

Appeal Decision

Site visit made on 24 March 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/D0840/D/20/3264576

1 Lewarne Road, Newquay TR7 3JR

- 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 J Bond against the decision of Cornwall Council.
 - The application Ref PA20/06954, dated 17 August 2020, was refused by notice dated 2 November 2020.
 - The development proposed is remove existing detached garage and erect a detached annex.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the living conditions of the occupants of 91 Porth Bean Road, with reference to outlook and light; and,
 - the character and appearance of the area.

Reasons

Living conditions

3. 1 Lewarne Road is a detached bungalow set within a corner plot where Lewarne Road meets Porth Bean Road. Adjoining the site to the south east is 91 Porth Bean Road, a diminutive two storey property.
4. No 91's flank wall facing the appeal site contains three ground floor openings, two of which are French doors which serve the dwelling's open plan principal living space. At the moment, the reasonably low and insubstantial boundary hedge between the properties and the space above it allow adequate light into and outlook from this inside space. Whilst No 1 has a garage in this location, it is modest and low-profile, and has very little effect on No 91 for these reasons.
5. The garage would be replaced by a significantly larger annexe building which would extend further along the boundary and with a far greater height. In particular, the south east elevation would have a dormer breaking its eaves which would accentuate the verticality of the building and its imposition on No 91 at that intimate point. For these reasons, the proposal would significantly diminish both outlook from and light into No 91 in my opinion.
6. As such, the proposal would have an unacceptable effect on the living conditions of the occupants of 91 Porth Bean Road, with reference to outlook

and light. It would conflict with the residential amenity aims of Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (the CLP), Policy H1 of the Newquay Neighbourhood Development Plan (made 2019) (the NNDP) and the National Planning Policy Framework (the Framework).

Character and appearance

7. The location of the proposed annexe occupies a transitional space between the houses of Porth Bean Road and the bungalows of Lewarne Road. No 91 already steps down from the adjoining house to the south east, and the proposed annexe would do the same, maintaining a harmonious transition between the two distinct streets.
8. Whilst the building would be taller than No 1, it would have a narrow frontage and lesser footprint, would occupy the space to the rear of the bungalow, and would therefore have a degree of visual subservience to it. Moreover, as it would be an annexe to the main building, and therefore without need for its own individually defined space, it would not appear cramped. Given its position within the site, it would not impinge upon coastal views.
9. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the design aims of Policy 12 of the CLP, Policy H1 of the NNDP and the Framework.

Other Matters

10. The Council has also raised concerns about the status of the annexe and its functional link to the host dwelling, with reference to the criteria within the Council's Annexe Guidance Note (2020). However, as I am dismissing the appeal for other reasons, I have not had cause to consider this matter further.

Planning Balance

11. Whilst there would be no harm in relation to the character and appearance of the area, I have found that the scheme would have an unacceptable effect on the living conditions of the occupants of No 91 Porth Bean Road. This is such that it brings the scheme into conflict with the development plan when read as a whole. Whilst I recognise that the scheme would deliver required enhancements to the property, this appears to be a predominately private benefit, which carries limited weight in my assessment.
12. Drawing my findings together, there are no other considerations, including the Framework, that outweigh the conflict with the development plan.

Conclusion

13. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR