



Appeal Decision

Site visit made on 6 September 2022

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 November 2022

Appeal Ref: APP/D0840/W/21/3285555

60 Boscathnoe Way, Heamoor TR18 3JS

- 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 Wallis against the decision of Cornwall Council.
 - The application Ref PA21/01059, dated 3 February 2021, was refused by notice dated 28 April 2021.
 - The development proposed is demolition of existing single storey domestic extension and replacement with one new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A new version of the National Planning Policy Framework (Framework) came into effect in July 2021. I have not considered it necessary to seek views from the appeal parties on this change, as the Framework's policy content insofar as it relates to the main issues, is largely unchanged. However, I have referred to the current Framework paragraph numbering.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the area;
 - The effect of the proposal upon the living conditions of neighbouring occupiers and living conditions for future occupiers; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The site is located within a suburban residential area featuring some variety in terms of scale and design of dwellings including two storey and single storey terraced, semi detached and detached dwellings. The area immediately surrounding the appeal site has an appearance of higher density housing formed by groupings of dwellings in small terraces, set back from the highway behind small front gardens or parking areas. Whilst the appeal site features a tall fence directly adjacent the highway, this is contrary to the prevailing open character of the area, created in part, by the setback of dwellings and low

boundary walls or parking areas adjacent the highway. The existence of gaps between, and at the end of groups of dwellings provide glimpsed views between the dwellings towards the surrounding townscape and landscape also contribute to the area's character. While I acknowledge that some of these gaps between properties have varying widths and importance in the street scene, nevertheless, some help to maintain the sense of space between the relevant properties such that they contribute positively to the character and appearance of the area.

5. In the case of the appeal site, it may be, as the appellant suggests, that this site forms a visual gap that was not originally required or designed for the purposes of positively contributing to the visual appearance of the area. However, due to the higher density of the immediate area, I find that the existing gap nonetheless provides important visual separation to dwellings at Parc Letta, where the character differs from that of the appeal site due to the dwellings featuring distinctly differing design elements and arranged around an area of open space.
6. The appeal scheme would replace an existing single storey extension with an attached two storey dwelling which will extend up to the north eastern boundary. Due to views being available over both the existing single storey extension and boundary fence, this maintains the visual gap between properties. I acknowledge that the design of the proposed dwelling has been carefully considered to limit its impact on the appearance of the area by way of a stepped ridge height and 'built corner' design efficiently utilising the available site. However, the proposal would leave a space between the buildings that would appear visually narrow thereby impacting on the separation, the importance of which I have identified above. The proposed dwelling would also provide only very limited amounts of external garden space to the rear, which is visually at odds with garden space provided to the rear of surrounding residential properties.
7. Together, these factors contribute to my finding that the appeal scheme would appear as a cramped form of development when viewed from either Boscathnoe Way, or the garage court area to the rear, at odds with the character and appearance of the surrounding residential area.
8. For the above reasons, in conclusion on this first main issue, I find that the proposed development would cause unacceptable harm to the character and appearance of the area. It would result in a cramped development within a restricted plot. Accordingly, the proposed development would be contrary to Policies 1, 2, and 12 of the Cornwall Local Plan Strategic Policies (2010-2030) (LP) which, amongst other things, seek high quality design that provides continuity with the existing built form and protects the local distinctiveness and character of the area. Furthermore, for the same reasons, the proposed development would also be contrary with paragraphs 8 and 130 of the Framework which seek to enhance the built environment and achieve well designed places.

Living conditions

9. Due to the constrained site, the proposed development provides only a very modest garden space to the rear of the property resulting in the rear elevation being in close proximity to the neighbouring garden. Due to the position of the development, the rear windows of the proposal, with particular regard to the

first-floor windows, would directly overlook the remaining rear garden of the host dwelling, 60 Boscathnoe Way.

10. I acknowledge that this area of garden is currently overlooked by existing neighbouring gardens. However, I noted at my visit that 60 Boscathnoe Way currently benefits from a private area of garden to the side of the property, which would be the location of the proposed development if it were to go ahead, removing any private garden area. I note the appellant's comments that upper floor bathroom windows could be conditioned to be obscure glazed and restricted opening, and the ground floor window will be screened by a 1.8m fence. However, the first-floor bedroom window would directly overlook the garden area. In mitigation the appellant has suggested a condition requiring obscure glazing below 1.5m finished floor level and/or landscaping within the gardens of 60 Boscathnoe Way. However, obscured glazing of part of the window would not be sufficient to prevent the potential overlooking. Additional landscaping secured through a planning condition, had I been allowing the appeal, would not provide any substantial screening to overcome the harm in these respects.
11. In terms of living conditions of future occupiers of the proposed development, I note the appellant's comments that the proposal meets national space standards. Based upon the plans before me, I also find the proposal would provide a 3 bedroom dwelling that would have sufficient internal floor space, sufficient light to each room and useable, albeit modest, garden space. Whilst the garden will largely be to the front of the proposed dwelling, it would be screened by the boundary fence and would provide a sufficient useable garden area for future occupiers.
12. Policy 12 of the LP seeks to ensure that development protects individuals and property from, amongst other things, overlooking and unreasonable loss of privacy. Whilst I have found that the proposal would provide sufficient and acceptable living conditions for future occupants in terms of space, due to significant overlooking of the rear garden of the neighbouring property, in relation to this main issue overall, I find that there would be harm to the living conditions of the occupiers of 60 Boscathnoe Way. Therefore, the proposal conflicts with LP Policy 12 in this respect and Paragraph 130 of the Framework which seeks to provide high standards of living conditions for existing and future users.

Highway safety

13. The proposed access is located in the inner curve of a bend in the highway. In order to improve visibility to the north, the plans indicate the boundary fence will be relocated providing a visibility splay. The appellant has undertaken a revised speed survey which indicates that the 85th percentile speeds of vehicles passing the proposed access were 19.1mph for vehicles travelling northeast, and 17.5mph for those travelling southwest. This would accord with my observations at my site visit.
14. Whilst it may be the case that the proposal can provide visibility splays of up to 23.1m in a northerly direction, and 23.5m in a southerly direction, the lack of a turning area would mean that a vehicle would not be able to access and egress the drive in a forward gear, thereby limiting visibility if reversing onto the carriageway.

15. Notwithstanding this, based on my own observations, noting the relatively low number of movements and speeds of vehicles I witnessed, and the visibility available, I am satisfied that an access could be accommodated without an unacceptable impact on highway safety, even taking account of the lack of a turning area.
16. In relation to this main issue, the proposal would have a safe and suitable effect on highway safety which would comply with LP Policy 27. It would also accord with paragraph 110 of the Framework which requires development to provide safe and suitable access for all users, and paragraph 111 which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

17. My attention has been brought to the Cornwall Design Guide, which was adopted in December 2021 following the Council's decision, and the provisions of the National Design Guide, particularly in relation to character of the area and living conditions to which I have had regard. However, the guidance provided in both documents does not alter my findings on the main issues set out above.
18. I have been referred to the Council's March 2021 Housing Land Supply Statement which indicates that there was at the time a 5-year supply of housing land in the County. However, it would be a small but nevertheless positive benefit of this proposal to provide an additional dwelling particularly give the submissions made by the appellant about demands for housing in Cornwall. The proposed development provides the opportunity to increase density thereby providing limited social benefits in terms of the contribution of a single dwelling towards housing supply at a location with convenient access to a range of services and facilities. The proposal would also provide some limited employment opportunities during the construction phase and future residents would provide further limited economic benefits in terms of future spend within local businesses. The provision of an increased visibility splay will also have some wider benefit, although I give this limited weight.
19. Notwithstanding, these benefits and my conclusion with respect to the third main issue, the benefits of the proposal do not outweigh my conclusion on the first and second main issues and that the development conflicts with the development plan as a whole.

Conclusion

20. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR