
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/20/3255640

47 Bonython Road, Newquay, Cornwall TR7 3AL

- 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 Hamilton against the decision of Cornwall Council.
 - The application Ref PA20/00855, dated 30 January 2020, was refused by notice dated 11 May 2020.
 - The development proposed is change of use from hobby room to one bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:-
 - a) The living conditions of future occupiers with respect to outdoor amenity space and,
 - b) The character and appearance of the area.

Reasons

3. The appeal building has planning permission for use as a hobby room and store. At the time of my visit it had a living area with kitchen and shower room on the ground floor and a single room on the first floor. The building has a pitched roof and was originally a flat roofed double garage. It is located to the rear of 47 Bonython road and access is gained from a track that runs at right angles to Bonython Road. The latter road lies within the Porth Veor Sensitive Landscape Area as defined within the Newquay Character Study.

Outdoor amenity space

4. The property has two outdoor spaces associated with it. The first is at the front and would be about 37 Sqm, whilst the second is at the rear and amounts to about 40 Sqm. Taken at face value these areas seem to be of a reasonable size, and I am conscious that the proposed development would be only one bedroom, thus removing the need for children's play space. However, it is not just the size of amenity space that is important, it is also the quality and usability of that space.

5. In this particular case the rear space would not be accessible directly from the proposed dwelling as there would be no door in the rear elevation. The only available access as shown on the submitted drawings would be a very narrow path to the side of the building. Furthermore, the amenity space would have the two storey east elevation of the appeal property directly to one side, the existing stone wall surmounted by a hedge to the south, and existing and proposed boundary fences to the other two sides. Given the very narrow access it would also be difficult to take any furniture or other domestic garden trappings to the area.
6. The amenity space to the front would have a fence and the stone wall on two sides and would look out onto the access track. However, it would also double as a parking area for, potentially, two cars. It would presumably also have to accommodate bins and recycling containers as no other space is identified for these on the plans. To my mind these factors would greatly reduce its amenity value.
7. Policy 12 of the Cornwall Local Plan 2010-2030 (LP) seeks to ensure that, amongst other things, development provides high quality private spaces. Given my above findings I cannot conclude that the proposed development would provide such. Therefore, conflict with this policy would exist. Furthermore, policy H2 of the Newquay Neighbourhood Plan (NP) requires that development in Sensitive Landscape Areas must incorporate adequate amenity space. There would also be conflict with this policy as well as with paragraph 127 (f) of the National Planning Policy Framework (the Framework), which requires that development creates a high standard of amenity for existing and future users.

Character and appearance

8. Bonython Road and its immediate environs is generally characterised by detached bungalows, with a few houses and chalet bungalows, set behind front gardens with low front walls. Most properties face the road, are in reasonably generous plots and benefit from good sized rear gardens. The properties in Bonython Road itself are set behind verges and footways, and many have hedges and shrubs in the front gardens and surmounting the front walls. The general overall impression is therefore of a relatively open, spacious and reasonably green suburban area.
9. Contrastingly, the proposed dwelling would be very small, with equally small amenity areas, one of which would have to double as a parking area. It would derive access from a side track rather than from the main thoroughfare and would have no space on one side and only a very narrow path on the other. It would therefore be completely at odds with the character of the surrounding area. In terms of appearance, I acknowledge that the building would not outwardly change. However, its present setting, size and orientation make it commensurate with a building ancillary to a larger dwelling, and conversion to a dwelling in its own right, with the accompanying domestic trappings, would make it appear out of keeping with the wider area.
10. Policy H2 of the NP supports developments in Sensitive Landscape Areas involving a residential garden where there would be no negative impact on the character and appearance of the surrounding area. This would not be the case and therefore conflict with this policy would occur. There would also be conflict with policy 12 of the LP which makes clear that development should be of an

appropriate scale, density and layout, with a clear understanding and response to its townscape setting.

11. My attention has been drawn to several other developments in the area, either permitted by the Council or allowed at appeal. I have not been provided with the full details of these cases but would make the following comments based on the evidence that I have. In the appeal relating to 61 Bonython Road¹ the proposed dwelling was in a bigger plot, faced the road and amenity was not an issue. The new dwelling associated with 1 Praze Road², although not immediately facing the road, involved the removal of an existing outbuilding, and the officer surmised that the immediate area was densely populated and that the development would provide a sufficient amount of amenity space. In the appeal relating to Trenance Road³ the proposed dwelling once again faced the road and was set back from it. This development also featured a sun terrace. It follows that none of these cases can be taken as a compelling precedent for allowing the present appeal.

Conclusion

12. For the above reasons, and having taken into account all other matters raised, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

John Wilde

Inspector

¹ APP/D0840/W/16/3162754

² Application PA18/06452

³ APP/D0840/W/15/3012092