



Appeal Decision

Site visit made on 7 September 2021

by C Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 September 2021

Appeal Ref: APP/D0840/W/21/3272902

The Park Office, Langurtho Road, Fowey PL23 1EQ

- 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 the executor(s) of the estate of Will Sumner deceased against the decision of Cornwall Council.
 - The application Ref PA20/08438, dated 1 Oct 2020, was refused by notice dated 15 February 2021.
 - The development proposed is demolition of existing A1/B1 commercial building and construction of a one-bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The person named on the application form has sadly passed away and hence the appeal is being made by executor(s) of the estate of Will Sumner deceased. I have therefore used this name in the heading above rather than the name shown on the application form.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - whether the proposed dwelling would provide acceptable living conditions for future occupiers, having particular regard to private outdoor space.

Reasons

Character and appearance

4. The appeal concerns a disused business premises which is situated in a part of Langurtho Road which is mainly characterised by older style housing with relatively large gardens. Despite being situated on a tight bend in the road, the existing building is not a particularly prominent feature due to its modest proportions and low height. Indeed, as a single storey building with a flat roof, it has more in common with the visual appearance of the garages in this part of the street than the surrounding housing.

5. As the proposed dwelling would be two storeys in height, it would be larger and more prominent than the existing building. The visual prominence of the dwelling within the street would be emphasised by its contemporary design, which would include a front balcony and aluminium powder coated finish. Although there may be examples of similarly designed dwellings elsewhere in the wider area, the older style properties in this part of Langurtho Road are mainly characterised by simpler and more traditional architectural styles. While some aspects of the proposed design may be compatible with the Cornwall Design Guidance¹, this strongly emphasises the importance of building in a manner which reflects local distinctiveness.
6. In addition, the small size of the site, and the lack of set-back from the road frontage, would give the dwelling a somewhat cramped appearance in an area that is typified by lower density housing. The visual contrast between the existing dwellings and the proposed dwelling would be stark. It would have a much greater impact on the street scene than the uPVC porch which the appellant has referred to.
7. Given that the dwelling would be a relatively minor feature nestled within an established urban area, it would have a negligible effect on the wider landscape quality of the Cornwall Area of Outstanding Natural Beauty (the AONB). However, considering that the site is situated on a tight bend in the road and adjacent to an area of public open space, the new dwelling would be relatively exposed within the local surroundings.
8. For the above reasons, it seems to me that the proposed dwelling, by virtue of its design and cramped appearance, would undermine the locally distinctive qualities of the street scene in this location. Although the appellant argues that the proposal would be an innovative way of bringing the site back into use, the design of the property would appear out of context within its local setting.
9. I therefore conclude on this issue that the proposed development would harm the character and appearance of the area. Consequently, the proposal would not be in accordance with Policies 2, 12 and 23 of the Cornwall Local Plan². Together, these policies aim to reinforce local distinctiveness and promote appropriate standards of design.

Living conditions

10. The proposed dwelling would contain a bedroom, two bathrooms and a first floor living room with a kitchen. Cupboard space would also be provided for a wardrobe and refuse bin. Yet while the accommodation would provide of all the facilities necessary for day-to-day living, the rooms would be very small in size and there would not be a great deal of spare capacity to store personal items. Internal living space is therefore likely to feel somewhat confined, especially if two people were to occupy the dwelling.
11. The proposed balcony would allow residents to sit outside as well as providing the main outlook from the first floor living room. However, its modest size would restrict what it could be used for and it would be fully exposed to public view at close quarters to the pavement outside. As such, it would not provide a particularly high standard of outdoor living space. Although there is a public

¹ Cornwall Design Guide, Cornwall Council, 2013.

² Cornwall Local Plan Strategic Policies 2010-2030.

recreation area nearby, this does not have the same convenience or serve the same function as private outdoor space.

12. While I have been informed that a dwelling in the vicinity has been converted into flats, there is little before me to indicate the circumstances under which planning permission was granted or what internal and outdoor space was provided for occupiers of these flats. Consequently, I am unable to determine that a convincing precedent has been established for the type of development being proposed in the current appeal.
13. Overall, it seems to me that the combined effect of small room sizes and limited outdoor space would lead to a sense of confinement within the dwelling. Hence future residents would not enjoy a particularly good standard of amenity. I therefore conclude on this issue that the proposed dwelling would provide unacceptable living conditions for future occupiers. In reaching this decision I am mindful that the Framework³, in paragraph 130, seeks to provide a high standard of amenity for all existing and future users.

Other matters

14. I recognise the appellant's point that residential use of the site may be more appropriate than commercial premises, which would potentially lead to greater noise and parking issues. However, there is little before me to indicate that this has been a problem in the past. Furthermore, the modest size of the unit limits the scale of commercial activities that could take place there. I therefore give this benefit limited weight.
15. Nonetheless, the development would provide a number of other social and environmental benefits. Firstly, it would make a contribution to local housing supply, thereby supporting the Government's objective of significantly boosting the supply of homes. Furthermore, smaller accommodation of this type may be more affordable for those seeking starter homes. The proposal would also make use of a previously developed site in an accessible urban location, as advocated by Policy 21 of the Local Plan. Economic benefits may also arise as a result of the construction process.
16. While these benefits would contribute to wider planning objectives, they would be somewhat limited due to the modest scale of the development being proposed. In my view, the benefits of the proposal are not sufficient to outweigh the harm that would arise through the provision of unacceptable living conditions and the harm to the character and appearance of the area. Hence, this is not the sustainable development for which the Framework and Policy 1 of the Local Plan says that there is a presumption in favour.

Conclusion

17. I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR

³ National Planning Policy Framework, July 2021.