the use of the access by vehicles on a regular basis. In these circumstances and based on all the evidence before me, I consider that the site would, in all likelihood, generate more traffic movements from the proposed dwelling than in its present garage use.
9. Accordingly, as the visibility to the north would be substandard, I do not consider that a safe and suitable access to accommodate the additional vehicle movements that would result from the proposal would be achieved. Indeed, I consider that the visibility splay would be so substandard for drivers of emerging vehicles that, having regard to the nature of the road and traffic movements, this would create an unacceptable impact on highway safety. In this respect, the proposal would not meet with the policy requirements of the National Planning Policy Framework (the Framework).
10. The lack of accidents within this section of road, even when it was previously subject to the national speed limit, does not provide a justification for the construction of a dwelling, with the associated traffic movements through a substandard access, and therefore I attribute this matter limited weight.

11. I have taken into account the information in respect of the visibility splays for a proposal at Trethiggey Cottages and how they were measured and were accepted by the Council. However, I do not have complete details of all the considerations that led to that decision. I have considered this proposal on its merits based on the advice in MfS and MfS2 and therefore I attribute this other proposal limited weight in my considerations.
12. In the light of the above analysis, I conclude that the proposal would not provide a safe and suitable highway access and therefore the scheme would conflict with Policy 27 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and the Framework which seek, amongst other things, to provide a safe and suitable access to sites for all people.

Living conditions

13. The dwelling would provide a reasonably sized 3 bedroom family house. A section of the external space would be required to enable vehicles to manoeuvre so as to access the parking and to be able to leave the site in a forward direction. The areas to the northern and eastern sides of the dwelling would be fairly narrow and overshadowed by the building, and not provide a pleasant amenity space for most occupiers. As a result, the most useable external amenity area would be a section of land in the south eastern part of the site. This amenity space would be fairly limited in extent, set behind a wall from the turning area, and would be somewhat overshadowed by the property and the vegetation to the south.
14. The wall would help to provide privacy and reduce road noise for users of the garden area. However, the space would not provide many opportunities for a pleasant outlook, and the adjoining building, wall and boundary vegetation would be an overbearing influence that would be likely to create a cramped and unappealing space for most future residents. In this way the proposal would not meet with the approach to providing useable gardens as set out in the Chief Planning Officer's Advice Note – Good Design in Cornwall (December 2017) and the Cornwall Design Guide (2013).
15. While it is said that the Council has permitted many other examples where the amenity space is smaller, and notwithstanding any numerical calculations of the space that may be available, the quality of the proposed external amenity space would be poor for future residents of the dwelling. Consequently, the scheme would not create a place that would provide a high standard of amenity for future users as required by the Framework.
16. Accordingly, I conclude that the proposal would not provide acceptable living conditions for the occupiers of the dwelling, having regard to the outdoor amenity space, and therefore would not accord with Policies 12 and 13 of the Local Plan and the Framework in this respect.

Other Matters

17. I have taken into account that the Parish Council support the proposal and that there is no objection in respect of the design of the dwelling itself or the proposed materials.
18. The proposal would deliver a self-build property and therefore help to meet part of the overall need for this type of housing. The site would provide a small but worthwhile windfall addition to housing supply on a site that already has

built development of functional appearance and in a location with reasonable access to local services and facilities. There would be economic and social benefits to the area during construction and in subsequent occupation. However, as only a single dwelling is proposed, and in an area where the Council is able to demonstrate a 5 year supply of deliverable housing land, I afford the cumulative benefits of the proposal limited weight. These benefits would not outweigh the harm I have identified.

Conclusion

19. Having regard to the above, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR