

Appeal Decision

Site visit made on 21 September 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/D0840/D/223302192

1 Luxland View, Newquay TR7 2FJ

- 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 Robbie Brady against the decision of Cornwall Council.
 - The application, Ref. PA22/02146 dated 15 February 2022 was refused by notice dated 24 May 2022.
 - The development proposed is a new detached garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed garage on the character and appearance of the host dwelling and the Luxland View street scene, and (ii) the effect on highway safety.

Reasons

3. On the first issue, I saw on my visit that the proposed garage would be located to the front of the dwelling, a chalet bungalow, in the section of Luxland View between the junctions with Elm Close and Gannel Rock Close. The area is a relatively recent housing development in estate form, with essentially the same design and external materials that visually co-ordinate the different house types and varied building lines.
 4. Whilst the proposed garage would be in keeping with the host dwelling and neighbouring properties as regards appearance, its siting would replace an existing front lawn between the dwelling and the dwarf wall along the back of the pavement. The presence of this open grassed area adjacent to off road parking spaces in the driveway is repeated in the terrace of houses immediately to the south of No.1, albeit in a tandem arrangement.
 5. The lawned areas of all the properties currently provide an area of 'soft' landscaping and an opportunity for boundary planting that together provide a visual amenity for residents of, and visitors to, the estate. And just as important, they maintain a perception of spaciousness in an otherwise tightly knit development with modestly sized curtilages and private rear gardens.
 6. The development of a double garage in front of the building line formed by No. 1 and the recessed terrace to the south would in my view be harmfully
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obtrusive in the street scene and run wholly contrary to the design ethos of the estate. The frontage of No. 1 would wholly comprise the hard surfaces of the adjacent hardstanding to be used for parking and of the garage itself. This would have a significantly adverse effect on visual amenity, made worse by the absence of anything more than a minimal gap between the flank garage wall and the existing wall on the back of the pavement.

7. The appellant refers to Area 19: Treloggan from the Newquay Character Study and argues that there is no specific character to be protected. However, I have explained my view that in the more immediate context of this part of Luxland View there is an important consistency in design style and appearance. This means that the citing of other precedents as referred to in the grounds of appeal carries only very limited weight. Moreover, I consider the fact that the appeal dwelling is designed to be the only house in the road to be set forward makes it even more important not to incongruously add to that projection, as would be the case with the proposed double garage.
8. In summary on this issue I conclude that the proposed garage would have an unacceptably harmful effect on the character and appearance of the host dwelling and the Luxland View street scene. This would be contrary to the Council's policies, in particular Policy H1 of the Newquay Neighbourhood Development Plan 2019-2030 and also to Section 12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2021.
9. Turning to issue (ii), the effect on highway safety, it would appear probable that cars reverse into the road when leaving the forecourt of the first house in the terrace to the south. At present there is a boundary between this forecourt and No. 1 comprising a low wall topped by a grass strip extending up to the picket boundary fence.
10. Under the existing arrangement there is a greater opportunity for the driver of the car and a pedestrian on the pavement to be aware of one another's presence, albeit with no entirely clear line of sight. This also applies to drivers of cars on the road, although because of the greater distance there is a reduced potential for conflict. The construction of the garage would inevitably reduce this mutual awareness through an increased loss of a sightline, but because of (i) low traffic speeds and (ii) about a 2m gap between the rear garage wall and the reversing vehicle, I do not find that there would be a significant erosion of safety.
11. Accordingly, despite some conflict with Policy 27 of the Cornwall Local Plan and paragraph 111 of the Framework I do not regard this reason for refusal as being sufficient in itself to dismiss the appeal. However, my favourable view for the appellant on this issue does not outweigh my conclusion on issue (i) of unacceptable harm to the character and appearance of the host dwelling and the street scene.
12. For the reasons explained, and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR