



Appeal Decision

Site Visit made on 15 September 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2021

Appeal Ref: APP/D0840/W/21/3277501

Land at Callington Road, Saltash PL12 6LN

- 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 L Stuart against the decision of Cornwall Council.
 - The application Ref PA21/02703, dated 8 March 2021, was refused by notice dated 3 June 2021.
 - The development proposed is described as change of use and extension to form dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would provide adequate living conditions for future occupiers by reason of daylight, outlook and amenity space.

Reasons

3. The appeal site is occupied by a derelict public toilet building set back from the road. It is surrounded on three sides by walls which retain the higher ground of the public recreation fields beyond.
4. The kitchen and dining area in the proposed dwelling would have openings which look out onto the existing rear retaining wall. These would be the only openings serving the rooms, other than a high-level window positioned on the side elevation which would also look out onto a retaining wall. The retaining wall at the rear runs along the full width of the site and is roughly at the same height as the eaves on the current building. It would therefore be at approximately the same level as the top of the ground floor windows of the appeal dwelling. The close proximity of the proposed dwelling to the retaining walls, together with the height of the walls, would result in a poor level of natural lighting to those principal rooms. The appellant has put it to me that good internal lighting could be used to overcome this, but this would not satisfactorily mitigate the loss of natural light to the rooms.
5. In addition, occupiers of those rooms would have a view only of the wall. Its height and close proximity would give a poor outlook from the kitchen and dining area resulting in poor quality living conditions for future occupiers.
6. The Council advise that the garden area would measure around 24 sqm but this also includes the area at the rear of the property which I have already

identified above as being enclosed by the rear retaining wall and rear elevation of the dwelling. In my view, this area would be gloomy and as such, would have very limited amenity value. In addition, the only access from the rear of the house to the main garden area would be through this narrow area, and as such I am not satisfied that the area would be large enough to accommodate additional functions such as bin storage.

7. Functional and recreational uses would therefore occur in the main side garden area. I visited the site just after mid-day and found there to be a good amount of daylight to the area. However, the area would be small and enclosed, and whilst providing a safe environment for children, it could not satisfactorily provide for functional uses such as bin and bike storage and clothes drying as well as providing a high-quality private space for recreation. This is not mitigated by the appellant's suggestion that the occupiers could use the recreation fields. Whilst they are a short walk away, they are a public facility and this would not overcome my concerns about the poor quality of the private space which would be provided.
8. The appellant has forwarded an argument that there are other properties in the area which have limited or no amenity space. However, I have considered this proposal on its own merits and in accordance with the development plan. In this respect I find that the proposal is contrary to Policies 12 and 13 of the Cornwall Local Plan Strategic Policies 2010-2030 which seek to utilise opportunities for natural lighting and providing high quality private space as well as seeking to promote high quality sustainable design which protects individuals from undesirable impacts. This also reflects paragraph 119 of the National Planning Policy Framework (the Framework) which promotes healthy living conditions in new developments.

Other Matters

9. I have considered the benefits of the appeal proposal as put to me by appellant such as the need for affordable housing. However, this would not alter the conclusion I have come to on the main issue regarding the impact on the living conditions of future occupiers.

Conclusion

10. The proposal would conflict with the development plan when it is read as a whole and there are no material considerations, including the Framework, which indicate that the decision should be taken otherwise than in accordance with the development plan.
11. For the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR