



Appeal Decision

Site visit made on 5 September 2023

by J White BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2023

Appeal Ref: APP/D0840/W/23/3317078

79 North Roskear Road, Camborne TR14 8PX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Ian Jepson against the decision of Cornwall Council.
 - The application Ref PA22/10897, dated 8 December 2022, was refused by notice dated 19 January 2023.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Ian Jepson against Cornwall Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since the Council made its decision, on 5 September 2023, a revised version of the National Planning Policy Framework (the Framework) has been issued. However, the only substantive revisions relate to national policy for onshore wind development in England, and I am satisfied that the changes to national planning policy do not materially affect this appeal. I have taken the Framework into account in reaching my decision.
4. The name of the applicant on the application form is Mr Ian Jesop, whereas all other documents, including the Council's decision notice, refer to the applicant as Mr Ian Jepson. The appellant has confirmed that the application was completed with a typographical error and that the applicant was Mr Ian Jepson. The Council determined the application on that basis and, accordingly so have I.
5. The description of development in the banner heading above is taken from the application form. At Part E of the appeal form, it is stated that the description of development has changed. However, I am not clear whether the appellant has expressly agreed to this revised description. Accordingly, I have used the one given on the original application.
6. The proposal is for permission in principle. This is an alternative way of obtaining planning permission for housing-led development. The permission in principle consent route has two stages: the first stage (permission in principle) establishes whether a site is suitable in principle and the second stage (technical details consent) is when the detailed development proposals are assessed. This appeal relates to the first of these two stages.

7. The scope of the considerations for permission in principle are limited to location, land use and the amount of development permitted. All other matters are considered as part of a subsequent Technical Details Consent application if permission in principle is granted.
8. Detailed drawings have been provided. However, these are indicative only for the purposes of a permission in principle. I have therefore approached my determination of the appeal on that basis and used these plans as an aid for assessing the matters which can be considered at this stage.

Main Issues

9. The main issues are whether the location, the land use and the amount of development is suitable with particular regard to:
 - the character and appearance of the area;
 - living conditions of neighbouring occupiers and whether acceptable living conditions would be provided for future occupants; and
 - in respect of the critical drainage area (CDA).

Reasons

Character and appearance

10. Whilst detailed matters would fall to be considered at technical details consent stage, I must nonetheless be content at this initial stage that the location and amount of development proposed could feasibly be accommodated at the appeal site having regard to the character and appearance of the area.
11. The appeal site is part of the rear garden of 79 North Roskear Road (No 79). No 79 is a mid-terrace dwelling. The prevailing character and appearance on this stretch of the road is two storey properties that front onto North Roskear Road in a linear fashion, with relatively long rectangular rear gardens, backing onto an access lane with a playing field beyond. The majority of dwellings have subservient outbuildings in the rear gardens, including garages. None of the dwellings neighbouring the appeal site front onto the rear access lane.
12. The proposal would insert a new dwelling into a residential plot significantly smaller than is typical for the area and in a manner not typical of North Roskear Road. The limited size of the residential plot would likely appear cramped within its context. The location of the proposal would be at odds with the prevailing character and appearance of long rear gardens and pattern of development in which dwellings are arranged in a linear way and directly face North Roskear Road. Although there are existing outbuildings in rear gardens that vary in design and scale, they are modest, ancillary and clearly relate to the terrace of dwellings.
13. Even though a dwelling could be designed to be single storey, it would inevitably be separate from the existing dwellings with clearly separate activity associated with it.
14. Taking these factors together the proposal would result in an incongruous and solitary detached dwelling which would not form part of any established line of dwellings. It would appear as a backland form of development and would be out of context with its surroundings. It would not reflect the predominant

character of the existing pattern and rhythm of frontage residential development.

15. Due to its position within the rear garden, the proposal would be largely screened from public vantage points. However, the proposal would be partially visible from neighbouring dwellings and their gardens, as well as from the playing field. The lack of public views of the proposed dwelling would not justify the harmful effect it would have on the established pattern of development in the area.
16. The submitted evidence does not convince me that the effects of a dwelling on the character and appearance of the site and its wider setting could be adequately mitigated through its positioning and design treatment. This is because of the particular location of the appeal site and its abnormally small plot size relative to its surrounding context and pattern of development.
17. The fact that the site is not a designated valued landscape or conservation area does not undermine the value of the character and appearance of the area.
18. For the reasons given above, I conclude that even a single dwelling on the appeal site would be inherently harmful to the character and appearance of the area. As such, the location and amount of development is unacceptable in principle.
19. Therefore, with regard to this main issue, the proposed development would conflict with Policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the CLP) which, amongst other things, seek to ensure that development achieves a high-quality design and maintains and enhances Cornwall's distinctive character. There would also be conflict with the Cornwall Design Guide December 2021, which amongst other things, requires development to enhance their context. For similar reasons, the proposal would be contrary to the provisions in the Framework in relation to achieving well designed places.

Critical drainage area

20. The appeal site lies within a CDA. Policy 26 of the CLP requires development to minimise or reduce and where possible eliminate flood risk on site and in the area. The policy requires, amongst other things, that development be sited, designed and where necessary relocated in a manner that, amongst other things takes account of the need to avoid areas of flood risk and to ensure that it enables or replicates natural ground and surface water flows and decreases surface water runoff, particularly in CDAs.
21. This is supported by Paragraph 159 of the Framework, which states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
22. The appellant notes that there is already a building on the site that contributes to surface water runoff and that the proposal could be designed to mimic the size and form of the existing building. However, a Flood Risk Assessment (FRA) to demonstrate that the proposal is appropriate at this location has not been submitted with the appeal.

23. As it has not been demonstrated that it would not be possible for the development to adequately manage flood risk or be located in an area with a lower risk of flooding, then it has not been satisfactorily established that the location is acceptable in this respect. Furthermore, in the absence of an FRA being submitted with the appeal application, it has not been demonstrated that development in this location would not increase flood risk elsewhere.
24. While specific details of the drainage could be supplied as part of a subsequent application for technical details consent, the absence of a FRA means that I cannot be sure that the location in principle would be acceptable on flood risk grounds given its location in the CDA.
25. For the reasons set out above, the appeal site is not suitable for residential development having regard to its location in respect of the CDA. It would be contrary to local and national planning policy which seeks to steer new development away from areas at the highest risk of flooding. It would conflict with Policy 26 of the CLP, which sets out the Council's approach to managing flood risk. The proposal would also be contrary to the principles within Chapter 14 of the Framework, which seek to ensure that flood risk is not increased elsewhere.

Living conditions

26. The appeal details show that the proposed residential plot would be significantly smaller than is typical for the area, including in relation to the limited distance between the rear elevation of the neighbouring dwellings fronting onto North Roskear Road.
27. Whilst I have had regard to the plans, for the purposes of the permission in principle application these are indicative only. Therefore, although there is a degree of doubt about whether a scheme could be designed to ensure there would be an acceptable effect on the living conditions of the residential neighbours, or whether suitable living conditions would be provided for future occupants, the appearance of the proposed dwelling, its window arrangement and design treatment would be addressed as part of an application for technical details consent.
28. As such, in consideration of the principle of the proposal, and subject to detailed design, the proposed development would not harm the living conditions of neighbouring occupiers and could provide acceptable living conditions for future occupants. The principle of development would not conflict with Policies 1, 2, 12 and 13 of the CLP in so far as they seek to protect neighbouring properties from harmful development, including by way of overlooking or overbearing impact, and seek to ensure adequate development standards for new development. There would also be no conflict with the provisions of the Framework in terms of ensuring development creates places which promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

29. Concerns have been raised by representors regarding the effect of the proposal on highway safety. However, the Council has not raised concerns in relation to these matters and these issues could be addressed as part of the technical details stage and there can be no guarantee that where permission in principle

has been granted, that approval of technical details would necessarily follow. It takes approval of both stages for a planning permission to be secured.

30. The appellant has referred to a number of other developments which have been approved. However, in relation to the recent appeal at 97 North Roskear Road, I note this was in relation to an annex of the main dwelling and, as such, was an ancillary structure. I note the appeals at Land adjoining 61A St Paul's Gate, Land South of 1 North Town and 21 Mutley Road, however these were not in a CDA. In the cases of Land South East of 22 Roskear Road and Land Adjacent 1 Green Lane Close, whilst these sites lie in CDAs, I note that the sites were in a different location and context and I cannot be certain that there are similarities between the proposals.
31. The case relating to West of Willow Tree Close was not subject to the CLP policies. For these reasons, I do not consider that the appeal scheme would be comparable to the other developments referred to because they have a different context or relate to a different form of development. In any case, I have determined the appeal on its own merits.
32. I acknowledge the appellant's view that the appeal scheme would make the best use of the land available in a highly sustainable location. However, this in itself does not mean that the current scheme is acceptable and does not in any event absolve me from making an assessment as to its effects in regard to the main issues of the case. Moreover, paragraph 124 of the Framework advises that planning policies and decisions should support development that makes efficient use of land and states that this should take account of, amongst other things, the desirability of maintaining an area's prevailing character and setting.
33. Whilst not referred to in its reason for refusal, the Council in its statement has drawn my attention to the Climate Emergency Development Plan Document – February 2023 (DPD). Whilst this document seeks to ensure new development is located in order to minimise the need to travel, in Policy C1 it advises that development should increase built and natural environment distinctiveness through locally distinctive, high quality and sustainable design. As such, there would be conflict with the DPD.
34. I am aware that the Council has set out a number of objectives and interventions in response to what it has termed Cornwall's Housing Crisis. However, there is no indication in this submission that the development would address the specific threads identified by the Council in respect of homelessness prevention, homes for local residents or other locally based solutions.
35. The appeal site is located within an established urban area and close to services and facilities it provides. There would be further benefits arising from the contribution that the proposal would make to boosting the overall supply of housing. Paragraph 69 of the Framework recognises the important contribution that small and medium sized sites can make to meeting the housing requirements of an area. There would also be economic and social benefits through the creation of employment during construction, and through ongoing spend of future residents, and their support for local services and facilities in the area. However, the limited scale of the development means that these benefits only carry moderate weight and these considerations do not overcome or address my findings with respect to the main issues above.

Planning Balance and Conclusion

36. The starting point for any planning decision is Section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires decisions to be made in accordance with the development plan unless material considerations indicate otherwise.
37. The Council indicates that it has a sufficient supply of homes against its five-year target, and this is not disputed. The proposed scheme would undoubtedly result in some benefits, including the provision of housing with good access to facilities and services to serve the day to day needs of prospective residents, within the context of what has been termed Cornwall's Housing Crisis. An additional dwelling would add to the stock of housing and would help with the wider housing supply. There would be benefits arising from the construction period and future spend of occupants giving support to local services and facilities. Given the scale of the development, the benefits would be moderate.
38. The proposed use of land for residential purposes would be consistent with the predominant land use in the locality. With only a single dwelling, the amount of development would be modest. However, even a single dwelling on the appeal site would be inherently harmful to the character and appearance of the area for the reasons set out above. Moreover, as a matter of principle, it has not adequately been demonstrated that flood risk can be addressed by the proposed development in this location. As such, the location and amount of development is unacceptable in principle.
39. The positive factors considered cumulatively, would be outweighed by the great harm to the character and appearance of the area and flood risk which coupled with the aims and objectives of the CLP leads me to conclude that, on the evidence before me, the case made for the proposed development is not convincing.
40. The appeal scheme would fundamentally conflict with the development plan and the Framework when taken as a whole. There are no material considerations identified, individually or cumulatively, which are of such weight to indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given above, the appeal should be dismissed.

J White

INSPECTOR