



Appeal Decision

Site visit made on 19 July 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/D0840/W/21/3289688

3 Alexandra Terrace, PENZANCE, TR18 4NX

- 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 A Devit against the decision of Cornwall Council.
 - The application Ref PA21/08063, dated 6 August 2021, was refused by notice dated 22 November 2021.
 - The development proposed is the conversion and raised roof extension of garage to provide a 1 Bed. Apartment on land at rear of No.3. Alexandra Terrace. Penzance. TR18 4NX.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on (1) the character and appearance of the area, and (2) the living conditions of both future occupants and existing neighbours to the site.

Reasons

Character and Appearance

3. The site is to the rear of a 19th Century terrace (Alexandra Terrace) of what was three storey houses, which now includes some flats. There is a private lane to the rear of the terrace to access garages and other outbuildings, together with rear access to the terrace properties. The buildings along this lane, to the rear of the terrace, all appear subservient and ancillary structures to the terrace dwellings.
4. The proposal would replace one of the garages, to the rear of No 3 Alexandra Terrace, to a dwelling. This would include a roof extension to allow for first floor accommodation as part of a one-bedroom dwelling.
5. The conversion and its extension to form a pitched roof would result in what would clearly appear as a dwelling, set off a lane which predominantly accesses garages and other outbuildings. It would not be seen as part of the residential terrace due to its location off this rear lane. On this basis, a dwelling in this location would jar with the pattern of development, as it would be positioned between garages/outbuildings rather than in a frontage of dwellings, set also to the rear of the terrace with no typical street frontage. There are other high density and tight knit areas of Penzance nearby, but it is the particular setting of the dwelling off this lane which is why it would be sited inappropriately.

6. The dwelling would not be prominent as there is some screening from existing buildings, but there would be some view of it from Laregan Hill, for example. In the current setting it would be apparent as a new dwelling in an incongruous location. The garage is not a positive feature within this area, but it is low profile and fits with its context of other outbuildings off this rear lane.
7. The design and scale of the proposed dwelling is not harmful in itself. However, this does not address the proposed location of the dwelling which would be incongruous in this location, set within a row of garages and outbuildings, not reflecting the prevailing character and pattern of development in this area. The proposal would therefore result in harm to the character and appearance of the area.
8. The appellant has drawn my attention to other appeals in Cornwall (Falmouth and Penzance), but from my reading of the appeal decisions and inspection of the plans there are differences to the settings and circumstances from the proposal with this appeal. I have considered the proposed dwelling on its particular setting and how it would affect the area's character.
9. The National Planning Policy Framework (the Framework) at paragraph 130 states that decisions should not prevent or discourage appropriate innovation or change (such as increased densities), but it also states that development should be sympathetic to the "surrounding built environment". In my view, the siting of the proposed dwelling would fail to be sympathetic or reflect the pattern of the built environment.
10. Overall, the proposed dwelling in this location would fail to respect the pattern of development resulting in harm to the character and appearance of the area. The proposal is therefore in conflict with policies 1, 2 and 12 of the Cornwall Local Plan 2010-2030, which requires that development be of high quality and demonstrates a physical and aesthetic understanding of its location, amongst other things.

Future Occupant Living Conditions

11. The proposal would result in a dwelling which the plans state would have a gross internal floor area of approximately 53sqm. Policy 13 of the Local Plan states that "*Sufficient internal space in housing for everyday activities and to enable flexibility and adaptability by meeting nationally described space standards for all affordable housing*". However, this is not a proposed 'affordable dwelling', though the supporting text does generally state that inside space is covered by national guidance contained in the 'Technical housing standards – nationally described space standard' (NDSS).
12. Even if not formally adopted by the Local Plan, the NDSS sets a clear benchmark for what should be generally considered appropriate for internal space for dwellings. This sets out that a 1-bedroom 2-person dwelling over 2 storeys should have a minimum floor area of 58sqm. The dwelling as proposed falls below this. It is my view that the dwelling would have a poor quality of living standards for future occupiers as a result.
13. Furthermore, whilst there is bin storage included, the proposed dwelling would have very little external amenity space. There would be a concrete hardstanding to the front, but this is likely to be used primarily for parking. It would also lack privacy if used as an amenity space, being adjacent to the lane

for example. There is a balcony with what would be a positive outlook, but this is a relatively small area. There are areas of open space and parks nearby, which does mitigate the need for amenity space to some extent. However, on balance the external amenity space provided would contribute to this dwelling having a poor living environment for future occupiers.

14. On this basis, the proposal would not provide a dwelling with a good standard of living conditions, which is an aim of policy 13. Furthermore, this would conflict with National Planning Policy Framework paragraph 130 which requires that development should have a high standard of amenity for existing and future users.

Living Conditions of Neighbours

15. The proposed dwelling would have views back towards Alexandra Terrace, including No 3. However, there is already a significant degree of overlooking between properties. Furthermore, there is a sizable gap between the front of the proposed house and the rear of No 3. For these reasons there is no unacceptable impact to the living conditions of those living in Alexandra Terrace.
16. The proposed dwelling would be adjacent to the boundary with a dwelling known as Bowithick, 2 Laregan Hill. However, this neighbouring property is on a significantly higher level. Whilst the roof extension as proposed would be partially visible from this neighbouring property, it would not be to the extent that it would have a harmful overbearing or intrusive impact. There would be some level of increased overshadowing, but not to a significant extent. In terms of privacy, the proposed balcony would not result in clear views into this neighbour's main garden area. There are rooflights, but if necessary there could be conditions that these be obscure glazed or high-level opening only, for example. The proposal would not, therefore, result in an inappropriate level of privacy loss for this neighbour.
17. On this issue, the proposal would not be harmful or have unacceptable impacts to the living conditions of any neighbours to the site, thereby being in accordance with policies 1 and 12 of the Cornwall Local Plan 2010-2030, which requires that development protects individuals and property from overbearing impacts, amongst other things.

Planning Balance

18. In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, I am required to determine appeals in accordance with the policies of the Development Plan, unless material considerations indicate otherwise.
19. In this case the proposal would provide a small dwelling towards housing land supply for the area. There would be economic benefits from the construction of the dwelling, together with the financial boost from future occupiers using local businesses. The proposal could include biodiversity enhancement and the proposal could be considered an efficient use of the site, amongst other potential benefits. However, these benefits are limited as the proposal is for a single dwelling only.
20. There would be significant harm to the character and appearance of the area and also as the dwelling would provide a poor living environment for future

occupants. The benefits would be significantly and demonstrably outweighed by the harm identified.

21. As such, all things considered, I have no reason to conclude that my determination of this appeal should be made other than in accordance with the development plan.

Conclusion

22. For the reasons given above I conclude that the appeal should be dismissed.

Mr S Rennie

INSPECTOR