



Appeal Decision

Site visit made on 18 August 2020

by Tobias Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 September 2020

Appeal Ref: APP/D0840/W/20/3248370

Land between 30 and 36 Mount Wise, Newquay TR7 2BN

- 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 Jon-Claude Luxon, A.J.L. Limited against the decision of Cornwall Council.
 - The application Ref PA19/10796, dated 12 December 2019, was refused by notice dated 18 February 2020.
 - The development proposed is construction of 6 town houses and associated site works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - whether the living conditions of future occupiers of the proposed development would be sufficient, with particular regard to external amenity space.

Reasons

Character and appearance

3. Forming a vacant and somewhat overgrown plot, the appeal site is situated in a relatively built-up environment. Although the building line is not entirely consistent, built form situated on the north side of Mount Wise in the vicinity of the site is set-back within relatively spacious plots and consists of detached buildings facing the highway. With the generally limited scale of extensions, outbuildings and garages at the rear of adjoining plots, there is also a clear separation between those properties and the buildings fronting St Michael's Road to the rear. Opposite the site, on the other side of Mount Wise, there is a tighter-knit form of terraced and semi-detached properties. Situated on higher ground and contributing to the site's context, they are set above the buildings to the north and create a tiered effect which reflects the sloping topography of the locality. The context in which the development would be experienced therefore has a reasonably defined development pattern, with a loose grid layout, an open character and a coherent rhythm.
4. The proposed building at the front of the site would be well set-forward of the adjoining buildings of 30 and 36 Mount Wise. Although partly set down into the

site, it would also be higher than those adjoining properties and the terraced cottages opposite. It would therefore appear as a prominent feature that would dominate and fail to respect its surroundings. In coming to this view, I have taken account of the forward projection of No 26 and the higher density of the properties to the south.

5. The proposed terrace at the rear of the site would be set-down into the hillside and thus appear as two-storeys from Mount Wise. However, it would extend across almost the full width of the site and be positioned in close proximity to the rear boundary. The terrace would therefore be a significant and cramped addition. Although it would be partly screened by the proposed building at the front of the site, I observed on my site visit that it would be visible from Mount Wise either side of units 1-2 and also to some extent from the adjoining park. Consequently, the proposed rear terrace would appear from the public realm as an incongruous feature in relation to its surroundings, including with regards to the form and pattern of development in the locality.
6. My attention has been drawn to the development at Quay Court, Towan Heights, Frederick Mews and Horizons. Although they are not a significant distance away, I observed on my site visit that they are visually and physically separated from the site given the degree of separation and the presence of the Mount Wise Public Gardens and the car park. Consequently, the proposed development would not be experienced within the same setting as those developments. Their presence – including their form, layout and scale – is thus not determinative as to the acceptability of the appeal proposal. Furthermore, the unkempt nature of the site and the mix of scales, densities, designs and architectural styles in the surrounding built environment do not lead me to a different conclusion on the effect of the appeal proposal.
7. For the above reasons, I conclude that the proposed development would harm the character and appearance of the surrounding area. I therefore find that it conflicts with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) and Policies G2 and D1 of the Newquay Neighbourhood Plan 2019 to 2030 (NNP). Amongst other aspects, these require development with a clear understanding and response to its townscape setting to: reinforce sense of place, taking into account existing elements of the townscape that give the place local character; respect the height of neighbouring properties; provide continuity with existing built form; and be of an appropriate scale and layout.

Living conditions

8. Units 3-6 would each have a small garden, a covered amenity area – recessed within the lower-ground floor – and a balcony. Combined, they would provide a reasonable amount of outside space for the use of future occupiers. However, the quality of the gardens and covered amenity areas would be limited given their set-down position, their orientation and the proximity of surrounding buildings and boundary treatment. Despite not being overlooked by neighbouring properties, the gardens and covered amenity areas would therefore feel dominated and hemmed in by their enclosed surroundings. Receiving limited levels of light and sunlight, they would also be relatively gloomy and oppressive.
9. The private balconies in units 3-6 would receive some late afternoon/evening sunlight and provide good levels of outlook in an open environment. However, this would not offset the poor quality environment of the gardens and covered

amenity areas of units 3-6, particularly given the balconies would be relatively small and thus provide only limited useable space. The balcony sizes at the Towan Heights development, which was approved prior to the adoption of the CLP and NNP, do not lead me to a different conclusion.

10. Units 1 and 2 would have reasonable sized gardens and balconies. Although the gardens would be unconnected from the main living areas, they would be accessible by each unit's private entrance. The balconies would also provide private space accessed off each unit's lounge and would receive some late afternoon/evening sunlight. While the gardens of units 1-2 would have limited privacy due to their position adjacent to the highway, it is not uncommon for front gardens to have low boundary walls. Furthermore, I have nothing before me which indicates that some soft landscaping could not be provided to improve the privacy of the front gardens.
11. It seems to me that the combined areas of the external amenity spaces for each unit would be sufficient in size to accommodate uses – such as those identified in section 5.5 of the Cornwall Design Guide (2013) – that might reasonably be expected of private garden areas for family-sized units. Although the overall size of each unit's outside space may not achieve that suggested in the Chief Planning Officer's Advice Note: Good Design in Cornwall, the status of that document is not clear and I note that it also refers to garden sizes on a rule of thumb basis and sets out that gardens should be appropriate to their context. Given the built-up nature of the surrounding area, I am therefore satisfied that the overall amount of external amenity space for each unit would be acceptable in this case.
12. However, the quality of the gardens and enclosed amenity areas of units 3-6 would be unacceptable, providing poor quality outside spaces that would be of limited use to future occupiers. In coming to this view, I have taken account of the proximity of public outdoor space in the locality, including the Mount Wise Public Gardens and nearby beaches. I also recognise that prospective purchasers would be free to choose a different property if the external amenity space was not suited to their needs and that young professionals and retired couples wanting low maintenance properties and a good standard of indoor space may occupy the dwellings. Be that as it may, these matters do not lead me to a different conclusion.
13. For the above reasons, I conclude that the living conditions of future occupiers of the proposed development would not be sufficient, with particular regard to external amenity space. I therefore find that it conflicts with CLP Policy 12 which, in relation to this matter, requires development to provide high quality private spaces.
14. I have not been pointed to anything in the development plan that explicitly requires the provision of external amenity space. However, it would be unreasonable to expect that dwellings of the size proposed here would include no outdoor space, and it seems to me that the requirement of CLP Policy 12 for the provision of high quality private space is applicable to external amenity space.

Other matters

15. The Council does not allege that the development would have an adverse effect on the Grade II* listed St Michael's Church or its setting or any features of

special architectural or historic interest which it possesses. Having considered the development and visited the site, I concur with that view and find that the development would preserve the listed building and its significance as a designated heritage asset.

Planning Balance

16. The site forms a vacant parcel of land within the development boundary of Newquay, where it is said that the principle of residential development is well established as being acceptable. CLP Policy 21 also encourages use of derelict land and increasing building density where appropriate, and I recognise that the scheme has been amended and reduced in size compared to a previous planning application on the site.
17. Newquay Town Council championed and developed the NNP and the Newquay Character Study was prepared in conjunction with it. The Town Council did not object to the planning application and their comments acknowledged the revisions to the appeal proposal compared to the previously refused scheme. However, I note that Newquay Town Council has raised some concerns about the proposed development at appeal stage.
18. The site is within walking distance of the various services, facilities and public transport connections available in the town centre. Providing six new windfall dwellings, the proposed development would also add to the supply of housing in the area and support the local economy through construction-related employment and expenditure by future occupiers of the dwellings.
19. However, given the development's scale, I am satisfied that the benefits would be relatively limited. The evidence before me also indicates that there is a sufficient supply of housing land in the district. The harm I have identified above and the conflict with the development plan is therefore not outweighed by these considerations and is sufficient for me to find against the proposal. Given my above findings, the development also cannot reasonably be described as making best use of land nor complying with the provisions of the National Planning Policy Framework in relation to achieving well-designed places.

Conclusion

20. For the above reasons, the appeal is dismissed.

Tobias Gethin

INSPECTOR