



Appeal Decision

Site visit made on 11 December 2024

by E Worley BA (Hons) Dip EP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 February 2025

Appeal Ref: APP/D0840/W/24/3345543

Beckenreid, Tavistock Road, Launceston, Cornwall PL15 9HE

- 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 Dan and Nadine Riley against the decision of Cornwall Council.
 - The application Ref is PA24/01133.
The development proposed is described as 'Retain existing dwelling and sub-divide remaining plot to provide 3no three bedroom detached dwellings. Reorganise and extend existing parking area to provide off street parking and 1no EV charging point per dwelling'.
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Decision

1. The appeal is allowed and planning permission is granted to retain existing dwelling and sub-divide remaining plot to provide 3no three bedroom detached dwellings and reorganise and extend existing parking area to provide off street parking and 1no EV charging point per dwelling at Beckenreid, Tavistock Road, Launceston, Cornwall PL15 9HE in accordance with the terms of the application, Ref PA24/01133, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council confirmed in its appeal statement that it is content that the revised Energy Statement¹ submitted by the appellant as part of the appeal is sufficient to overcome the second refusal reason. In light of this, the Council does not wish to pursue this reason for refusal.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties and future occupiers of the development.

Reasons

Character and appearance

4. The appeal site comprises a detached 2 storey dwelling, Beckenreid, which sits on a generous triangular shaped plot. It lies behind the residential properties that front Tavistock Road. The site is accessed via a driveway from the

¹ Energy and Sustainability Strategy by ERS Consultants Ltd. dated 11 June 2024

highway between the existing residential properties. The topography is such that the land slopes down from the vehicular access to the site and continues to do so towards the rear of the site. The surrounding area is residential in character, comprising detached, semi-detached and terraced dwellings of a range of heights, ages and architectural styles, on plots that vary considerably in size and width.

5. The appeal proposal would see the construction of 3 detached dwellings within the garden area of the existing property, one to either side of it (dwelling 1 and dwelling 3) with the third (dwelling 2) off set to the rear of the existing dwelling, all of which would be set into the slope of the land.
6. The Council's main concern is the layout of the proposed development. The new dwellings would reduce the sense of spaciousness of the site, particularly to the sides of the host property, Beckenreid, which is derived from the considerable width of the plot frontage. Nonetheless, the footprint and siting of the proposed dwellings, set in from the side boundaries of the site, would maintain a visual break between the proposed built form and both Beckenreid and the adjoining residential property, The Walled Garden. In addition, the resulting plot widths and overall size of plots would not be inherently dissimilar to others nearby.
7. Moreover, dwellings located behind frontage development are a feature of the area immediately surrounding the appeal site, including Beckenreid, as well as the group to the north of the site, of which The Walled Garden forms part. As such, the proposed siting of dwelling 2, which is set behind dwelling 1, would not be at odds with the prevalent character and appearance of the area. Furthermore, due to the position and height of the proposed dwelling 2, on the lower rear part of the site, it would not be readily perceptible from the street scene to the front of the site and would not have a significant effect on the overall character of the wider site.
8. Consequently, the proposal would not appear unduly confined and would comprise a coherent form of development that would be sympathetic to the established pattern of the surrounding built form. In that regard the proposal would be consistent with the guidance in the National Design Guide (NDG) which among other things, recognises that development should respond positively to the features of the site itself and the surrounding context, including the existing local character and pattern of housing. It would also accord with the advice in the National Planning Policy Framework that seeks to achieving well-designed places.
9. The proposal would include a parking area on the higher ground to the front of the dwellings. Despite the number of spaces, they would be arranged in small groups, with intervening soft landscaping including shrubs and bushes which would help to soften the effects of the area of hardstanding. Furthermore, the area to be occupied by parked vehicles is, in part, discretely located at the far end of the driveway so as not to be unduly conspicuous in views from the shared access drive or dominate the frontage of the plots. In that regard, the parking layout would not conflict with advice in the Cornwall Design Guide, dated December 2021 (CDG).
10. I acknowledge the Council's concern regarding the siting of the vehicle parking spaces in relation to dwelling 2, in particular the distance from the property and inclusion of a stepped pedestrian access, which it is suggested would be

impractical for future occupiers. Nonetheless, I have not been directed to a specific policy requirement in relation to the distance between parking areas and dwellings, or the need for the provision of parking within the curtilage of the property it would serve. Indeed, section M3 of the NDG acknowledges that car and cycle parking may be accommodated in a variety of ways, in terms of location, allocation and design. As such, despite the separation between the two, there is no clear evidence that the parking arrangements, including the pedestrian access from the spaces and the dwelling, would be unduly problematic. Nor has it been demonstrated access to the spaces from dwelling 2 would be unsafe or would deter the use of the spaces by future occupiers.

11. My attention has been drawn to the removal of trees from the site during the planning application process, which it is alleged has had a harmful effect on the landscape character of the area and biodiversity. However, there is nothing before me to suggest the trees were protected or the works to remove them were unauthorised. I have therefore assessed the proposal based on my observations on site and the evidence before me. The appeal submissions indicate that several trees and hedges on the site are to be retained. In addition, subject to a landscaping scheme, which could be secured by a suitable planning condition, the proposal would satisfactorily integrate with the surrounding development. While the removal of the trees would not strictly accord with the expectations of the CDG which encourages the retention of existing trees as part of new development, for the foregoing reasons, their removal is beyond the scope of this appeal.
12. My attention is drawn by the Council to an appeal decision at Land to rear of 14 Trevallyn Road, Launceston² which it is suggested is similar to the appeal proposal in terms of its effects on the character and appearance of the area. Due to the prevailing pattern of the surrounding development in that case, the proposed dwelling to the rear of the existing dwelling had a different effect on the character and appearance of the area to that proposed. Given this difference I have given this little weight, and in any event have considered this appeal on its own merits in light of the evidence before me.
13. For the foregoing reasons, I conclude that the development would not be harmful to the character and appearance of the area. In that regard, it would not conflict with Policy 2 of the Cornwall Local Plan Strategic Policies 2010-2030, adopted November 2016 (CLP) which sets out that proposals should maintain and respect the special character of Cornwall, Policy 12 of the CLP, which seeks development of a high quality design, which, among other things, promotes local distinctiveness and responds to its setting, Policy 23 of the CLP which requires development proposals to sustain local distinctiveness and character, and the provisions of Policy 1 of the CLP which sets out the presumption in favour of sustainable development. It would also accord with the aims of Policy G1 of the Cornwall Climate Emergency Development Plan Document, adopted February 2023 (DPD) in so far as it requires green infrastructure to be central to the design of schemes.

Living conditions of the occupiers of the neighbouring properties and future occupiers

14. The neighbouring property to the north, The Walled Garden, is located close to the side boundary of the site. It has several windows in the side elevation,

² Appeal Ref: APP/D0840/W/16/3154745

which directly face the appeal site. While the ground floor windows are behind the existing boundary wall, there are 2 windows in the flank elevation above the height of the wall, including a high-level window and a relatively narrow, full height window.

15. The proposed dwelling 1, to the front of the site adjacent to the side boundary, would be similar in height to the neighbouring property, The Walled Garden, and of a similar contemporary design. Due to its height, together with the overall bulk and siting of the dwelling, which would be off set from the side elevation of The Walled Garden and set in from the shared boundary between the properties, dwelling 1 would not appear unduly imposing when viewed from the neighbouring property to the north. Nor would it give rise to any tangible effect in terms of overshadowing.
16. Dwelling 1, including its first floor terrace to the rear elevation, would be set back from the rear elevations of both The Walled Garden and Beckenreid. Furthermore, given the separation distance between dwelling 1 and The Walled Garden, which increases towards the rear boundary of the property, and due to the orientation of dwelling 1, despite the extent of glazing to the rear elevation, the proposal would not give rise to any direct overlooking of the adjoining rear garden at The Walled Garden. Nor would it result in any direct overlooking of the rear garden space immediately to the rear of Beckenreid.
17. Despite the view from the roof terrace to the rear elevation of dwelling 1 to the full height first floor window in the side elevation of The Walled Garden being at an oblique angle, the terrace would nonetheless be sited a short distance from the window.
18. Dwelling 2 would be set in the rising slope of the land and would be lower in height than the neighbouring properties. Furthermore, it would include only high-level window openings in the side and rear elevations, and so would not give rise to any overlooking or loss of privacy of the adjoining residential properties, either existing or proposed. However, the first floor terraced area to the rear of the property would be located only a short distance from the shared boundary between dwelling 1 and rear garden of the Walled Garden.
19. The appellants indicate a willingness to incorporate a privacy screen to the north sides of the roof terraces to dwellings 1 and 2, which would prevent any overlooking towards the Walled Garden and its rear garden. Details of such could be secured through a planning condition, and could be sympathetically designed and located, without detriment to the overall appearance of the proposed development.
20. Pedestrian access to dwelling 2, is proposed between the flank elevations of dwelling 1 and Beckenreid. Nevertheless, the number of pedestrian movements associated with a single dwelling would be likely to be modest, and any perceived overlooking of the adjoining properties and their gardens from users of the footpath, as well as pedestrians using the footpath, could be avoided through the use of appropriate boundary treatment. In this regard the proposal would accord with the expectations of the NDG and the aims of the CDG that seek to achieve adequate levels of privacy.

21. Reference has been made to an appeal decision at Land north of 18 Pentire Avenue, Newquay³. However, the proposal differs from the appeal scheme in that the layout of the proposed development in that case was significantly less spacious. In addition, the Inspector identified the considerable overlooking from the existing development as a contributing factor which exacerbated the perception of overlooking felt by users of the pedestrian access, which is not the case in the appeal before me. As such, the development is therefore not directly comparable.
22. Given the number and siting of solar panels on the proposed dwellings, there is no substantive evidence that this aspect of the proposal would give rise to harm to the living conditions of the occupiers of the nearby properties through glare. Furthermore, whilst the proposed dwellings would be seen from the adjoining properties, the outlook from them towards the wider landscape would not be meaningfully affected.
23. Having regard to the scale and nature of the proposed development, including the use of the terrace areas for amenity purposes, it is unlikely that it would result in unusual levels or types of activity, so as to cause detriment to the living conditions of the occupiers of the neighbouring properties through noise and disturbance. In addition, any disturbance during the construction period would be short-term and could be mitigated by a planning condition to secure the implementation of a Construction Environmental Management Plan (CEMP).
24. For the foregoing reasons, I conclude that the proposal would not harm the living conditions of the occupiers of neighbouring properties or future occupiers of the development. Accordingly, it would not conflict with Policy 12 of the CLP which requires development to avoid overlooking and unreasonable loss of privacy, overshadowing and overbearing impacts, and unreasonable noise and disturbance.

Other Matters

25. Concern has been expressed regarding the effect of the proposed development on highway safety. The Council is satisfied that the existing access arrangements to the site from Tavistock Road are suitable to serve the proposal and have not raised an objection to the scheme on highway safety grounds. There is no compelling evidence before me to demonstrate that the increased use of the access, of the scale proposed, would have an adverse impact on highway safety to bring me to a different view. Moreover, there is no substantive evidence that the vehicular access to the site would impede access for emergency services. In any event, were this to be an issue, it could be addressed through other powers available to the local highway authority.
26. The proposed dwellings would benefit from refuse storage facilities within a bin store on land to the front of the site adjacent to the proposed parking area. While refuse may be positioned elsewhere temporarily on bin collection day, it has not been demonstrated that such arrangements would restrict access to the neighbouring properties.
27. The Council is satisfied that the submitted Drainage Strategy includes appropriate measures to ensure that the development would not be at risk of

³ Appeal Ref: APP/D0840/W/17/3179357

flooding or exacerbate any existing flooding elsewhere, subject to the discharge of surface water either into the nearby watercourse or the public sewer, details of which could be agreed by a planning condition. I have not been presented with any clear evidence to the contrary.

28. Given the eclectic mix of the surrounding residential properties, which vary in height, design and appearance, including The Walled Garden, which is of a similar contemporary design to dwellings 1 and 2, the proposal would not be inconsistent with the surrounding built form having regard to design or overall scale.
29. I acknowledge concern expressed by local residents that the proposed dwellings are unlikely to be affordable for local people and may be occupied as second homes or for holiday purposes. However, my attention has not been drawn to any development plan policy that would seek to resist the development on these grounds. Even if planning permission has been granted for other schemes for residential development elsewhere in the area, the proposal would nevertheless accord with the governments aim to significantly boost the supply of housing.
30. There is no clear evidence that the development, including the electric vehicle charging points, and associated electric vehicles, would be at increased risk of fire. Structural issues are dealt with separately and there is no reason to suppose that excavation work to construct the dwellings would necessarily exacerbate existing issues with subsidence nearby.
31. In light of the appellant's ecological submissions, I am satisfied the proposal would not harm or cause risk of harm to protected species using the site, including bats, subject to appropriate avoidance, mitigation and compensation measures, which could be secured by a planning condition.
32. Tamar Terrace and its attached front garden walls, a Grade II listed building described as a terrace of 4 suburban houses, lies close to the site. I am required to have special regard to the desirability of preserving the setting of the listed buildings. With respect to the scale and nature of the development and to its position relative to these, I am satisfied that the setting and significance of the listed buildings would not be adversely affected.

Conditions

33. I have considered the conditions put forward by the Council in light of the requirements of the Planning Practice Guidance and the Framework. Where I agree the conditions are necessary, I have amended the wording, in the interests of precision and clarity, and to comply with advice in the PPG. In addition to the standard timescale condition, I have imposed a condition specifying the relevant plans to provide certainty.
34. Notwithstanding the details shown on the submitted plans, a condition to agree the precise details of the external materials is necessary to safeguard the character and appearance of the area. For the same reason, a condition is necessary to agree details of hard and soft landscaping of the site. The latter is a pre-commencement condition as such works are likely to be integral to the development.
35. To ensure the proposal would accord with Policy SEC1 of the DPD a condition is necessary to ensure the implementation of the energy and water efficiency

measures set out in the Energy and Sustainability Strategy. Given the proximity of the site to neighbouring dwellings a condition to secure a CEMP is necessary, to protect the living conditions of the occupants of the surrounding dwellings during the construction phase, and in the interests of highway safety. It is a pre-commencement condition because any recommendations therein need to be implemented before work on site begins.

36. The application was supported by an Ecological Impact Assessment. It is reasonable and necessary therefore to impose a condition to require that the development is carried out in accordance with measures therein and that appropriate protection is in place to both protect and enhance biodiversity.
37. A condition is necessary to agree the details and secure implementation of a SuDS scheme, to ensure surface water from the proposal is disposed of appropriately and does not exacerbate the risk of flooding elsewhere. This is worded as a pre-commencement condition as surface water drainage is an integral part of the development that may affect how it is constructed.
38. The Council has suggested a condition to remove permitted development rights under Classes A, B, C, D and E of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). The Framework advises that conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. Bearing in mind the limitations of the GPDO in terms of size and position of development permitted, I have not been presented with any compelling evidence that the site circumstances are such to justify the removal of these permitted development rights. As such, I have not imposed this condition.

Conclusion

39. For the reasons given above the appeal should be allowed.

E Worley

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Existing site plan and location plan dwg. no. 1282-1D
Existing and Proposed sections (C-C) dwg. no. 1282-2B
Proposed Site Plan dwg. no. 1282-3G
Proposed Elevations and Plans Building dwg. no. 31282-4D
Proposed South and East Elevations Building 1 and 2 dwg. no. 1282-5D
Proposed West and North Elevations Building 1 and dwg. no. 21282-6D
Proposed Plans Building 1 dwg. no. 1282-7
Proposed Site Plan dwg. no. 1282-8A
Existing and Proposed Sections (A-A) dwg. no. 1282-9

- 3) Notwithstanding the details shown on the submitted plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the dwellings hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and shall be retained as such thereafter.
- 4) No development shall commence until full details of hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include:
 - proposed finished ground levels or contours;
 - means of enclosure;
 - car parking layout;
 - other vehicle and pedestrian access and circulation areas;
 - hard surfacing materials
 - minor artefacts and structures (e.g. refuse or other storage units, signs, lighting etc.);
 - proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines etc. indicating lines, manholes, supports etc.)

The landscaping scheme shall provide planting plans with written specifications including:

- details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of the development;
- full schedule of plants including details of the mix, size, distribution and density of all trees/shrubs/hedge planting; and
- cultivation proposals for the maintenance and management of the soft landscaping.

The details shall include an implementation programme, including phasing of work where relevant. The landscaping works shall be carried out in accordance

with the approved details before any part of the development is first occupied in accordance with the agreed implementation programme. The completed scheme shall be managed and/or maintained in accordance with an approved scheme of management and/or maintenance.

- 5) Prior to the first occupation of each dwelling hereby permitted, the energy and water efficiency measures and renewable energy provision detailed in the approved Energy & Sustainability Strategy by ERS Consultants Ltd. dated 11 June 2024 shall be fully implemented and completed in accordance with the details included on the plans hereby approved. The energy and water efficiency measures and renewable energy provision shall thereafter be retained and maintained as such for the lifetime of the development.
- 6) No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The Statement shall provide for:
- the parking of vehicles of site operatives and visitors;
 - loading and unloading of plant and materials;
 - storage of plant and materials used in constructing the development;
 - the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - wheel washing facilities;
 - measures to control the emission of dust and dirt during construction;
 - a scheme for recycling/disposing of waste resulting from demolition and construction works; and
 - delivery, demolition and construction working hours.
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The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 7) The development hereby permitted shall be carried out in accordance with the ecological mitigation, avoidance and enhancement measures as set out in the Ecological Impact Assessment by Burton Reid Associates dated September 2023. The enhancement measures therein shall be implemented prior to the first occupation of the development and shall be retained thereafter in perpetuity.
- 8) Prior to the commencement of the development hereby approved a scheme for the surface water drainage for the development shall be submitted to and approved in writing by the local planning authority. The scheme shall include a timetable for its implementation. The development shall be carried out, and the drainage maintained and managed, in accordance with the approved details and shall thereafter be retained in perpetuity.
- 9) Prior to the first occupation of dwellings 1 and 2, details of a screen to be erected to the side (north) elevation of the first floor terraces to the rear of the dwellings shall be submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the dwelling and shall thereafter be retained in perpetuity.

*******end of conditions*******