



Appeal Decision

Site visit made on 19 April 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2022

Appeal Ref: APP/D0840/W/21/3286581

15 St Annes Road, Newquay TR7 2SA

- 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 Ms Michelle Johns against the decision of Cornwall Council.
- The application Ref PA21/03770, dated 8 April 2021, was refused by notice dated 4 November 2021.
- The development proposed is the demolition of existing garage and proposed dwelling.

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Ms Michelle Johns against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The evidence indicates that the site falls within the recreational zone of influence of the Penhale Dunes Special Area of Conservation (Penhale Dunes SAC). The application has been accompanied by an undertaking under Section 111 of the Local Government Act 1972 with an accompanying contribution to seek to secure the required mitigation. I will return to this matter later.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. St Annes Road has a pleasant and mature appearance with residential buildings set back from the footway¹. The views of the mainly semi-detached houses and bungalows are often softened by a mix of front garden planting including some trees and hedges.
6. 15 St Annes Road lies on the northern side of the road and, with its neighbours, has a reasonable sized rear garden. These rear garden areas can be accessed via a single width, vehicular access drive which leads from the main road, passes between two properties and then leads along the back of the enclosed gardens. The rear boundaries of these properties, along this section of St Annes Road, are often formed by breeze block walls. Most of the properties

¹ I have taken into account the Newquay Character Study in my assessment of the character of the area.

have single storey garages or similar structures that are set a little way back from the drive. These garages tend to have flat or very shallow sloping roofs, such that they are not especially prominent in angled views along the rear drive.

7. As a consequence, the rear garden areas of this part of St Annes Road, even with the rather functional appearance of the structures adjoining the drive, provides a reasonable extent of spaciousness above the generally low rise buildings and boundary treatments. This spaciousness is augmented by the reasonable length of the rear gardens of these properties. It is a positive feature that contributes to the character of this part of the built-up area and can be experienced from the drive and from the surrounding sites, including the gardens of the adjoining properties in St Annes Road. This character of the rear garden areas contrasts with the wide range of buildings to the broadly northern side of the drive, including new residential blocks of several storeys.
8. At the appeal site, the proposal would include the demolition of the single garage, with its near flat roof, and the erection of a single bedroom dwelling. I appreciate that the scheme has been amended so it would provide single storey accommodation and that the fully hipped and slated roof has been designed to try to reduce the bulk of the building. However, the width of the building and therefore the related span of the roof, with its pitched form, would result in the roof being higher than the surrounding outbuildings.
9. The roof of the proposed dwelling, in conjunction with the proposed position of the building quite close to the drive, would become a fairly prominent feature. In the context of this site and the spaciousness provided by the present low-rise outbuildings and boundary treatments, the massing and height of the roof would appear unduly discordant when viewed from parts of the drive and the adjoining properties and gardens, especially those in this part of St Annes Road. It would unacceptably diminish a positive feature that contributes to the character of the area. In this way, and notwithstanding the wider built surroundings, the scheme would harm the character and appearance of the area.
10. I accept that the building would be constructed from a palette of sympathetic external materials. Nevertheless, I am not satisfied that the building would be read or experienced as an ancillary garden building because of the size and shape of the footprint, and the related bulk of the roof, which would be at variance with the size and appearance of most of the other outbuildings along this side of the drive. I saw at my site visit the larger ancillary outbuilding with pitched roof at the rear of one of the other properties further along this side of St Annes Road. However, this adjoins a different, generally grassed and narrower section of the drive and this building has a somewhat different relationship to the surroundings, especially the buildings in Hilgrove Mews. The presence of this building and its effect on the character of the area does not alter my views on the harm I have identified that would be caused by the appeal proposal.
11. In terms of the proposed plot itself and the intended layout, the dwelling would be provided with a small rear garden and a grassed amenity area to part of the side of the building. This combined garden space would be modest in size but would form a level area, be convenient and private for future occupiers, and would be sufficient to allow some landscaping to be incorporated. The habitable

floorspace would be acceptably laid out and I have found no reason to consider that the site would not function well as a dwelling. Sufficient garden space would be retained for No 15 and the proposed dwelling would be adequately spaced from the rear of this existing dwelling so as to have an acceptable relationship in terms of future living conditions for residents.

12. I am conscious that the Council has granted outline planning permission for a dwelling on land to the rear of No 15. In these terms, the Council would have considered that there was sufficient land in principle for a dwelling to be designed within this area that could be acceptable. In making this decision it would have taken into account the indicative information supplied as part of that proposal at that time. While the Council indicate that the present site appears to be a little smaller than the outline plot, the circumstances are largely the same as previously considered. Nevertheless, it is incumbent that the design and effect of a scheme that is subsequently submitted is such that the built form would integrate acceptably within the area. I am also aware that the Planning Report sets out the reasoning for why planning officers considered that this scheme was acceptable, although the Committee disagreed. I have had regard to all this background, nevertheless following my site visit and for the reasons explained, I consider that the dwelling would result in a discordant form of built development that would unduly detract from the character and appearance of this area.
13. In this way, the scheme would not meet with the policy requirements of the National Planning Policy Framework (the Framework) that decisions should ensure that developments add to the overall quality of the area and be sympathetic to local character.
14. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. Accordingly, the development would conflict with Policies 2, 12 and 21 of the Cornwall Local Plan Strategic Policies 2010-2030, Policies D1 and H2 of the Newquay Neighbourhood Plan (2019-2030) and the Framework which seek, amongst other things, that development should develop or reinforce a strong identity or sense of place.

Other Matters

15. I have taken into account all the objections raised by local residents and the Town Council, including in respect of the concerns regarding the highway access with, in particular, comments about the inability for emergency services to attend the site. However, the evidence indicates that the building could be required to have a sprinkler system as part of any Building Regulations approval and that there would be a right of way from the site past No 15 to the road. Furthermore, the development was not refused planning permission on any of these issues, the Highway Authority has not objected to the scheme and the Council has previously granted an outline permission for a dwelling that would be accessed via the drive. When considering the evidence as a whole, I have found no reason to disagree with the Council on these matters.
16. Other issues have been raised, including potential noise and disturbance, holiday let use, biodiversity effects and precedent. However, again these issues do not form a reason for refusal. Also in the light of the previous outline approval for the development of a single dwelling, and with supporting information such as ecological surveys which accompanied the proposal, these

are not matters which lead me to conclude that the scheme should be considered unacceptable.

17. The proposal would provide an additional dwelling in an area that would likely lead to increased recreational pressure on the Penhale Dunes SAC. However, this effect could be mitigated in accordance with the Cornwall Council European Sites Mitigation Supplementary Planning Document July 2021 and an agreement has been submitted to seek to secure the necessary mitigation. However, in the light of my overall conclusion I have not needed to consider this matter further.

Conclusion

18. The proposal would deliver a unit of residential accommodation in a location with good access to local services and facilities. It would make efficient use of the land, be provided on a windfall site and help to boost housing delivery. However, the social and economic benefits of the scheme would be limited because only a single dwelling would be provided and in a Council area that can demonstrate a Framework compliant supply of housing land. In these circumstances, I attribute the benefits of the scheme limited weight.
19. On the other hand, I have found that the scheme would harm the character and appearance of the area and this is a matter, given the extent of harm and the previous outline approval, which I attribute moderate weight against the scheme. Nevertheless, the identified harm would outweigh the cumulative benefits of the development. The harm and policy conflict is such that the proposal would not accord with the development plan when considered as a whole and there are no material considerations that would outweigh the identified harm and associated development plan conflict. I therefore conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR