The Planning Inspectorate

Appeal Decision

Site visit made on 17 July 2023

by C Cresswell BSc (Hons) MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 August 2023

Appeal Ref: APP/D0840/D/22/3307088
37 Penmere Drive, Newquay, TR7 1QQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mrs Rebecca Phillips against the decision of Cornwall Council.
- The application Ref PA22/04028, dated 27 April 2022, was refused by notice dated 24 June 2022.
- The development proposed is an additional storey.

Decision

1. The appeal is dismissed.

Procedural Matters

2. For conciseness, I have abbreviated the description of development in the heading above.

Main Issue

3. The main issue is whether the proposed second floor extension is permitted by Schedule 2, Part 1, Class AA of the GPDO[1], having regard to the amenity of adjoining occupiers and the external appearance of the dwelling.

Reasons

Amenity

4. The appeal concerns a detached bungalow situated within a small cul-de-sac. Due to the layout of properties within the cul-de-sac, windows in the front elevation of the neighbouring bungalow to the north (No 39 Penmere Drive) face the side elevation of the appeal property. However, as No 39 occupies slightly higher ground, the views from these windows are partially over and above the appeal property. This arrangement helps to maintain a sense of openness from inside No 39.

5. The additional storey would be seen at close quarters from the front windows of No 39, particularly those nearest the side elevation of the appeal property. Viewing angles over and above the appeal property from these windows would be restricted. This would lead to an increased sense of enclosure from some parts of the neighbouring property. Whilst No 39 has other windows which would remain largely unaffected, I am mindful that it is a modest sized dwelling

[1] Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

with limited internal living space. Therefore, a decrease in outlook from some of the front windows would result in a noticeable reduction in amenity for the occupiers of the neighbouring property.

6. Diagrams have been provided showing a 25 degree line between the proposed additional storey and No 39. This is consistent with advice published by BRE[2] and referenced within the Council's design guidance[3]. Together with the shadowing diagrams provided by the appellant, it is apparent that the proposed additional storey would have an acceptable impact on the overall daylight and sunlight levels experienced within No 39. However, this is not sufficient to overcome my concerns that the development would decrease outlook from the front facing windows of No 39, thereby harming the amenity of the neighbouring occupiers. For this reason, the proposal is not permitted by paragraph AA.2(3)(a)(i) of the GDPO.

Appearance

7. The design of the proposed extension would be consistent with the design of the existing bungalow. Although the additional storey would make the appeal property taller than others in the cul-de-sac, the ridge height of the roof would be stepped down from the bungalows to the north due to the slope of the land. This would moderate the visual impact of the height increase. Hence, overall, the development would be acceptable in terms of appearance. It would therefore comply with paragraph AA.2(3)(a)(ii) of the GDPO.

Other matters

8. The appellant has raised a number of other planning matters, including the need to enlarge the home to accommodate a family. My attention has also been drawn to house prices in the area and the environmental impacts of extending an existing home compared to building a new one. While these points are noted, my considerations in this type of appeal are restricted to matters covered in the GDPO. As such, I am unable to take these wider planning issues into account in my decision.

Conclusion

9. Although I have found that the proposed extension would be acceptable in terms of appearance, it would harm the amenity of neighbouring occupiers. For the reasons given above, the development is not permitted under the terms of the GDPO. The appeal should therefore be dismissed.

C Cresswell

INSPECTOR

[2] Site Layout Planning for Daylight and Sunlight, BRE
[3] Domestic Alterations and Extensions Guide, Cornwall Council