
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/W/20/3254546

Store to southern end of Tregoss Road, Newquay, Cornwall TR7 2NJ

- 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 Whitehouse against the decision of Cornwall Council.
 - The application Ref PA20/01786, dated 25 February 2020, was refused by notice dated 16 April 2020.
 - The development proposed is conversion of store to self-contained one bedroom studio dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of future occupiers, with respect to private amenity space and outlook.

Reasons

3. The appeal site is a lock-up garage attached to a lean-to that runs to the rear of three further attached garages. The appeal site garage would become an entrance courtyard and kitchen area whilst the rear lean to would become a living/sleeping space with a shower room at the far end.

Private amenity space

4. The entrance courtyard would be about 7.5 Sqm, and whilst this may be a slightly larger outdoor space than that required by the London Housing design Guide for a two person dwelling, to my mind it is not only the quantity but also the quality of such space that is important. Indeed, the National Planning Policy Framework (the Framework) promotes good design and makes clear that development should provide a high standard of amenity for existing and future users. I also note that the Newquay Neighbourhood Plan seeks to ensure, amongst other things, that development provides good levels of amenity space.
5. The proposed courtyard would look out onto the unmade lane bordered by a rendered wall with the rear elevation of dwellings beyond this. The courtyard would be enclosed on the other three sides and would be roofed. Furthermore, no indication is given on the submitted plans as to where such things as bins and bicycles would be stored.

6. I acknowledge that there are areas of public open space within walking distance of the proposed development. However, this does not alter my view that what is proposed cannot be construed to show a high standard of amenity or a good level of amenity space. Conflict would therefore occur with the Framework and the NP. Furthermore, policy 12 of the Cornwall Local Plan (LP) requires that development provides high quality private spaces. Conflict would also therefore occur with this policy.

Outlook

7. The majority of internal light to the proposed development would be supplied by roof lights that would be high level, therefore providing no outlook other than of the sky. Of the two windows to the rear of the proposed property, one would look out directly onto the very narrow passageway which is bounded by a wall on the far side whilst the other would look out onto the garden of the neighbouring property and would therefore require obscure glazing.
8. The only other windows would be a very small high level one serving the living area and one in the kitchen. The latter one would have views of the unmade track which is bordered by a stone wall with the side elevation of a classroom building just beyond this. There would be no defensible space between pedestrians using the track and the window, meaning that it would be very likely that blinds or net curtains would be necessary to ensure a reasonable level of privacy.
9. It is evident therefore that the outlook from the proposed development would be of very poor quality. Conflict would therefore exist with policy 12 of the LP which requires that development proposals should protect individuals from overbearing impacts.
10. My attention has been drawn to various other developments that have been permitted or allowed within Newquay, including the one adjacent to the appeal site. However, I am aware that the neighbouring development has the benefit of a small first floor terrace which to my mind provides a better sense of outlook and space than would be provided by the ground floor terrace in the present case. Similarly, flats with balconies can generally provide a better feeling of spaciousness than ground floor dwellings in densely populated areas.
11. Furthermore, it seems to me that the amount and quality of outdoor amenity space in any given development is to an extent intertwined with other factors, such as outlook and light. In the proposal before me I have found that as well as a poor provision of amenity area the outlook from the development would be very poor.
12. It is incumbent upon me to assess the present proposal against the current development plan and national policy, and given my above reasoning, and without the full details of the other developments mentioned by the appellant, I cannot take them as compelling precedents for allowing the present appeal.

Conclusion

13. Therefore, in light of my above reasoning and having regard to all other matters raised, including improved surveillance of Tregoss Road and the fact that the appeal site is in an accessible location, I conclude that the appeal should be dismissed. *John Wilde* Inspector