



Appeal Decision

Site visit made on 10 February 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2025

Appeal Ref: APP/D0840/W/24/3353810

21 Sona Merg Close, Heamoor, Penzance, Cornwall, TR18 3QL

- 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 Nicholls against the decision of Cornwall Council.
 - The application Ref is PA24/04964.
 - The development proposed is conversion of annex to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of annex to dwelling at 21 Sona Merg Close, Heamoor, Penzance, Cornwall, TR18 3QL in accordance with the terms of the application, Ref PA24/04964, and the plans submitted with it, subject to the following 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: 2024/00/JN/02; 2024/00/JN/03; Proposed_mixed_2024_00_JN_04.

Preliminary Matters

2. I have adopted the description of development from the application form.
3. On 12 December 2024 the Government published a revised version of the National Planning Policy Framework (NPPF). However, the policies that are relevant to this appeal have not changed and I have not, therefore, sought the parties comments on the revised NPPF.

Main Issue

4. The main issue is whether the proposed development would provide a satisfactory standard of accommodation and living environment for future occupiers.

Reasons

5. The appeal site comprises an existing detached single storey residential annex to 21 Sona Merg Close (No.21). The latter comprises a two storey semi-detached property located on the southern side of the Close. The Close contains a mixture of two storey detached, semi-detached and terraced properties of a traditional design, with a number served by single storey garages.

6. The appeal proposal involves converting the existing annex into a dwelling. The submitted plans show that the dwelling would comprise a bedroom, shower room, kitchen and dining/living area. The plans also show a timber fence running broadly north to south as a dividing boundary between the proposed curtilage to the new dwelling and the retained curtilage for No.21. As I observed on my site visit, even with this dividing boundary, No.21 would retain a large back garden, side access and space for off-street parking at the front. The new dwelling would be provided with a rear garden and an area fronting the Close for off-street parking.
7. Based on the Council's Delegated Report (CDR) and its Statement of Case, it appears their objection relates to three issues, which I deal with in turn. Firstly, the Council contend that the south-west elevation of the proposed dwelling would face onto a potentially 1.8 metre high boundary fence, on the dividing line with the retained curtilage to No.21. The CDR suggests that this elevation to the new dwelling contains all the principal window openings and that this relationship would result in unreasonable overshadowing and overbearing impacts. I do not agree.
8. As I observed on site and as is shown on the submitted plans, the only windows that would face the boundary are to the shower room and kitchen. The window to the shower room is obscure glazed, but both windows would be positioned a good distance from the proposed fence and would thus continue to receive a reasonable amount of sunlight and daylight. Any impact on the outlook from the kitchen window would also be limited. The principal windows, to the bedroom and dining/living room of the new dwelling, face north and south respectively. Both windows would not be affected by the new fencing and as I observed on my visit they would continue to provide a good level of light and outlook to those principal rooms.
9. The Council have also referred to the existing planting on the north east boundary of 20 Sona Merg Close (No.20) contributing to an oppressive layout. I fail to see how this could be the case as this planting is sited on the common boundary and as I observed does not currently affect the light and outlook from the existing rear dining/living window of the annex. Moreover, the new dwelling would retain a good sized rear garden, facing nearly due south. Existing planting, including that on the boundary with No.20, would provide a screen resulting in a private and attractive amenity space for future occupiers. Indeed, there is no evidence before me to suggest that this garden area would not provide a good quality, functional and appropriate standard of amenity space for the new dwelling.
10. Secondly, the Council contend that the proposed internal space of the new dwelling would be substandard particularly when viewed in the context of other concerns. I understand that the new unit would comprise some 36.65 square metres whereas the CDR states that for a 1-bed, 1-person, 1-storey dwelling, Table 1 of the 'Technical housing standards – nationally described space standard' document requires a minimum of 37 square metres. The difference is negligible and there is no evidence to suggest that any harm would arise from this small shortfall. In addition, there is nothing to suggest that the room sizes or the internal layout is in any way deficient or substandard. On the contrary, as I observed in walking around the unit, it would offer a good standard of accommodation, with reasonably sized rooms and a traditional and accessible layout.
11. Thirdly, the Council contend that if permission were granted it could effectively act as a precedent for similar proposals to come forward on other properties in the

Close where they have similar detached garages. The Council refer specifically to No's 18, 19, 20 and 23 Sona Merg Close. However, there is no evidence before me to suggest that similar proposals are likely to come forward on any of these sites. Most appear to simply include a separate garage and not, as in this case, an approved annex. The plot sizes also differ from that for No.21, which I agree with the Appellant has, other than possibly No.23, a unique garden and plot shape due to its location on the bend in the road. I am not convinced, therefore, that any of these sites are comparable.

12. Even so, the accepted principle is that each application should be considered on its individual merits, having regard not only to its local context, but also having regard to prevailing local and national policies. That is the approach I have adopted here and my decision would not impact on the ability of the Council to undertake the same assessment should a similar proposal come forward in the future on another property in the Close.
13. For the above reasons, I am satisfied that the proposed dwelling would provide a reasonable standard of internal accommodation and that proposed occupiers would also be provided with a good standard of external amenity space and circulation space. Neither the proposed boundary dividing fence nor existing planting would compromise the standard of accommodation that would result from the conversion and specifically there would be no harmful overshadowing or overbearing impacts. Accordingly, the appeal proposal would be compliant with policy 12 (2.b.) of the Cornwall Local Plan Strategic Policies 2010–2030 and paragraph 135 of the NPPF.

Planning balance and conclusion

14. The appeal proposal would be located within a sustainable location, make more effective use of land and would respond to the recognised housing crisis within Cornwall. Some of these benefits were recognised in the CDR. Whilst it would only secure one new dwelling it could potentially release No.21 back onto the housing market. The proposal would also provide the option for the Appellant, whom I understand suffers from mobility issues, to downsize into a smaller dwelling on one level. All of these considerations add further support to my findings.
15. In addition, I understand that following the publication of the NPPF the Council have confirmed they can no longer demonstrate a five year supply of housing land supply. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
16. As the proposal would not result in any adverse impacts, the presumption in favour of sustainable development applies and planning permission should be granted.
17. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR