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## Appeal Decision

Site visit made on 2 August 2022

**by G Roberts BA (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 8TH August 2022**

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**Appeal Ref: APP/D0840/W/22/3294880**

**15 Tinney Drive, Truro, TR1 1AG**

- 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 Kevin Brunyee against the decision of Cornwall Council.
  - The application Ref. PA21/10429, dated 18 October 2021, was refused by notice dated 4 February 2022.
  - The development proposed is garage extension and drop curb.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the adjoining neighbouring occupiers at 11 Tinney Drive.

### Reasons

3. The appeal site comprises an undeveloped area of land within a modern estate. It is located to the rear of 15 Tinney Drive (No.15), abutting a single storey garage and parking space which currently serve that property. I understand that this parcel of land has been acquired by the owners of No.15 and whilst it is unmaintained and partly covered by vegetation, it is unclear from the evidence before me as to the role, if any, this land played or had when the estate was originally designed and laid out. Even so, the Council have not objected to the principle of developing the site or to the loss of this open land.
4. The appeal proposal would effectively extend and enlarge the existing garage over the majority of the appeal site. Whilst it's not precisely clear from the submitted plans, it would appear that the proposed extension would be set back from the northern boundary of the site and the land to the north, which is not included in the appeal site and appears to be part of a communal landscaping area. Both the existing garage and the appeal site sit at a much higher level to 11 Tinney Drive (No.11), including its rear garden, which are both located to south of the appeal site.
5. As I observed when viewing the appeal site from the rear garden of No.11, part of the northern boundary of that property comprises a timber fence, which extends eastwards linking up with the rear elevation of the existing garage to No.15, which in turn leads to a high retaining wall to the parking space for that property. Whilst the existing outlook from the rear of No.11 is already, to a certain extent, impacted on by the presence of this garage and retaining wall,

there are good views over the boundary fence, which are a positive feature of the rear garden to No.11. Even with the presence of a mature tree on this boundary (within the garden to No.11) there is a pleasant backdrop of existing trees and landscaping, and an openness created by views through and around the tree that allow a large amount of light to enter into the rear garden. Within the rearmost part of the garden to No.11, which is slightly elevated compared to the remainder of the garden, is a private terrace, with tables and chairs, facing south, thus benefiting from direct sunlight for certain parts of the day.

6. Within the above context the appeal proposal would result in a significant increase in the amount of built development close to the rear boundary with No.11. The proposed extension would be highly visible and would significantly exacerbate the impact that the existing garage and retaining wall have on the outlook from the rear garden. The close positioning of the proposed extension to the rear boundary and its elevated height and scale, would result in a loss of outlook and would appear overbearing to the occupiers of No.11. It would also lead to a sense of enclosure, which would be harmful to the living conditions of the occupiers of No.11.
7. The Appellant contends that the proposed extension would be screened by the existing tree within the garden of No.11. I do not agree. As I confirmed above, whilst some screening is provided, the extent, density and height of the tree's crown allows a large amount of light to permeate through and around the tree, creating a sense of openness which would be replaced by the significant blank flank wall and bulk of the appeal proposal. The Appellant also contends that the resulting building relationship would be typical of that found in such locations. My attention has not been drawn to any specific examples on this estate or generally, but, even so, I am not convinced by the merits of this argument bearing in mind that the existing relationship between the garage, retaining wall and rear garden of No.11 already gives rise to a certain sense of enclosure.
8. Reference has also been made to the proposed extension being sited further away from No.11 than the existing garage, but, as I have found above, the scale, height and siting of the proposed extension is such that it would dominate the outlook from the rear garden of No.11. The harm that arises would not, therefore, be mitigated by the distance to the proposed extension.
9. I find, therefore, that the impact on the living conditions of No.11 would be significant and unacceptable, and that the proposed garage extension fails to comply with policy 12 (part 2.b) of the Cornwall Local Plan Strategic Policies 2010 – 2030 (November 2016) and paragraph 130 (part f)) of the National Planning Policy Framework (July 2022). Combined, these seek, amongst other requirements, to ensure that new development does not harm the living conditions of neighbouring properties.

## **Conclusions**

10. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

*G Roberts*

INSPECTOR