



Appeal Decision

Site Visit made on 26 July 2021

by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 August 2021

Appeal Ref: APP/D0840/W/21/3272675

Garages Opposite 1 Gloucester Place, Newlyn, Penzance TR18 5DR

- 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 T Partick against the decision of Cornwall Council.
 - The application Ref PA20/08556, dated 2 October 2020, was refused by notice dated 5 March 2021.
 - The development proposed is the construction of dwelling house, duplex flat and parking facilities (Previously Approved PA19/07574).
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr T Partick against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is located within a residential area of Newlyn and comprises a number of garages positioned on sloping land. The immediate surrounding area exhibits a range of housing types and styles including detached and semidetached two storey dwellings as well as bungalows. The appeal proposal seeks to replace three of the garages with a pair of semidetached dwellings.
6. Planning history for the site indicates that there is an approved planning application¹ (the Approved Application) for a single detached dwelling at the site, and which amended an earlier application² allowed at appeal³. The Approved Application is a fall-back position to which I attach significant weight.

¹ Local Planning Authority Reference: PA19/07574

² Local Planning Authority Reference: PA14/03977

³ Appeal Reference: APP/D0840/A/14/2223791

7. The surrounding area includes some variety in terms of the scale and design of dwellings, with the area's character, in part, being defined by the existence of gaps between individual houses and semidetached pairs of dwellings, providing glimpsed views between the dwellings towards the surrounding townscape and landscape. While I acknowledge that some of these gaps between properties have varying widths and which in some places narrows, these gaps maintain the sense of space between the relevant properties such that they contribute positively to the character and appearance of the residential area.
8. The evidence before me indicates that the Approved Application maintained the important gap between the proposed dwelling and its neighbour at 3 Gloucester Road. However, in contrast the appeal scheme would position one of the proposed pair of semidetached dwellings within very close proximity to the boundary with 3 Gloucester Road, leaving only an uncharacteristically narrow space between the buildings that would not reflect the amount of spacing between other residential properties within the immediate surrounding area. Whilst the existing garages also only have a very narrow gap between them and the neighbouring dwelling, the garages are subservient in appearance and scale to that neighbouring dwelling.
9. Further to the above, the appeal scheme would position the proposed dwellings significantly forward of the building line of both the adjoining remaining garages to the northeast of the site and the adjacent neighbouring dwelling located southwest of the site. The proposed dwellings would also provide only very limited amounts of external amenity space to the rear and which would not reflect the amount of external amenity space as exhibited by the surrounding residential properties. Combined, these factors contribute to my finding that the appeal scheme would appear as a significantly cramped form of development at odds with the character and appearance of the surrounding residential area.
10. In my view, the appeal proposal would appear as a cramped and contrived form of development that would detract from the character and appearance of the surrounding area. In contrast, the Approved Application would maintain local distinctiveness in terms of separation gaps between buildings and would provide external amenity space that would reflect and respect the size of gardens within the immediate surrounding area. Whilst the Approved Application positioned the dwelling forward of the building line established by 3 Gloucester Road, it did not do so significantly whilst also maintaining the building line with the adjoining garages. As such, I conclude that the fallback position will maintain and protect local distinctiveness, being consistent with the pattern of development within the area, whereas the appeal scheme would be significantly harmful to the character and appearance of the area.
11. For the above reasons, I find that the proposed development would cause unacceptable harm to the character and appearance of the area. It would result in a cramped development within a restricted plot, that would fail to promote or enhance local distinctiveness and would be out of keeping with the area. Accordingly, the proposed development would be contrary to Policies 1, 2, 12 and 21 of the Cornwall Local Plan Strategic Policies (2010-2030) which, amongst other things, seek to ensure the best use of land whilst protecting the local distinctiveness and character of the area. Furthermore, and for the same reasons, the proposed development would fail to accord with those paragraphs of the Framework which concern achieving well designed places.

Other Matters

12. The proposed scheme would provide limited social benefits in terms of the contribution of two dwellings towards housing supply at a location with convenient access to a range of services and facilities. The proposal would provide some very limited employment opportunities during the construction phase and I accept that future residents would provide further limited economic benefits in terms of future spend within local businesses.
13. Consequently, I find that the benefits of the proposed scheme would be limited in scope and scale. In my view, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above, to which I attach significant weight.
14. Interested parties raise additional objections to the proposal on the grounds of potential adverse effects on access and the living conditions of nearby residents with regards to loss of privacy and loss of light. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR