
Appeal Decision

Site visit made on 9 June 2020

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

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal Ref: APP/D0840/W/20/3247110

37 Boscoppa Road, St Austell, Cornwall PL25 3DS

- 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 S R Bate against the decision of Cornwall Council.
 - The application Ref PA19/00843, dated 30 January 2019, was refused by notice dated 20 January 2020.
 - The development proposed is the erection of dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (the Framework) was published in February 2019 and, as such, references to the Framework in this decision therefore reflect the revised Framework as published in February 2019.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of nearby residents with particular reference to outlook.

Reasons

4. The appeal site is located within a residential area of St Austell. It forms part of the existing garden to the rear of the host property at 37 Boscoppa Road and is roughly rectangular in shape, with a single storey structure occupying space at the north western corner of the plot. The proposed dwelling would be accessed directly from the adjoining Beacon Close and would be positioned south of the property at 23 Laura Drive. The garden of the host property rises uphill from south to north, with the abovementioned single storey structure occupying a level area of ground which is elevated above the ground floor level of the host dwelling.
5. Due to the constraints of space at the site, the northern elevation of the proposed dwelling would be in very close proximity to the rear facing windows and conservatory of 23 Laura Drive. Due to its bulk and proximity to this neighbouring property, and despite being set down into the ground at a lower level than the dwelling at 23 Laura Drive, the appeal scheme would dominate the outlook from the rear of this neighbouring property and would have an

- oppressive and overbearing impact on the living conditions of occupants of 23 Laura Drive.
6. In this regard, whilst I acknowledge that the Appellant has sought to reduce the roof ridge height during the planning application and that the outlook from the upstairs rear windows of 23 Laura Drive would be adversely affected to a limited degree, the outlook from the ground floor habitable rooms and especially from the conservatory and rear garden area associated with 23 Laura Drive, would be significantly affected by the proposal. In my view, by reason of its height, bulk and proximity to the boundary, the appeal scheme would be overly dominant and oppressive, having an overbearing impact on future residents of the property at 23 Laura Drive. The consequential harm would result in an unacceptable reduction in living conditions for occupiers at that property with regards to loss of outlook.
 7. Furthermore, as noted above the proposal would be sited on higher ground than the host dwelling and the space available for the proposed dwelling within the appeal site is limited, with the appeal scheme being located in very close proximity to the host dwelling. Due to the elevated position of the proposed dwelling in combination with its height and proximity to the boundary, the appeal scheme would dominate the outlook from the rear rooms and rear garden area of the host dwelling at 37 Boscoppa Road. The proposal would, in my view, result in an unacceptable reduction in living conditions for occupiers at that property with regards to loss of outlook.
 8. I acknowledge the submissions of the Appellant with regards to their current occupation of the host dwelling and that the Appellant considers that the proposal would not adversely affect their living conditions to any significant degree. However, the proposed development would be a permanent building and the host property may be occupied by someone other than the Appellant in the future. Notwithstanding the Appellant's submissions in this regard, in my view, the proposal would adversely affect the living conditions of future residents of 37 Boscoppa Road.
 9. I have noted the submissions of the main and interested parties with regards to whether there would be an unacceptable loss of privacy for nearby residents. In this regard, whilst I acknowledge the inclusion of boundary treatments within the appeal proposal which would assist in reducing the potential for overlooking and loss of privacy between the proposed dwelling and nearby properties, for the reasons given above the appeal scheme would, irrespective of the potential impact on privacy, have an unacceptable overbearing impact on future residents of 23 Laura Drive and 37 Boscoppa Road.
 10. For the above reasons, I conclude that the appeal scheme would unacceptably impair the outlook for and have an overbearing effect on future occupants of 23 Laura Drive and 37 Boscoppa Road and would, therefore, be harmful to the living conditions of future residents of those properties. In that regard, therefore, the appeal proposal would conflict with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and would be contrary to paragraph 127 of the Framework which, together and amongst other things, seek to protect the living conditions of residents from the harmful impact of new development.
 11. Policy 3 of the Local Plan seeks to control the distribution of new dwellings across Cornwall and provides that development within named larger

settlements will be allocated according to the Site Allocations Development Plan Document (the SADP) and Neighbourhood Plans. The evidence before me indicates that the site has not been allocated within the SADP and that there is currently no Neighbourhood Plan for St Austell.

12. The Framework provides that the concept of sustainable development comprises three mutually dependent dimensions – being the economic, social and environmental elements of the proposal.
13. The appeal scheme would provide some benefits in the form of an additional unit towards housing supply at a location with access to a wide range of services and facilities. I further accept that future occupiers of the proposed dwelling would contribute to the vitality of St Austell through spend with local businesses, and that the proposal would provide some very short term employment opportunities during the construction phase.
14. However, by reason of the scale of the proposal, these potential benefits of the scheme are limited in scope and the sustainability of the proposed development cannot be assessed against these criteria alone. In this regard, I have concluded that the appeal site would result in unacceptable living conditions for nearby residents including future residents of 37 Boscoppa Road, with regards to loss of outlook. This would be contrary to the social objective of sustainable development with regards to supporting healthy communities.
15. Once these matters are considered together as a whole, the proposed scheme could not be considered to be sustainable development in the terms of the mutually dependent dimensions of sustainable development contained within the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of. Furthermore, the proposal would be contrary to Policy 2 of the Local Plan which, amongst other matters, requires that development provide a well balanced mix of social, environmental and economic benefits.

Other Matters

16. Interested parties raise several additional objections to the proposal including the potential impact on drainage and highway safety. These are important matters and I have considered all of the evidence before me. However, given my findings in relation to the main issue, these are not matters that have been critical to my decision.

Conclusion

17. 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