The Planning Inspectorate

Appeal Decision

Site visit made on 13 November 2024

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 December 2024.

Appeal Ref: APP/D0840/D/24/3349229
21 Alywin Close, Newquay, TR7 3EF

- 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 Abel Williams against the decision of Cornwall Council.
- The application Reference is PA24/03477.
- The development proposed is extensions including increase of floorspace at ground floor level and creation of a new first floor (demolition of a detached garage to accommodate - re submission of Application No. PA23/04280).

Decision

1. The appeal is allowed and planning permission is granted for extensions including increase of floorspace at ground floor level and creation of a new first floor (demolition of a detached garage to accommodate - re submission of Application No. PA23/04280) at 21 Alywyn Close, Newquay, TR7 3EF in accordance with the terms of the application, Ref PA24/03477, subject to the following conditions:

    1. The development hereby permitted shall begin not later than three years from the date of this decision.

    2. Other than where specified on the approved plans, the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    3. The development hereby permitted shall be carried out in accordance with the following approved plans: L-01A; SD-01; PL-01 & PL-02.

    4. The first-floor windows on the North elevation as shown on approved plan PL-02 shall be installed with obscure glazing prior to the first use of the proposed extensions and shall be retained at all times.

Main Issues

2. The main issues are the effect of the proposal on a) living conditions for neighbours and b) the character and appearance of the host property and the locality.

Reasons

3. The appeal property is a detached single storey house with frontage parking and a detached garage. It sits on a rectangular plot at the end of a cul-de-sac which is part of an estate of broadly similar homes. The locality is of established residential character and homes, roads and gardens come together to create a locality of pleasing appearance. The proposal is as described above.

Living conditions

4. The Council is concerned on two factors; overbearing / oppressive impact to neighbouring occupiers to the north and overlooking of the neighbouring dwelling to the west.

5. The appeal scheme would give rise to a substantial change and increase in scale to the host dwelling. However, given face-to-face distances, lower ground levels on the appeal property, and the planned roof shapes and heights, I would deem that there would not be undue loss of outlook for the occupiers of the two homes to the north. There would not be an uncomfortable sense of being hemmed-in.

6. In terms of potential over-looking to the west: even given less 'helpful' ground levels, I would again feel that there was sufficient mitigation via distances of this back-to-back relationship. I also noted some intervening higher-level vegetation albeit I acknowledge retention of this cannot be secured. The fact that the planned windows are rooflights to bedrooms would not prevent people from looking out but such activity would in all likelihood be intermittent. A rooflight form would also have the benefit of giving a reduced perception of overlooking rather than vertical glazing in dormers of any size. I am satisfied that the scheme would not give rise to any undue loss of privacy.

7. Policy 12 in the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and Newquay Neighbourhood Plan 2019-2030 (NP) Policy H1 both call for development to protect the amenity enjoyed by neighbouring residences; I conclude that the appeal scheme would accord with these policies in this regard.

Character and appearance

8. The planned works would substantially change the form and scale of this home. However, I would deem that in this relatively discrete end of cul-de-sac position there is aesthetic scope to be somewhat different from the majority of dwellings on the estate. The completed works would not lead to physical over-development of the site. Streetscene and topography would be respected. Furthermore, I agree with the Appellant that the scheme would in some ways appear more comfortable than the dormer-based works which have been approved (PA22/02324). The approach to the new roof form within the appeal proposals would appear to be well resolved and whilst bulk and massing would be increased there would remain a degree of subtlety at upper level.

9. In passing I would note, through observation during my visit, that the days of this estate being single storey only have ended, roof alterations have and are emerging, including at 28 Chylan Crescent to the immediate north of the appeal site.

10. LP Policy 12 and NP Policies G2 and H1 are relevant to this issue. Taken together, and amongst other matters, they seek high quality design of development which protects the character and environment of a place, would be a suitable scale, and would display sensitivity to surroundings. Given the above I conclude that the appeal scheme would not conflict with these polices.

Other matters

11. The Appellant makes references to past decisions on this site and scope for 'permitted development' and raises questions on these. It is not in my remit to deal with these. I am solely determining the appeal related to the scheme which was refused by the Council (PA24/03477).

Conditions

12. The Council suggests the standard commencement condition along with the requirement for materials to match the existing building. I would agree with the latter in the interests of visual amenity. I also agree that there should be a condition that works are to be carried out in accordance with listed, approved, plans; to provide certainty. In my opinion, given distances, local context, levels and development form the Council has been over-zealous in its suggestion of obscure glazing on East and West upper elevations. In the interests of residential amenity, I would deem such glazing would be necessary on the northern side only. The suggestion of particularly restricted future use of the garage via a planning condition is unnecessary in my view given inherent limitations via general planning legislation.

Overall conclusion

13. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours nor on the character and appearance of the host property or the locality. Accordingly, the appeal is allowed.

D Cramond

INSPECTOR