



Appeal Decision

Site visit made on 6 December 2022

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/D0840/W/22/3292190

Builder's Yard, The Mount, Par, PL24 2BY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Pamela Church against the decision of Cornwall Council.
 - The application Ref PA21/05693, dated 27 May 2021, was refused by notice dated 25 August 2021.
 - The development proposed is erection of dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mrs Pamela Church against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. The application was made in outline form with all matters reserved. As part of the appeal the appellant submitted illustrative plans for a three bedroom dwelling to show how the appellant envisages such a development could be accommodated at the site. The proposal upon which the Council made its decision was in outline form with all matters reserved. The procedural guide establishes that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought¹. I am thus of the view that I should treat these plans as indicative only and that appearance and layout should remain a reserved matter.

Main Issues

4. The main issues are:
 - a) The effect of the proposal on the character and appearance of the area,
 - b) Whether the proposal would secure acceptable living conditions for future occupiers, and
 - c) The effect of the proposal on the living conditions of the occupiers of the dwellings closest to the site.

¹ Procedural Guide: Planning Appeals – England, Annex M.2.1

Reasons

Character and appearance

5. The appeal site is a small overgrown plot of land with a derelict timber building that is largely overcome with brambles and ivy. It is contained by a mature hedge that stands on higher ground to the south and separates the site from the road.
6. Immediately to the north of the site stand a row of detached bungalows. They are evenly spaced and look as though they were built together. Despite various individual alterations, they retain a consistent sense of scale and form. They face to the northeast with front boundaries that separate areas of garden from a narrow strip of land. Historic maps suggest that this once served as the access to the bungalows from Mountlea Drive. The strip of land now has a largely redundant appearance, however the orientation of the bungalows and their relationship with this strip of land as a former access road was still very evident at my site visit and is reinforced by a small pedestrian entrance from Mountlea Drive that displays a sign for Nevada Villas. Their north facing front elevations can be seen from Mountlea Drive and Pembroke Close, where their consistent scale, prominent hipped roofs and layout can also be appreciated.
7. The appeal site relates to an area at the rear of Nevada Villas. This is a formal ancillary area that serves to provide rear access to four of the dwellings. It is enclosed by the rear boundaries of each dwelling, which in the context of the appeal site are largely defined by outbuildings. These open onto an informal area that is laid to gravel and provides space for vehicular access.
8. Large detached dwellings stand opposite the site, within generous plots and set back a consistent distance from the road. Dwellings to the west that front Porth Road are more varied, however most are also large single storey dwellings set in spacious plots. The prevailing character in the area of the appeal site is of large detached dwellings that are mostly single storey and occupy large plots set back from the road. Building lines are strongly defined to the north and south of the site by Nevada Villas and the dwellings to the south of Porth Road.
9. The appeal site is a portion of land that does not relate well to an existing building line or the orientation of any existing dwellings in the area. Indeed, it sits rather awkwardly behind Nevada Villas and relates primarily to the modest and informal arrangement at the rear of these plots, providing parking and secondary access to the dwellings. Its use as a small builder's store appears to relate well to the functional appearance of the small area that the site opens onto.
10. A dwelling erected at the site would appear to sit in an awkward and tight position close to the rear of Nevada Villas and would not relate well to the pattern of development in the area. Any dwelling would need to occupy a significant portion of the plot, as is demonstrated by the indicative plans, and would need to be close to its boundary with Porth Road. It would thus not be possible for a dwelling at the site to be set back to accord with the spacious layout of the dwellings opposite or the closest dwelling to the west, known as Ayscarth, which is set back behind a large parking area.
11. I do note that the site area would be similarly sized to the dwelling to the west of Ayscarth. However, despite the small size of its plot, this dwelling sits back

behind a parking area and aligns comfortably with the dwellings to either side. The large garage to the west of the site is close to the road. The appellant suggests that, based on the indicative design of the proposal, the new dwelling would be of a comparable scale to this structure. However, the existing garage is seen in the context of a broad plot, alongside a dwelling with a spacious frontage. It does not appear cramped in the manner that a dwelling at the appeal site would.

12. No. 2 Nevada Villas stands immediately to the east of the site with direct access from Porth Road. Despite this arrangement, the front of this dwelling still faces to the north, and the view from Porth Road is over its rear façade and rear garden, which are both set down from the road level. A dwelling at the appeal site would stand entirely forward of the rear of this neighbouring building and would appear unrelated to the building line defined by Nevada Villas.
13. The indicative design of the proposal is for a two storey dwelling. Although there are two storey dwellings in the area, including a substantial two storey dwelling close to the site to the southwest, the dwellings that form Nevada Villas, Ayscarth, and the other dwellings on the south side of Porth Road are single storey and form the prevailing character for the area. However, it is possible that a small single storey dwelling could be brought forward at the appeal site at the reserved matters stage. Whilst this would be more visually discreet than a two storey dwelling at the site, it would still occupy a plot that is much smaller than those that surround it, in a position that would be tight to the road and would fail to relate well to the spacious layout of the existing built form.
14. In summary, a dwelling at the site would harm the character and appearance of the area. The proposal is contrary to Policies 2, 12 and 21 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP), insofar as they seek to ensure that development proposals maintain and respect local character, consider local context and provide continuity with the existing built form.

Living conditions proposed

15. I have found that the small plot would be unsuitable for a dwelling in the context of the character and appearance of the area. However, the indicative plans show that a family dwelling could be erected at the site with space for parking, and areas of garden to the front and rear. I accept that the garden areas suggested by the indicative plans would be modest and the area at the front would look out over an area used for garaging and would thus not present a particularly attractive outlook.
16. I note that the site is set down below the level of the road to the south. A garden in this area would be shaded to a certain extent by the existing boundary vegetation, and if a dwelling is erected in the position shown this would restrict direct sunlight to the garden from mid afternoon onwards. However, I am satisfied that at the reserved matters stage it would be possible to consider these matters carefully by managing the height of the vegetation along the south and east boundaries of the site. On this basis, it should be possible for a garden in this area to receive good levels of light, particularly during the first half of the day. The site is capable of providing sufficient space for drying washing, planting and children's play.

17. In other respects, the indicative plans demonstrate that a garden could be provided that would be well proportioned and would relate well to the layout of the dwelling. The site is not overlooked and is only defined by other buildings along its northern boundary.
18. In summary, I am satisfied that it would be possible for a dwelling to be erected at the site that would secure acceptable living conditions for its future occupiers. The proposal thus accords with Policies 12, 13 and 16 of the LP and paragraph 130 of the National Planning Policy Framework insofar as they seek to ensure that development proposals secure high quality spaces with a high standard of amenity for future users. The proposal would also accord with guidance set out in the Chief Planning Officer's Advice Note: Good Design in Cornwall, insofar as it seeks to ensure that new dwellings have usable gardens.

Living conditions existing

19. The indicative plans demonstrate that a reasonably large dwelling could be erected at the site with openings that would either be limited to the north and east or obscured, to ensure that these neighbouring areas of garden would not be overlooked. It is likely that there are various ways this matter could be adequately addressed at a detailed design stage to ensure that the privacy of the adjoining occupiers is maintained. Existing dwellings to the south and west are sufficiently distant that windows in the proposed dwelling that might face out in these directions would not cause harm to the living conditions of the occupiers of these dwellings.
20. In terms of noise and disturbance, whilst I note the health needs of the occupier of the annex at the rear of No. 3 Nevada Villas, there is no reason why the occupiers of a dwelling close to this structure to the south should generate a level of noise or disturbance that would be harmful. There are no openings from the annex that look out in this direction. The relationship between a dwelling at the site, an area of new garden and the existing buildings and amenity area at No. 3 would be the same as any other adjoining residential curtilage in the area and similar to the relationship it already holds with dwellings to either side.
21. I accept that noise and disturbance during the construction period could be problematic with the potential for work to affect the access to existing garages and parking areas. However, this could be managed by a suitably worded condition to address matters such as the hours of construction, storage of materials and level of noise generated at the site.
22. In terms of outlook, although a dwelling at the site would be close to the rear boundary of No. 3 Nevada Villas, this boundary is already occupied by a substantial building. Thus, views of a new dwelling would only be possible from further into the site where distance would ensure it would not be overbearing. The existing outbuilding and garage at the rear of this closest neighbour already restricts the garden area to the south of the dwelling, and shades it to a certain extent. A new two storey dwelling at the site would cast a shadow primarily over the existing annex and garage buildings. The plans before me show that the annex building does not rely on roof glazing for natural light. A building at the site would therefore not shade the neighbouring plot to the extent that the living conditions of its occupants would be harmed.

23. In summary, whilst the relationship between the proposed dwelling and the closest dwellings would need to be carefully considered, I am satisfied that there are no insurmountable issues that should lead me to conclude that a dwelling at the site would harm the living conditions of those living in the closest dwellings. The proposal thus accords with Policy 12 of the LP, insofar as it seeks to ensure that development proposals protect against overlooking, unreasonable loss of privacy, overshadowing, overbearing impacts and unreasonable noise and disturbance.

Other Matters

24. The proposal would deliver a dwelling that would contribute to the local supply of housing and would accord with the objectives of the Community Network Area set out in the LP. Additionally, there would be some economic benefits arising from the construction process and from the occupants of the proposed dwelling as they make use of local services and facilities. These matters attract some weight in favour of the proposal.

25. The proposal would address the existing appearance of the site by removing the derelict building. The site is however largely hidden from the wider area by the mature boundary vegetation. The proposal would also see the loss of the use of the site as a builder's store. The modest scale of the existing building and the size of the site means that its use as a builder's store would have to be modest. If repaired and brought back into day to day use it would not be of a scale that would have a significant impact on the living conditions of those occupying the neighbouring dwellings. Therefore, I give these matters little weight.

26. Even if I take these matters together, they are not sufficient to outweigh my findings on the first main issue.

Conclusion

27. In conclusion, the proposal would conflict with the development plan and there are no other considerations that outweigh this conflict. Therefore, the appeal should be dismissed.

A Tucker

INSPECTOR