



Appeal Decision

Site visit made on 14 February 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2023

Appeal Ref: APP/D0840/W/22/3306281

Former St Johns Ambulance Station, Rawlings Lane, Fowey PL23 1DT

- 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 Giles Asker, Lantic Project Management against the decision of Cornwall Council.
 - The application Ref PA21/08377, dated 13 August 2021, was refused by notice dated 4 March 2022.
 - The development proposed is described on the application form as "It is proposed to adapt the existing garage as constructed, through the addition of a one bed apartment above. The apartment will maintain the garage footprint, with the addition of a balcony and spiral stair case to the front elevation, which sits within the property curtilage."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and,
 - the living conditions of the occupiers of Drakenhuis with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The immediate area is characterised by a mix of differing style detached two-storey buildings with sizable footprints, including a health practice on the opposite side of the road to the appeal site. The area is also characterised by single-storey domestic sized garages. The building on the site has the appearance of a residential garage in terms of its scale, form, materials, and design.
4. By reason of its increased height and size resulting in a long and narrow form, the proposal would be at odds with the existing built form characterised by larger and wider buildings occupying larger plots. The building would become more prominent due to its increased height and projection further forward towards the road. As a result, it would differ in form and scale to other nearby garages.
5. The combination of the staircase, balcony and related privacy screen would project forward of the neighbouring building, Drakenhuis. As a result, they

- would present harsh and alien features visible on approach to the site. They would fail to integrate with the surrounding area where such features in combination are not reflective of the area or immediate street scene.
6. I acknowledge the presence of the tower to the fire station and balconies and railings to Drakenhuis. However, there are limited views of the appeal site in association with the tower which is beyond intervening garages and does not form part of the immediate context to the appeal building. The balcony and railings to Drakenhuis are set back from the road and do not include an external staircase or privacy screens. As a result, their design and scale in relation to Drakenhuis do not make them overly prominent or alien in the street scene.
 7. I also acknowledge that the proposal would retain the same pitch of roof, would be in a position where the road rises up past Drakenhuis and be finished in suitable materials for ease of maintenance. However, these points do not outweigh the harm to the area identified above.
 8. I conclude that the proposal would harm the character and appearance of the area. As such, the proposal fails to comply with Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and Policy 2 of the Fowey Parish Neighbourhood Development Plan 2019-2030 (NP). Amongst other things, these seek to ensure that development respects and enhances quality of place and is of a scale, height and mass that responds to its townscape setting. The proposal is also contrary to Paragraph 130 of the National Planning Policy Framework (the Framework) that seeks to ensure that development adds to the overall quality of the area and are visually attractive.
 9. Policy 6 of the NP is referenced in the Council's first reason for refusal. Whilst I acknowledge that the site is located within the Cornwall Area of Outstanding Natural Beauty (AONB), no specific harm to the landscape and scenic beauty of the area has been drawn to my attention. I have no evidence before me to indicate otherwise and as a result I do not find any conflict with Policy 6 of the NP.
 10. The Council's first reason for refusal also references Policy 8 of the NP that relates to heritage and cultural assets. I note that the site is close to, but outside of, the Fowey Conservation Area (FCA). As there is development between the appeal site and the FCA, the proposal would comply with Policy 8 of the NP as there would be no harm to the significance of the FCA.

Living conditions

11. The proposal, by reason of its increased height and close relationship with Drakenhuis, would have a greater impact upon the living conditions of its occupiers. At present, although views from the window directly facing the existing garage roof are limited, the single storey nature of the garage with the pitch roof sloping away from the window enables some outlook above the garage roof. The increased height of the proposal would result in the outlook from this bedroom window directly facing the raised side elevation of the dwelling. This would significantly reduce the outlook from this window that would become dominated by the side elevation of the appeal building at very close proximity.

12. By reason of the increased height of the proposal, its position forward of Drakenhuis and its roof projection and associated balcony and privacy screen, the development would also result in an increased overbearing outlook from the ground and first floor windows to Drakenhuis located closest to the site fronting Rawlings Lane.
13. I acknowledge that the ridge of the existing roof to the appeal garage is at a similar height to the eaves of Drakenhuis and located broadly to the north such that there would be no unacceptable loss of sunlight. However, this does not reduce the impact from the increased height and length of the proposal on the outlook from the neighbouring property.
14. The Council's second reason for refusal states that the proposal would result in an adverse overlooking impact on the neighbouring property Drakenhuis. However, due to the lack of windows directly facing Drakenhuis, and in light of the proposed privacy screen to the balcony, the proposal would not result in an unacceptable loss of privacy.
15. Notwithstanding my finding in relation to privacy, I conclude that the proposal would result in a significant adverse effect on the living conditions of the occupiers of Drakenhuis with regard to outlook. As such, the proposal fails to comply with Policy 12 of the LP which, amongst other things, seeks to ensure that development proposals protect individuals and property from overbearing impacts. The proposal is also contrary to Paragraph 130 of the Framework that ensures that development creates a high standard of amenity. Although Point 7.7 of the NP referenced by the Council is not a policy, the proposal conflicts with this guidance that seeks to ensure that the redevelopment would not cause undue detriment to living conditions.
16. The Council's second reason for refusal states that the proposal would be contrary to Policy 2 of the LP. Policy 2 relates to the spatial strategy for development and does not reference living conditions. As a result, this policy weighs neither for nor against the proposal with regard to this main issue.

Other Matters

17. Attention has been drawn to the Council having formally declared a 'Housing Emergency/Crisis'. The appellant also outlines that the housing market in the area has changed, is in a different position to that detailed in the LP and that as a result the LP is outdated. The Council have provided evidence in the Cornwall Monitoring Report Cornwall Five Year Housing Land Supply Statement 14 July 2022 that indicates that it can demonstrate a five-year supply. The appellant has not provided any substantial evidence rebutting the contents of the report. As a result, I do not find the referenced LP Policies to be out of date and the declaration of a 'Housing Emergency/Crisis' does not outweigh my findings above.
18. It is clear from the Council's reason for refusal that the principle of a dwelling in this location is acceptable and that it is well served by services and facilities. I acknowledge that the proposal would add to the provision of housing and stock of single person units, could be delivered quickly, and would make a more efficient use of this previously developed site providing some economic benefits. However, these matters do not outweigh the harm I have identified above. Other matters relating to the availability of services, parking, and drainage are neutral in my consideration.

Conclusion

19. For the reasons given above I conclude that the appeal proposal conflicts with the development plan taken as a whole. There are no material considerations, including the provisions of the Framework, which indicate a decision should be taken other than in accordance with the development plan. As such, I conclude that the appeal should be dismissed.

C Rose

INSPECTOR