



Appeal Decision

Site visit made on 18 June 2024 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th August 2024

Appeal Ref: APP/D0840/W/24/3337540

12 Back Lane, Angarrack, Cornwall TR27 5JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathanael Lloyd against the decision of Cornwall Council.
 - The application Ref is PA23/07806.
 - The development proposed is described as 'proposed retaining wall and parking bay.'
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Applications for Costs

3. An application for an award of costs has been made by Cornwall Council against Mr Nathanael Lloyd. This is subject of a separate decision.

Main Issues

4. The main issues are the effect of the proposed development on a) the character and appearance of the area; and b) the living conditions of the occupiers of No 10 Back Lane, with specific regard to outlook.

Reasons for the Recommendation

Character and Appearance

5. The appeal building is part of a short terrace of four two storey dwellings. They are set back from and facing the road, the surface of which is roughly level with the first floor/eaves height of the buildings. Each building has been extended forwards. Most have a flat roofed two storey projection. This has taken away some of the quaint traditional appearance of the terrace and eroded what was once a more spacious feel to the street scene, despite its enclosure by a high retaining wall. That said, most of the buildings retain a set back from the road edge and have a subservient outbuilding/shed, allowing the host building to dominate. This hierarchical relationship harks to the traditional feel of the terrace and retains a pleasant consistency despite past changes. These elements contribute positively to the character and appearance of the area.

6. Whilst not entirely filling the space between the historic retaining wall and the front of the appeal building, the appeal scheme in its entirety would be very close to such. The structure supporting the parking bay would not be an outbuilding in the true sense of the word and the staircase would slightly splay away from No 12's frontage, but its scale and mass as a whole would dominate this part of the terrace and dwarf the other outbuildings. The effect of the scale of the structure would be exacerbated by the use of railings, the parking of a vehicle atop and the balustrade for the staircase.
7. The almost total loss of the traditional set back from the historic retaining wall as well as the scale and height of the proposals would adversely affect the established and pleasant hierarchy of host to outbuilding relationship. The frontage would be over cluttered, and space squeezed to the detriment of the character and appearance of the area. The use of greenery to the face of the structure's supporting section would be something of an improvement but would not be sufficient to make its size and location acceptable.
8. Accordingly, the proposal would be contrary to Cornwall Local Plan Strategic Policies 2010-2030 (2016) (the Local Plan) Policies 1, 2 and 12, as well as Policy C1(7) of the Climate Emergency Development Plan Document, Policy SD5 of the Hayle Neighbourhood Plan 2014-2030 (2018), the Cornwall Design Guide (2021) and paragraphs 135 and 139 of the National Planning Policy Framework (2023) (the Framework). These policies and documents seek to ensure, amongst other things, that new development is of a high quality and contextually appropriate design and appearance that respects Cornwall's special character.

Living Conditions

9. Owing to the distance between the frontage of the dwellings in the terrace and the historic retaining wall, the experience of both the small amount of frontage outdoor space and the outlook from forward facing windows is already compromised. However, the height and mass of the proposed structure, and how close it would be to the front of No 10 specifically, would garner a strong feeling of enclosure for occupiers. Despite being slightly splayed away and the staircase element being closest, the supporting structure and its associated elements would be of some substance as a whole and far more looming a presence than the historic retaining wall. The proposals would be eminently noticeable from the forward facing windows of No 10 but most acutely felt in the use of the space between its front elevation and the historic retaining wall. The further and subsequently unacceptably compromised outlook for users, through a strong sense of enclosure and thus an impression of overbearing, would be detrimental to their living conditions.
10. Consequently, the appeal scheme would be contrary to Policy 12 of the Local Plan and paragraph 135 of the Framework, insofar as they seek to ensure new development protects and does not adversely affect the living conditions of the occupiers of neighbouring properties.

Other Matters

11. I am not certain under which policies the boundary wall separating No 12 and 'The Orchard' was considered or indeed what factors were taken into account when it was permitted. If of course it has planning permission. However, it is flush to a shared boundary, forming it and set away from the side of No 12. For

these reasons, I am not persuaded its existence is sufficient to recommend allowing the appeal. I am also aware of a similar arrangement to the front of No 14 but this is unrelated to the terrace and appears more historic and thus insufficient to justify the proposed development.

12. Providing off street parking would be beneficial albeit such that would be limited to the convenience of the householder and less so for the wider community. There is no evidence pertaining to any specific mobility needs that might lend support to the scheme. Whilst on street parking is very restricted to the front, I am unaware of the lack of alternative options locally. The installation of an electrical charging point is a laudable approach but would not alone be sufficient to make the scheme acceptable, particularly since any planning permission could not insist on a given user owning an electric vehicle.

Conclusion and Recommendation

13. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight which would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR