



Appeal Decision

Site visit made on 24 April 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/D0840/W/23/3324385

17 Crossways, Falmouth, Cornwall TR11 4HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
- The appeal is made by Mr J. Browne against the decision of Cornwall Council.
- The application Ref is PA22/04479.
- The development proposed is outline planning for a new detached dwelling with parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to an application for outline planning permission with all matters reserved. As such, where the proposed site plans show any information relating to these reserved matters, I have treated this as illustrative for the purposes of making my decision.

Main Issues

3. The main issues are: (i) the effect of the proposed development on the character and appearance of the area; and (ii) the effect of the proposed development on the living conditions of future occupiers and those of the occupiers of No. 17 and No. 19 Crossways, with particular regard to outlook and private garden space.

Reasons

Character and Appearance

4. The appeal site is located within a residential area that is predominantly characterised by the presence of two storey terraced dwellings that are set close to the road. The urban form is fairly high density and tightly knit, thereby providing the wider area with a reasonably enclosed and cramped feel.
5. The appeal site currently forms part of the private garden space for No. 17 Crossways. In contrast to the prevailing character of the immediate area, the site provides an element of openness within the street scene. The open nature of the site also provides unimpeded views to the mature trees beyond which adds some verdancy to the otherwise dominant built form.
6. The proposed development would involve the provision of a dwelling on the site. The application is in outline form and so the scale, layout and appearance of the proposal is unknown. However, I am of the view that any built form on the site would clearly result in the existing openness of the site being lost,

thereby making the surrounding area feel even more cramped and enclosed than it already does. This harm would be exacerbated by the fact that the proposed dwelling would inevitably be located in close proximity to the host dwelling at No. 17. Furthermore, it is also highly likely that the proposed built form would block views of the mature trees beyond the site, at least to some extent. It would therefore reduce the current feeling of verdancy when viewing the street scene from Hillside Road.

7. I therefore find that the proposed development would harm the character and appearance of the area. Indeed, in this instance, the harm would be significant and enduring. The proposal would therefore conflict with Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) and Policies DG2 and DG4 of the Falmouth Neighbourhood Development Plan. Taken together, the relevant aspects of these policies seek to ensure that development is well designed and that it preserves character and appearance. It would also conflict with the relevant aspects of the Cornwall Design Guide 2021 which have similar aims.

Living Conditions

8. The relationship between the proposed dwelling and No. 17 would be quite tightly knit with a fairly insubstantial gap between the two. While only indicative, the plans show that the northern elevation of the proposed dwelling could contain just one window at first floor level and that this could be obscurely glazed. If that were the case, the main outlook from this space would be to the south through windows that would look out from the main living space. As such, it is possible to conclude that such a design would ensure that the outlook from the dwelling would be acceptable.
9. However, the outlook from the rear facing windows of No. 17 would be significantly reduced as a result of the proposed development, no matter its eventual size or design. The proximity of the two buildings would likely make the occupiers of No. 17 feel quite cramped and enclosed. This harm would only be slightly mitigated by the difference in site levels. Furthermore, the proposed dwelling would appear as an imposing and bulky structure for the occupiers of No. 19 when utilising their rear garden space. Again, this would likely result in the occupiers having a greatly reduced outlook and an unacceptable feeling of being cramped and enclosed.
10. The garden space for No. 17 would be reduced, while the garden space associated with the proposed dwelling would also be fairly small. Nevertheless, both gardens would likely still have sufficient space to contain a table and chairs and other paraphernalia which would ensure that they could adequately perform their function. As such, I do not find harm in this regard.
11. However, due to the resultant harm in outlook to the occupiers of No. 17 and No. 19, I find that the proposal would have an unacceptable impact on living conditions. It would therefore conflict with LP Policy 12(2) which, in part, seeks to protect living conditions. It would also conflict with the relevant aspects of the Cornwall Design Guide 2021 which have similar aims.

Other Matters

12. The Council has noted that the site is within the zone of influence of the Fal and Helford Special Area of Conservation. However, as I am dismissing this appeal I am not required to address this matter further.
13. The appellant has referred to various other development schemes that have taken place in the local area. While those schemes may have altered the character and appearance of the surrounds to some extent, or impacted on living conditions of certain residents, this would not justify allowing a development proposal where I have identified harm.

Conclusion

14. The proposed development conflicts with the development plan when considered as a whole. Whilst the provision of one new dwelling would add to local housing stock have some economic benefits for the local area, given the small-scale nature of the scheme, any such benefits are likely to be limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR