
Appeal Decision

Site visit made on 26 October 2020

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 05 November 2020

Appeal Ref: APP/D0840/D/20/3254649

23 Riverside Avenue, Newquay, Cornwall TR7 1PN

- 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 Dacey against the decision of Cornwall Council.
 - The application Ref PA19/08791, dated 7 October 2019, was refused by notice dated 29 May 2020.
 - The development proposed is a first floor extension plus balconies to rear and front porch.
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Decision

1. The appeal is dismissed.

Procedural matter

2. Whilst the Council refused permission for the proposed development on the grounds of character and appearance only, I have also received communication from neighbours regarding the possible impact of the development on their living conditions, and it is incumbent upon me to take these matters into account in this decision. The main issues are therefore as detailed below.

Main Issues

3. The main issues are the effect of the proposed development on:-
 - a) The living conditions of the occupiers of neighbouring properties with respect to outlook and light and,
 - b) The character and appearance of the area.

Reasons

4. The appeal property is a detached bungalow overlooking the Gannel estuary. The proposed extension, to accommodate an extra storey, would result in the ridge of the property being raised to just below the level of the ridge of the neighbouring property (No 21) to the east. The eaves of the appeal property would also be raised by about 2.5m, thereby altering the pitch of the roof and creating a greater elevational area.

Living conditions

5. No 21 sits behind the appeal property, such that its front garden is adjacent to the east elevation of the appeal property. The front gardens of the

properties face south, with views across the estuary. Consequently, it seems likely that the garden of No 21 is an important asset to the property.

6. Whilst both properties are set away from their joint boundary, and the garden of No 21 is reasonably wide, I nonetheless consider that the combination of the significant increase in the bulk of the appeal property, combined with the orientation of the two properties, would lead to an unacceptable impact in terms of outlook on the use of the front garden of No 21. There would also be an impact in terms of the outlook from the front windows of No 21 and on the sunlight received to these and the garden in the evening.
7. The proposed development would therefore conflict with policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 which requires that development proposals protect individuals from overshadowing and overbearing impacts. There would also be conflict with policy H1.1 of the Newquay Neighbourhood Plan 2019-203. This policy makes clear that extensions to existing homes will be supported where they do not have a detrimental impact on the amenity of neighbouring properties.

Character and appearance

8. The character and appearance of the properties overlooking the estuary is very varied and it was obvious at my visit that extensions had, and in fact were, being carried out to a number of properties. In terms of scale, the proposed extension and resulting dwelling would be relatively modest in relation to many of the properties in the immediate area. The ridge height of the proposed extension would be about 1.8m lower than the ridge height of No 25 and slightly lower than the ridge height of No 21.
9. Due to the topography the appeal property can barely be seen at present from Riverside Avenue to the front. It can be seen when walking up the avenue from the east and the proposed extension would make it more prominent from this direction, but not such that it would harm the character and appearance of the area. From the South West Coast Path on the far side of the estuary the rendered building to the rear of the appeal building would still be visible over the ridge of the proposed extension. Consequently, the terracing effect would still be maintained.
10. The proposal would not therefore have a harmful effect on the character and appearance of the area and would not conflict with the various policies in both the LP and NP that seek to protect such. These include policy 12 of the LP which seeks to ensure that development maintains Cornwall's distinctive natural and historic character and policy H2 of the NP which requires developments in areas of particular landscape sensitivity to have no negative impact on the character or appearance of the surrounding area.

Conclusion

11. Notwithstanding this however, and in light of my findings regarding living conditions, which outweighs the issue of character and appearance, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

John Wilde Inspector