
Appeal Decision

Site visit made on 7 February 2023

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th February 2023

Appeal Ref: APP/D0840/W/22/3305653

12 Back Lane, Angarrack, Hayle TR27 5JE

- 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 Nat Lloyd against the decision of Cornwall Council.
 - The application Ref.PA22/04876, dated 17 May 2022, was refused by notice dated 13 July 2022
 - The development proposed is described as 'the removal of an existing outbuilding and shed; new outbuilding'.
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Preliminary Matter

1. I noted from my site visit that the development proposed has been, in large part, implemented. Reflective of that, the Council described the development proposed, in the decision notice, as 'retrospective planning permission for the removal of existing outbuilding and shed, and replacement outbuilding and parking space'. I have dealt with the appeal on the same basis.
2. An application for costs has been made by the Council against the appellant. This is the subject of a separate decision.

Decision

3. The appeal is dismissed.

Main Issues

4. These are the effect of the replacement outbuilding and parking space on (1) the character and appearance of the existing property and its surroundings; and (2) the living conditions of the occupiers of No.10 Back Lane through visual impact, in particular. There is also the matter of structural stability to consider.

Reasons

Character and Appearance

5. The terrace of which No.12 is part is set at a level well below that of Back Lane. There is a relatively narrow gap between the rear of these houses and the retaining structure that supports Back Lane above. Typically, this gap is occupied, in part, by single-storey outbuildings. This allows for a sense of separation between the dwelling and the retaining structure in views of the rear of the terrace from Back Lane. The appellant has removed the single-storey outbuilding and shed that sat against the retaining structure and replaced them with a taller structure that is raised with a flat roof to the level of Back Lane so that a vehicle can be parked upon it.

6. I saw that No.12 is in the process of being extended to the front and rear in accordance, as far as I could see, with a grant of planning permission from the Council (PA22/01876). The extension fronting Back Lane brings the rear of No.12 into line with broadly similar extensions to other dwellings in the terrace. The difference is that, as set out above, these other dwellings maintain a sense of separation from Back Lane, and look comfortable in their plots, because the space between the rear of the main dwelling and the retaining structure supporting Back Lane is occupied by low-key, single-storey structures.
7. The construction of a much taller structure, that reaches the level of Back Lane, rather close to the extension to No.12, means that the sense of separation between No.12, and the retaining structure, has gone. The result is an arrangement that appears very cramped and uncomfortable. This rather busy, overcrowded visual impression is exacerbated by the parking of a vehicle on the roof, and the installation of handrails.
8. As such, it is my view that the replacement outbuilding and parking space have a detrimental impact on the character and appearance of the existing property, and its surroundings. This brings it into conflict with Policy 12 of the Cornwall Local Plan (CLP) which, put simply, requires development to be contextually appropriate, Policy SD5 of the Hayle Parish Neighbourhood Development Plan (HPNDP) which has broadly similar requirements, and the approach of the National Planning Policy Framework (the Framework) to achieving well-designed places.

Living Conditions

9. The replacement outbuilding with its parking space above extends all the way to the boundary with the neighbouring property No.10. As a result of its height, and the way in which it largely fills the space between No.12 and the retaining structure that supports Back Lane, it has an extreme visual impact that must appear very oppressive from the rear yard of No.10. This visual impact is made even more overbearing by the presence of a vehicle parked on the roof of the replacement outbuilding, and the handrails.
10. This strong visual presence must also have a significant impact on the outlook from the nearest ground floor and first floor windows of No.10. I saw that the nearest first floor window to No.10 is obscure glazed - it appears to serve a bathroom - but that makes no significant difference in my view. An occupier of the bathroom would still be conscious of the overbearing presence of the replacement outbuilding with its parking space above.
11. Consequently, I find that the visual impact of the replacement outbuilding with parking space above has an unacceptably detrimental impact on the living conditions of the occupiers of No.10, contrary to CLP Policy 12 which seeks to protect against such impacts, and advice in paragraph 130 of the Framework.

Structural Stability

12. The Council has expressed concern about the potential effect of the replacement outbuilding and its parking space on the stability of the retaining structure that supports Back Lane, and questioned whether what has been built is adequate, in structural terms, to support the weight of a vehicle. I am not a Structural Engineer but what I saw, informed by my experience as an Architect, suggests to me that the Council is right to be concerned.

13. Material prepared by a Structural Engineer has been submitted with the appeal to show how the replacement outbuilding might be treated in order to make it structurally sound. What is shown in that material appears to suggest that the existing structure would need something not far short of a complete rebuild in order to make it acceptable in these terms. That confirms that the Council's concerns, set out above, are well-founded.
14. Very fairly, the Council has suggested that in the event the appeal was to be allowed, conditions could be applied to ensure that this work took place before the replacement outbuilding and the parking space were brought into use. That may be possible with careful drafting but given my conclusions on the other main issues, the situation does not arise.

Conclusion

15. For all those reasons, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR