



Appeal Decision

Site visit made on 10 December 2024

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 January 2025

Appeal Ref: APP/D0840/D/24/3339211

7 Waterloo Close, St Mawes, Cornwall TR2 5BD

- 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 Mark Mansell against the decision of Cornwall Council.
- The application Ref is PA23/06413.
- The development proposed is an additional storey to existing dwelling with proposed detached garage.

Decision

1. The appeal is allowed and planning permission is granted for an additional storey to existing dwelling with proposed detached garage at 7 Waterloo Close, St Mawes, Cornwall TR2 5BD in accordance with the terms of the application, Ref PA23/06413, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 23011.3.006 Revision A (Site and block plan as proposed); 23011.3.007 (Plans as proposed sheet 1); 23011.3.008 Revision A (Plans as proposed sheet 2); 23011.3.009 Revision B (Elevations as proposed sheet 1); 23011.3.010 Revision A (Elevations as proposed sheet 2) and 23011.3.011 (Proposed garage plan and elevations).
 - 3) The slate roof covering as indicated on the approved drawings shall be a natural slate of mid grey colouring and size to match those used on the existing dwelling.

Applications for costs

2. An application for costs was made by Mr Mark Mansell against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The existing properties on Waterloo Close are primarily bungalows located in spacious plots. Although the properties vary in terms of their size and design, uniformity arises from the use of similar materials and details such as hipped roofs.

5. Located towards the end of the cul-de-sac, the appeal site is set down below road level. The topography means that the four bungalows on the southern side of the road step down along its length such that the appeal site is set down from 6 Waterloo Close but set up from 8 Waterloo Close.
6. The addition of a first floor to the appeal property would increase the height and overall massing of the building. That said, the use of hipped roofs in the design responds to the prevailing character of the properties on Waterloo Close. The difference in levels along Waterloo Close would mean that the roof would be just below that of number 6. It would be no more dominant when viewed from the road than the surrounding properties particularly given that number 9 at the end of the cul-de-sac is located on higher ground to the north of the appeal site.
7. The increased roof height and insertion of significant areas of glazing would be visible from the public footpath and Carrick Way to the south. However, in a predominantly residential area with a mix of bungalows and dwellings, the proposal would not appear incongruous.
8. My attention has been drawn to an appeal decision relating to 10 Waterloo Close¹. Whilst I do not have full details of that proposal before me, the Inspector in that case refers to the introduction of a number of design details including half hips which 'harmfully depart from the intended design' of Waterloo Close and the prominent position of the property on the inside corner plot on the more exposed side of the road. Given that the scheme and location of that property are materially different to the one before me, I have considered this appeal on its own merits.
9. The appeal proposal also includes the erection of a detached garage. Although located to the front of the property, the finished floor level would be significantly below road level. As a single storey building, it would not be prominent in the street scene or detract from the character and appearance of the area. The erection of the proposed 1.8m high wall along the boundary with the access to number 8 would not be in keeping with the low walls and boundary planting elsewhere on Waterloo Close. That said, it would only be a short section of walling, running perpendicular from the end of the cul-de-sac. This would limit its visual impact on the wider street scene and would not be dissimilar in height to the boundary planting on the opposite side of the access. Accordingly, it would not have an unacceptable effect on the street scene.
10. The appeal site is located in the Cornwall National Landscape (CNL) and the Heritage Coast. The proposed alterations would mean that the appeal dwelling would be more visible when viewed from a distance. However, it would be no higher than the neighbouring property, number 6 and would be located amongst existing development. For these reasons, I find that no harm would arise to the natural beauty of the CNL.
11. Whilst I am not persuaded that the addition of an extra floor of accommodation can necessarily be described as 'subsidiary', I am satisfied, for the reasons set out above that the proposal is sympathetic to the character of the existing dwelling and the wider area. Accordingly, the proposal would comply overall with Policy HO9 of the Roseland Neighbourhood Development Plan 2015-2030 (NP) which requires that proposals are in keeping with and respect the local

¹ Appeal ref: APP/D0840/W/24/3342019

character of the area. I also find no conflict with Policies LA2 and CV1 of the NP and Policy 12 of the Cornwall Local Plan 2010-2030 (LP) which require high quality design of an appropriate scale, height and mass which responds to local character and reflects the identity of local surroundings.

Other Matters

12. There would be no unacceptable overlooking of numbers 6 and 8 Waterloo Close given the limited number of openings on the side elevations of both properties and the relative positioning of new windows to habitable rooms in the appeal property. The proposal would result in some loss of late afternoon sunlight to the patio doors serving the living room of number 6 but the room also has a large window on the south elevation and therefore living conditions would not be affected to a harmful extent. The proposal would not be unacceptably overbearing on the occupiers of number 6 given the separation distance between the two properties.
13. Numbers 10 and 12 Carrick Way are located to the south of the appeal site and at a significantly lower level. Whilst the introduction of new openings at first floor level would provide a view towards these properties, given the separation distances involved, overlooking to a harmful extent would not occur. For the same reason, the appeal proposal would not result in overshadowing to a harmful extent nor be unduly overbearing.
14. Disruption during construction is short term and does not render the proposal unacceptable. There is no evidence before me that noise from the property would be in excess of that from any other residential property. Whether a property is occupied permanently or as a second home is not relevant to my consideration of the proposal. The potential for moss to form on the driveway to number 8 as a result of the proposed boundary wall is not a material consideration which outweighs my findings that the proposal complies with the development plan. Planning is concerned with land use in the public interest². As such the protection of purely private interests such as loss of a view is not a consideration which I have given any weight to.

Conditions

15. The Council have suggested conditions in the event that the appeal is allowed. I have considered these and amended them as necessary in light of the advice in the Planning Practice Guidance. In addition to the standard time condition, it is necessary to specify the approved plans in the interests of certainty. A condition requiring the use of natural slate to the roof is necessary to safeguard the character and appearance of the area.

Conclusion

16. The proposed development would adhere to the development plan and there are no material considerations that outweigh this finding. Accordingly, the appeal is allowed.

Alison Fish INSPECTOR

² Paragraph: 008 Reference ID: 21b-008-20140306 of the Planning Practice Guidance