



Appeal Decision

Site visit made on 8 July 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 July 2020

Appeal Ref: APP/D0840/W/20/3247372

Land West of No 66 Treverbyn Road, St Ives TR26 1EY

- 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 R Timms against the decision of Cornwall Council.
 - The application Ref PA19/09490, dated 29 October 2019, was refused by notice dated 4 February 2020.
 - The development proposed is the erection of a dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling at Land West of No 66 Treverbyn Road, St Ives TR26 1EY in accordance with the terms of the application Ref PA19/09490, dated 29 October 2019, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupants of Nos 67-70 Treverbyn Road with reference to outlook; and,
 - whether or not the proposal would provide adequate living conditions for future occupants, with reference to outside space.

Reasons

Character and appearance

3. Treverbyn Road is a linear street characterised by its quite uniform terraced housing. The appeal site is an overgrown and vacant plot of land at its western extremity. To the west is a shop with a flat within its roof space, which faces the junction of Treverbyn Road and Carnellis Road. The site is visually separated from the line of terraces by a side street which passes to the south east. Consequently, it reads as more a part of the environment at the road junction.
4. Buildings at the junction are clustered around it. The ensuing variation in their orientations and placements combines with a mixture of designs to produce a highly varietal street scene. There is, however, a theme of relatively large openings at first floor level, and a particularly glazed opening within the gable of the first-floor flat facing towards the site and visible within Treverbyn Road.
5. Given these circumstances, whilst I agree that the scheme's modern design and finish materials would not align with the terraces along Treverbyn Road, the proposal would nonetheless respond positively to its foremost environment. The orderliness of terraced built form within Treverbyn Road would remain intact.

6. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policies GD1 and BE10 of the St Ives Area Neighbourhood Development Plan 2015–2030 (made 2016) (SIANDP), Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010–2030 (adopted 2016) (CLP) and the National Planning Policy Framework (the Framework).

Living conditions – neighbouring occupants

7. On the other side of the side street the site is faced by Nos 67–70 Treverbryn Road. The current outlook from the front of these houses is towards the rather austere rear elevation of the corner shop and/or towards the substantial vegetation within the appeal site, both of which already have a notably dominant and enclosing effect within the side street in my opinion.
8. The proposed dwelling would be a clear distance away from the shop building, a little set back from the south east site boundary, and the main pitched roof would be well back. The height of the dwelling at its closest point would be akin in height to the eaves of Nos 67–70. For these reasons, the scheme would not have a significantly different bearing on Nos 67–70 than the current situation in my view. Moreover, the small overhang, the intervening boundary wall and landscaping, and the change in finish materials would establish adequate interest and detail across the south east frontage for neighbouring residents.
9. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of the occupants of Nos 67–70 Treverbryn Road with reference to outlook. It would accord with Policy GD1 of the SIANDP, Policy 12 of the CLP and the Framework insofar as they require schemes to maintain a high standard of amenity for existing users.

Living conditions – future occupants

10. The proposed dwelling would have a smaller and less holistic outside space than typically found within Treverbryn Road. That said, this appears to be the situation for the other housing sited on the irregular plots at the Carnellis Road junction. The parcel of land north east of the dwelling would be a private space for users of Bedroom 1, with the above balcony providing an elevated, light and accessible space for all occupants. This would be in addition to the largest outside area, incorporating a patio, at the south west corner of the site. The parking area would have adequate room for bin and cycle storage. Overall, the outside space would be large enough for both recreational and functional use.
11. The patio area would adjoin the flat above the shop, and its associated access, which is via an external staircase. However, the acute angles between the interior of the flat and the proposed patio area would ensure that overlooking would be largely obscured or oblique. Any overlooking when ascending the stairs would be fleeting. If occupiers of the flat were to dwell at the landing, views would be drawn over and beyond the site, towards the sea. Overlooking from Nos 67–70 would be adequately mitigated by the distances involved and the screening provided by the proposed boundary wall and the dwelling itself.
12. Consequently, the proposal would provide adequate living conditions for future occupants, with reference to outside space. It would accord with Policy GD1 of the SIANDP, Policy 12 of the CLP and the Framework insofar as they require schemes to maintain a high standard of amenity for future users.

Conditions

13. In addition to the standard time condition, a condition is needed to define the approved plans in the interest of certainty. A condition is necessary to ensure that the finish materials successfully articulate the dwelling's design. However, I see no reason why finish materials should be provided prior to the commencement of work. To protect the living conditions of residents within Nos 67-70, it is necessary to restrict the insertion of new openings within the south east elevation of the dwelling. To address the housing requirements within St Ives, pursuant to the SIANDP, it is necessary to restrict the dwelling to use as a principal residence. However, no substantive evidence is before me to suggest any necessity for a Construction Method Statement.

Conclusion

14. For the reasons outlined above and taking all matters raised into account, I conclude that the appeal should be allowed, subject to conditions.

Matthew Jones

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 004, 005.
- 3) Prior to installation, details of the materials to be used in the construction of the external surfaces of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no openings, other than those expressly authorised by this permission, shall be constructed within the south east elevation of the dwelling hereby permitted.
- 5) The dwelling hereby permitted shall not be occupied otherwise than by a person as his or her Only or Principal Home. For the avoidance of doubt the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant will supply to the Local Planning Authority (within 14 days of the Local Planning Authority's written request to do so) such information as the Authority may reasonably require in order to determine whether this condition is being complied with.