



Appeal Decision

Site visit made on 28 May 2025

by **Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20 June 2025

Appeal Ref: APP/D0840/D/25/3363475

38 St John's Road, Newquay, Cornwall TR7 1JT

- 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 & Mrs Wilkins against the decision of Cornwall Council.
 - The application Ref. is PA24/08890.
 - The development proposed is a rear ground floor infill extension to adjoin neighbouring party wall. New parapet roof to replace flat roof to first floor rear elevation to create roof terrace for new loft room and Juliette (sic) balcony to replace window at first floor. New dormer to adjoin party wall to create loft room with roof lights and roof terrace with associated privacy screening. New ground floor terrace to replace existing terrace with storage underneath. Amendments to window and door openings.
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Decision

1. The appeal is allowed, and planning permission is granted for a rear ground floor infill extension to adjoin neighbouring party wall. New parapet roof to replace flat roof to first floor rear elevation to create roof terrace for new loft room and Juliet balcony to replace window at first floor. New dormer to adjoin party wall to create loft room with roof lights and roof terrace with associated privacy screening. New ground floor terrace to replace existing terrace with storage underneath. Amendments to window and door openings - at 38 St John's Road Newquay TR7 1JT and in accordance with the terms of the application, Ref. PA24/08890 and the plans submitted with it, and 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 the following approved plans: Site/Location Plan 20; Existing 001; Existing 002; Existing 0003; Proposed 011.C; Proposed 012.C; Proposed 013.C;
 - 3) Prior to the first use of the roof terrace hereby permitted, the 1.7m high balcony screening along the south elevation, as shown on approved drawings nos. 012.C and 013.C, received 10 February 2025, shall be fitted with obscure glazing to at least Pilkington level 5 or equivalent and permanently retained in that condition thereafter.

Main Issue

2. The main issue is the effect of the proposed roof terrace, on the character of the area.

Reasons

3. The appeal application in its entirety relates to substantial building works at the terraced property on the eastern side of St Johns Road in Newquay and near the junction with St Mary's Road. However, the single objection raised by the Council relates to the roof terrace on the basis of its effect on the character of the area.
4. The reason for refusal indicates that this harm would be caused when the proposed roof terrace is seen in association with the existing roof terrace on the neighbouring property at 40 St Johns Road. At my visit I was able to inspect the appeal building on the site but also from the high vantage point where the rear lane is accessed by pedestrians from St Mary's Road. This aspect provides a view of the rear elevation in the context of the back of the entire terrace of 21 dwellings (Nos. 2-42).
5. From these observations I am satisfied that the character of the rear of the terrace is formed in large part by many of the dwellings having had extensions and alterations including rear dormers. The majority, if not all, of these extensions have flat roofs and this is the case for the dormer windows above the original eaves line and for the larger extensions below the eaves that project well beyond the original rear wall of the dwellings.
6. A roof terrace is no more than the enclosure of all or part of a flat roof with a boundary structure to allow the residents to safely use the outdoor area for leisure and amenity purposes. As indicated above, flat roofs are already characteristic of the locality and there is an approved roof terrace at No. 40. The wording of the Notice of Refusal suggests that it is the combination of the appeal scheme with that terrace which would cause harm to the character of the area.
7. However, having had regard to all that I have seen and read in connection with the appeal, I agree with the Officer's Report that *'the proposed roof terrace and flat roofed rear dormer, owing to their position, would not result in prominent or incongruous features to the detriment of the character of the area. Instead, these would improve accommodation onsite and enhance outdoor amenity space without causing adverse effects in design terms.'* In effect I am of the opinion that the roof terrace would not be out of keeping with the host building and its surroundings. Nor do I consider that its presence at the property would normally draw the eye from observers in the public realm and be perceived negatively to the extent that its presence had an unacceptable impact on the character of No. 38; the terrace as a whole, or the surrounding area.
8. Accordingly, on the main issue I find that there would be no harmful conflict with Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted November 2016 ('the Local Plan'); Policy D1 of the Newquay Neighbourhood Plan 2019-2030 ('the Neighbourhood Plan'), or with Government policy in paragraph 135 of the National Planning Policy Framework, revised December 2024.

Other Matters

9. I have noted the objections to the proposal from Newquay Town Council and neighbours, essentially relating to the use of the property for holiday visitors and consequential noise and disturbance. Whilst ostensibly an issue of living conditions I acknowledge that such a use could be regarded as having an adverse effect on the 'character' of the area compared to use by permanent residential occupiers,

and thereby conflict with Policy 12.2c of the Local Plan and the last section of Policy H1 of the Neighbourhood Plan.

10. These concerns are addressed in paragraph 39 of the Committee Report and given the appeal has been submitted as being against a refusal of a householder application for a Class C3 use, it is not within my remit in this appeal to deal with the application on a different basis. It is for the Council to investigate any allegations of a change of use and proceed further if justified. And as paragraph 38 of the report explains, different legislation separate from the Planning Acts exists to address any incidents or pattern of excessive noise and/or anti-social behaviour.

Conclusion and Conditions

11. For the reasons explained above, I shall allow the appeal. A condition requiring the development to be carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition requiring privacy screening along the southern elevation of the roof terrace will safeguard the living conditions for the occupiers of the adjoining No. 40.

Martin Andrews

INSPECTOR