



Appeal Decision

Site visit made on 8 December 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 January 2021

Appeal Ref: APP/D0840/D/20/3258439

Squirrels Leap, 1A Woodland Heights, Tremorvah Crescent, Truro TR1 1NL

- 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 Dolman against the decision of Cornwall Council.
 - The application Ref PA20/04528, dated 3 June 2020, was refused by notice dated 28 July 2020.
 - The development proposed is the creation of covered carport security with additional amenity space and privacy screening.
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Decision

1. The appeal is allowed and planning permission is granted for the creation of covered carport security with additional amenity space and privacy screening at Squirrels Leap, 1A Woodland Heights, Tremorvah Crescent, Truro TR1 1NL in accordance with the terms of the application Ref PA20/04528, dated 3 June 2020, subject to the conditions in the attached schedule.

Procedural Matter

2. 1A Woodland Heights was granted planning permission as a dwelling from its former use as an annex in 2016 under Ref PA16/00067. Condition No 4 of that permission requires an integral garage to be retained for parking in association with the dwelling Japonica, to which No 1A was formerly annexed. On site I observed that the area in question is not laid out or in use for that purpose. As it is defined as a bedroom within the existing floorplan drawing, and as this matter is not referenced within the given description of development to which this appeal relates, I did not have regard to it in my assessment.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of Japonica and No 2 Woodland Heights with reference to noise, light and privacy.

Reasons

Character and appearance

4. No 1A is set back between the larger dwellings Japonica and 2 Woodland Heights and retains a subservient stature and appearance revealing of its former status as an annex. The car port and balcony, whilst quite large in relation to No 1A itself, would appear as modest and typical domestic additions within the wider context of the Woodland Heights street scene.

5. The proposal would therefore have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policy 12 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP), Policies E1 and E4 of the Truro and Kenwyn Neighbourhood Plan 2015-2030 (made 2016) (TKNP) and the National Planning Policy Framework (the Framework).

Living Conditions

6. No 1A has its living room at first floor level, served by a wide Juliet balcony, from where one is already able to look towards the ground floor and first floor windows within the facing flanks of No 2 and Japonica. With the privacy screening, overlooking from the proposed balcony to the neighbouring houses would not be significantly greater than that which can already take place.
7. Light to and outlook through the ground floor window within No 2 is already diminished by the proximate boundary fence, No 1A and Japonica, and the proposal would have a negligible effect within this context. Whilst levels of light received to and outlook through the first-floor window is greater, the privacy screen would be set back and partially offset from the window, reducing its effects. I understand that these openings are secondary within the rooms they serve in any event. The first-floor window within Japonica is obscure glazed and serves a bathroom, and the ground floor window opens to a utility space. These openings are therefore less sensitive to the proposed development.
8. Whilst there is the potential for the balcony to be affixed with lighting, I understand that the area in question is already lit at night by security lighting. Similarly, noise levels are likely to be consistent with that which could already emanate from No 1A with the Juliet balcony and parking area in use.
9. I therefore conclude that the proposal would have an acceptable effect on the living conditions of the occupants of Japonica and No 2 Woodland Heights with reference to noise, light and privacy. It would accord with the amenity aims of Policy 12 of the CLP, Policies E1 and E4 of TKNP and the Framework.

Other Matters

10. The front door to the dwelling would be clearly visible when looking through the car port. Consequently, established levels of safety for occupants and visitors looking to access the property would not be significantly affected.

Conditions and Conclusion

11. In addition to the standard time condition, a condition shall define the approved plans in the interest of certainty. In order to protect the living conditions of residents within No 2 and Japonica, it is necessary for conditions to secure the finish and retention of the proposed privacy screens and preclude the use of the residual area of flat roof above the car port as a balcony.
12. 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 begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 001, 004B, 005B.
- 3) The balcony hereby permitted shall not be brought into use until details of the form and finish of the privacy screens have been submitted to and approved in writing by the Local Planning Authority and erected in accordance with the approved details. The privacy screens shall be retained thereafter in the approved form.
- 4) The flat roof area of the car port hereby permitted, as shown on the approved plans, shall not be used as a balcony, roof garden or similar amenity area.