



Appeal Decision

Site visit made on 21 March 2022

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th April 2022

Appeal Ref: APP/D0840/W/21/3288611

16 Castle View, St Stephens PL12 4RD

- 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 and Mrs Carl Thorp against the decision of Cornwall Council.
 - The application Ref PA21/06948, dated 28 June 2021, was refused by notice dated 29 September 2021.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of dwelling at 16 Castle View, St Stephens PL12 4RD in accordance with the terms of the application, Ref PA21/06948, dated 28 June 2021, and the plans submitted with it, subject to the following 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: DBD1010/SLP Rev A – Site Location Plan; DBD1010/BSP Rev A – Block Site Plan; DBD1010/01 – As Existing Site Plan, Ground Floor Plan, and Road Frontage Elevations; DBD1010/05 Rev A – As Proposed Site Plan, Ground Floor Plan, and Road Frontage Elevations; DBD1010/06 Rev A – As Proposed Site Plan, Ground Floor Plan, and Road Frontage Elevations; DBD1010/08 Rev A – As Proposed Site Plan, Drainage Layout; DBD1010/09 Rev A – As Proposed Site Plan, Landscaping Plan.
 - 3) Development shall not proceed above damp-proof course level until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Preliminary Matters

2. I have used the description of the proposal given on the appeal form, as it more accurately describes the proposed development than that given on the application form.
3. During the appeal, The Saltash Neighbourhood Development Plan 2021 – 2030 (the Neighbourhood Plan) was successful at referendum. The Neighbourhood Plan is therefore now part of the development plan for the area. The Council's appeal statement referred to the imminent date of the referendum, so the

appeal timetable has allowed both parties the opportunity to comment on its likely change in status.

4. The reason for refusal on the decision notice refers to Section 5.5 of the Cornwall Design Guide (2013). The Council's appeal statement refers to the Cornwall Design Guide (December 2021) (the Design Guide), which was adopted after the application was refused. The appellant has had the opportunity to comment on the updated guidance.

Main Issues

5. The main issues are:

- a) The effect of the development on the character and appearance of the area; and,
- b) The effect of the development on the living conditions of the occupants of 16 Castle View with regards to outdoor amenity space.

Reasons

Character and appearance

6. The appeal site is a roughly triangular piece of land in a largely residential area. It has a long frontage with Castle View, which slopes down from east to west. The surrounding dwellings are semi-detached and terraced houses in an informal layout following the curved line of the road. The housing in Castle View does not display any particular local distinction, being of a rather ubiquitous design, with brick and rendered walls under fairly shallow-pitched concrete tiled roofs. The site lies at the end of the long rear gardens of older terraced houses, which step down the slope of St Stephen's Hill, and an assortment of extensions at the rear of this terrace is visible across the appeal site. Overall, the character of the area surrounding the site is of a pleasant, but unremarkable, suburban residential cul-de-sac.
7. The surrounding housing is largely arranged with narrow plots that are perpendicular to the road. The houses are set back behind open front gardens and driveways, with longer private gardens to the rear. The appeal site, by contrast, is short, with a wide frontage. Consequently, a dwelling on the site could not conform with this prevailing pattern of development. Planning permission was granted for a dwelling on the site in 2019¹, and I saw that the floor slab has been laid. There is, therefore, a clear intention to implement the extant planning permission regardless of the outcome of this appeal. Consequently, the existing permission is a fallback position against which the current proposal should be considered.
8. The approved plans show a detached two-storey dwelling with an asymmetric gable running from front to back, and another gable projecting westwards. The dwelling would largely fill the plot from front to back, and all the outdoor amenity space would lie on the west side of the house. Its proximity to the road, detached form, complicated roof configuration, and front-facing gable would all set it apart from the character of the surrounding development. Nevertheless, it would make efficient use of a suitable site within an existing

¹ Local Planning Authority reference PA18/09876

settlement to provide a home, in accordance with the aims of section 5 of the National Planning Policy Framework (the Framework).

9. The appeal scheme proposes a dwelling that would be fundamentally similar in design, but with the addition of a gable extending eastwards, providing a fourth bedroom on the first floor above a garage. The size of the plot would also be increased to the east, allowing for the extension and an additional area of outdoor amenity space. Consequently, although the dwelling would be larger, it would appear less cramped within its plot than the approved scheme.
10. The proposed dwelling would be larger than those in the immediate area. However, the smaller surrounding houses are all arranged in semi-detached pairs, or in terraces. The mass of the proposed building would not, therefore, be out of character with the scale of the surrounding building blocks. The slope of the land means that its ridge would be considerably lower than that of 14/16 Castle View. Its two-storey scale would be compatible with the terraced houses opposite, and it would be a considerable distance away from any other dwellings. As with the approved dwelling, therefore, it would not overwhelm any nearby buildings.
11. The sloping nature of the locality means that stepped ridgelines are a feature of the area, including on the terrace opposite the appeal site. The additional eastward gable would result in the dwelling having a continuous ridge of approximately 14 metres in length. Whilst this would be different to the broken ridgelines of some of the nearby building blocks, there are other long ridges in the immediate surroundings. Viewed from the west, the dwelling would be seen in the context of the three pairs of semi-detached houses at 2-12 Castle View, which sit on higher land. Each of these pairs has a continuous ridge spanning two houses. Viewed from the east, the dwelling would be seen with the continuous ridge covering three houses at Nos 40-44 in the background. The ridge of the proposed dwelling would, therefore, be compatible in the context of the surrounding roofscape.
12. The Council's statement contends that the western gable of the proposed dwelling, which contains two large, glazed openings, would be particularly prominent in the street scene. However, the scale, design and position of this gable would be very similar to that of the already approved dwelling. The impact of the revised scheme on the appearance of the area would, therefore, be little different in this regard.
13. The Design Guide advises that designs and densities should reflect and respect the character of the surrounding area, in terms of urban grain, street patterns and widths, massing of buildings, building lines, and landscape to help integrate new buildings. The proposed dwelling would not entirely accord with this advice, as the wide site would be anomalous with the prevailing character of narrow plots. However, the shape of the plot, and the location and design of the proposed building are all fundamentally similar to the approved dwelling, which is already under construction. The increased size of the house would not be out of keeping with the massing and density of the surrounding building blocks. Consequently, the appeal proposal would not conflict with the advice in the Design Guide to any greater degree than the dwelling that has already been approved.
14. I therefore conclude on this issue that the proposed dwelling would have a similar visual impact as that which has already been approved. Consequently,

the development would not result in any harm to the character and appearance of the area. As a result, the proposal would accord with Policies 2, 12 and 21 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (the Local Plan) and Policy H3 of the Neighbourhood Plan. Taken together, these policies seek to ensure high quality design that maintains Cornwall's enduring distinctiveness, whilst making better use of land and allowing for increased building density where appropriate. The proposal would also meet the Framework's aims of making effective use of land and achieving well-designed places.

Living conditions

15. The increase in the size of the plot, to accommodate the enlarged dwelling, would mean that, in comparison with the existing approved scheme, there would be a reduction in the amount of outdoor amenity space that would remain available for the occupants of No 16 Castle View. The area to the front of the house would be given over to car-parking, so the area of usable garden would comprise a roughly rectangular area to the side of the house, and a triangular area at the rear.
16. Policy 12 of the Local Plan requires that high quality, safe private spaces are provided in the layout of new development. Further advice is provided in the Design Guide, and in the Chief Planning Officer's Advice Note: Good Design in Cornwall (2017) (the CPOAN). Both of these documents advise that all homes should have access to a private garden that is generally at least equal in size to the footprint of the house. The Council does not dispute the appellants' evidence that the outdoor area to the side and rear of the house amounts to 65.5 square metres, so exceeds the 38.6 square metre footprint of the house. In quantum, therefore, the proposal exceeds the minimum requirements of the Design Guide and the CPOAN.
17. The triangular area at the rear of the house is restricted in size, and is surrounded by high fencing on two sides, and the house itself on the other. Consequently, it is heavily shaded, which, combined with its limited size and awkward shape, severely limits its use for outdoor amenity purposes. However, it would be a space that could be used as a location for refuse and recycling bins; outdoor drying of clothes; the external storage of leisure equipment, as encouraged by the Design Guide; and other utilitarian purposes. In this way, the area to the side of the house would be available purely for amenity purposes. The Council has estimated that the triangular area at the rear measures approximately 18 square metres, so even if it were discounted altogether, the rectangular area to the side would still comfortably exceed the footprint of the house.
18. Although to the side, rather than to the rear of the house, the amenity area would be set back from the road behind a car-parking space and a boundary fence, and no windows are proposed in the east elevation of the dwelling. Consequently, the space would be reasonably private. With the triangular area available for storage, the side garden would be large enough to provide for relaxation, play and food-growing. The proposed dwelling would result in some shading for parts of the garden, for part of the afternoon, but the whole area would receive unimpeded sunlight in the early afternoon, and the front portion for much of the day. The proposed dwelling would be set away from the garden boundary and at a lower level. Furthermore, the east gable would have a single

storey eaves height. Consequently, it would not have such a dominant presence that it would affect the ability to enjoy the outdoor amenity space at No 16.

19. Overall, therefore, the outdoor amenity space proposed for 16 Castle View would be sufficient in area and quality to provide suitable living conditions for the occupants, in accordance with the advice in the Design Guide and CPOAN. As a result, the development would accord with the design principles of Policy 12 of the Local Plan in this regard.

Other Matters

20. Representations from third parties have raised the issue of car-parking in Castle View. The existing permission for a dwelling on the site only provided for one car-parking space. The appeal scheme, however, provides a garage and a parking space, together with two car-parking spaces for the existing dwelling. Consequently, the proposal would provide more off-street car-parking than the previously approved scheme.
21. Although not a reason for refusal, the Council refers, in its statement, to the impact of the proposal on the Plymouth Sound and Estuaries Special Area of Conservation and the Tamar Estuaries Complex Special Protection Area (the European Sites). These European Sites are liable to harm from increased recreation pressure resulting from new housebuilding within the zones of influence. In this case, however, planning permission already exists for a dwelling, and the evidence indicates that the development will be carried out, regardless of the outcome of this appeal. The proposal would not, therefore, result in an additional dwelling in the zones of influence, so there would be no likely significant effect on the European Sites. Consequently, it is not necessary for me to consider the proposals any further in respect of the Conservation of Habitats and Species Regulations 2017.

Conditions

22. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. As the proposed external materials are not detailed on the drawings, I have imposed a condition requiring their submission for approval, to protect the character and appearance of the area.
23. The Council has suggested a condition removing permitted development rights for enlargement of the dwelling and outbuildings. The reason given for the suggested condition is to ensure the Council retains control of extensions and alterations that could have a negative impact on the character of the area and on neighbouring properties. However, no evidence has been provided to demonstrate that the exercise of permitted development rights could be harmful in the future. Paragraph 54 of the Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. The Planning Practice Guidance also advises that conditions restricting the future exercise of permitted development rights may not pass the test of reasonableness or necessity. The evidence does not provide the clear justification required by the Framework, so the imposition of the condition would be unnecessary and unreasonable.

24. The Council has also suggested a condition to ensure appropriate foul and surface water drainage is provided. The application form and submitted drawings indicate that foul and surface water will be disposed of via mains sewers. There is no evidence to suggest that this would not be feasible, or that the regulatory regime of the Building Regulations and the approval procedures of the statutory sewerage undertaker, would provide insufficient control of this matter. A planning condition would not, therefore, be necessary or reasonable.
25. The Council has also suggested a condition requiring submission of a scheme to secure mitigation of the additional recreational pressures to the European Sites, together with an appropriate mechanism to secure delivery of the mitigation. However, for the reasons already given, the development would not result in additional recreational pressures, so such a condition would be unnecessary and unreasonable.

Conclusion

26. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR