



Appeal Decision

Site visit made on 19 August 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2025

Appeal Ref: APP/D0840/W/25/3361328

1 King Edward Crescent, Newquay, Cornwall TR7 1HJ

- 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 Haddrell against the decision of Cornwall Council.
- The application Ref is PA23/03400.
- The development proposed is a townhouse.

Decision

1. The appeal is allowed and planning permission is granted for a townhouse at 1 King Edward Crescent, Newquay, Cornwall TR7 1HJ in accordance with the terms of the application, Ref PA23/03400, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a) The effect of the development on the living conditions of the occupants of Atlantic Lodge, with particular regard to outdoor amenity; and,
 - b) The effect of the development on the availability of car-parking and storage.

Reasons

Living conditions

3. Atlantic Lodge is a substantial two-storey property that is divided into flats. It occupies a corner plot, and has an open garden area to the south and west of the building where residents can relax outdoors. There is also a courtyard area to the northeast of the building, which provides a private outdoor space for the occupants of the ground floor flat in this corner. This space is largely enclosed by high boundary walls to the north and east, and by the Atlantic Lodge building itself to the south and west. It does, however, have some outlook to the south, around the corner of the building and over part of the appeal site. It is a level area that accommodates seating, planters, and some outside storage. Whilst it is overlooked by the first-floor windows of other flats, it nevertheless provides a valuable outdoor space for the ground floor occupants.
4. Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) and Policy G1 of the Climate Emergency Development Plan Document (the DPD) recognise the importance of outdoor amenity space. In combination, they require proposals to provide high quality private spaces that are well-proportioned and well-orientated, and to provide cohesive and useable spaces, suited to a range of activities. Similar advice is provided by the Cornwall Design Guide 2021 and the

Council's Chief Planning Officer Advice Note: Good Design in Cornwall. Policy H2 of the Newquay Neighbourhood Plan 2019-2030 (the Neighbourhood Plan) seeks to avoid proposals adversely affecting the amenity of adjoining occupants.

5. The proposed townhouse would be to the southwest, and would inevitably result in some loss of views out of the courtyard garden. However, the appeal site is lower, such that the proposed ground floor accommodation would be below the level of the garden. Furthermore, the eaves level of the parts of the roof nearest to the garden would be lower than those for the main part of the building. As a result, the effective height of the building nearest to the garden would be less than two-storeys, with roofs sloping away. Consequently, occupants of the garden would have an outlook to open sky above the building at a relatively low angle, so it would not be an overly oppressive presence.
6. The proposed building would result in some loss of direct sunlight to the courtyard garden in the early part of the morning, but the reduced level of the nearest roofs would ensure that reasonable levels of skylight would be retained. Sunlight would still reach the garden for part of the morning between the proposed house and Atlantic Lodge. This gap would also allow views out of the garden to the south. Overall, therefore, although there would be some loss of outlook and light, the garden would still provide occupants of the flat with a relatively spacious, private outdoor space that would be suitable to accommodate a range of activities. Consequently, the proposal would accord with the aims of Policy 12 of the Local Plan, Policy G1 of the DPD, and Policy H2 of the Neighbourhood Plan.

Car-parking and storage

7. The appeal site lies adjacent to Atlantic Lodge, but is physically divided from it, and it has a separate access off King Edward Crescent. It is hard-surfaced, and accommodates a single storey utilitarian building. The evidence indicates that it has historically been used for the parking of vehicles and for storage by occupants of Atlantic Lodge. However, I have not been provided with evidence to indicate that there are any planning conditions or obligations that require these uses to be retained in perpetuity. There is, therefore, no certainty that these facilities will remain available on the site in the future. Indeed, it appears from the appellant's evidence that they will be discontinued¹.
8. The proposal to construct a townhouse on the site would supersede the current use of the site. The submitted drawings show the provision of three new car-parking spaces to serve Atlantic Lodge, but these lie outside the appeal site, and the evidence indicates that planning permission for this proposal was refused. Consequently, the proposal does not involve the provision of any replacement parking or storage facilities for the flats at Atlantic Lodge.
9. The appeal site lies in a highly accessible location, with services and facilities within walking distance, and easy access to bus and rail services. Occupants of Atlantic Lodge are not, therefore, dependent on ownership of a private car to access their daily needs. Paragraph 9.14 of the DPD (which supports Policy T2) says that developments with no car parking are encouraged where they are carefully planned and in appropriate locations with a range of services and infrastructure to enable a car-free lifestyle. There is no evidence to indicate that this would not apply to occupants of Atlantic Lodge.

¹ Statement of Case paragraph 4.7

10. I am mindful that Policy H4 of the Neighbourhood Plan seeks to avoid additional parking strain by supporting proposals that provide a minimum of one or two parking spaces per new dwelling (dependent on the number of bedrooms). However, the Neighbourhood Plan predates the DPD and, in any event, only relates to the level of parking provision in proposals for new development. The proposal would meet these requirements, and my attention has not been drawn to any development plan policies that seek to protect private car-parking facilities in accessible locations.
11. The loss of the existing car-parking spaces could, in the short term, result in some additional pressure for on-street parking in the locality. However, I note that the Highway Authority did not object to the proposal, as it considered that any overspill parking could be managed via existing parking restrictions and the availability of alternative on and off-street parking. Furthermore, in the longer term, the lack of on-site parking for the flats would be likely to encourage a modal shift away from private car use, which would accord with the aspirations of Policies C1, T1 and T2 of the DPD. Consequently, there is no basis in development plan policy, to require the provision of replacement car-parking facilities as part of the proposal for a new dwelling on previously developed land in this highly accessible location.
12. I was unable to ascertain how the building on the site was being used, but it is suitable for domestic storage purposes. I saw, however, that refuse bins were stored in other locations within the Atlantic Lodge curtilage, so the loss of the building would not affect the waste storage arrangements for the site. Should residents require replacement storage facilities, there is ample space within the remaining curtilage for a building of similar dimensions to be provided without significantly reducing the amount of outdoor amenity space. Consequently, any domestic storage space that would be lost as a result of the proposal could readily be replaced.
13. To conclude on this issue, the proposal would result in a loss of off-street parking, but this would not result in harmful highway conditions in this accessible location. Any loss of domestic storage could be readily replaced within the remaining curtilage. Consequently, the development would accord with Policies 13 and 16 of the Local Plan, Policies C1, T1, and T2 of the DPD, and Policy H4 of the Neighbourhood Plan.

Other Matters

14. Concerns have been raised regarding the impact of the proposed building on the character and appearance of the area, and on the residential amenity enjoyed by occupants of surrounding residential properties. However, the building would be lower than those to either side, so would assimilate comfortably into its surroundings, which contain a range of architectural styles. A Daylight Assessment was prepared, which demonstrated that the windows in the side elevation of Atlantic Lodge would still receive adequate light. Due to the distance between buildings, and the lower level of the proposed building, there would not be a harmful impact on privacy, outlook, or light for the occupants of Harvest Moon.
15. The site lies in close proximity to the Penhale Dunes Special Area of Conservation (the SAC). The Cornwall Council European Sites Mitigation Supplementary Planning Document (July 2021) (the SPD) explains the importance of the SAC and its qualifying features. It identifies that recreational activity, resulting from

additional residential development nearby, has the potential to disturb the habitat, resulting in a likely significant effect on its qualifying features. The SPD provides a strategic scheme, and sets out a series of measures, to mitigate the effect of this increased recreational pressure. For small developments, this involves securing a financial contribution to the strategic mitigation plan through each application.

16. The evidence indicates that the necessary payment has already been made, so the mitigation requirements set out in the SPD have been secured. Natural England has been consulted and confirmed it is unlikely to have further comment in relation to recreational disturbance. In these circumstances, I am satisfied that the proposal, either alone or in combination with other schemes, would have no adverse effect on the integrity of the SAC. Consequently, when undertaking an appropriate assessment, I am satisfied that the scheme would accord with the requirements of the Conservation of Habitats and Species Regulations 2017.

Conditions

17. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has submitted a list of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.
18. The proposed external materials are not detailed on the drawings, so a condition is necessary to ensure that the development is sympathetic to its surroundings. The three windows proposed in the west elevation would look towards the existing windows in the side elevation of Atlantic Lodge, so a condition requiring them to be obscure glazed is necessary to retain the privacy of occupants of both buildings.
19. The Council has suggested a condition removing permitted development rights for a range of householder developments. However, I have not been provided with any justification for such restrictions, or evidence of why the limitations imposed by the legislation on the exercise of these permitted development rights would not be sufficient to avoid any significant harm. The PPG advises that blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity². For these reasons, I have found the proposed condition would fail the tests, so I have not imposed it.
20. The Council has also suggested a condition preventing occupation of the house until road markings on the highway have been provided. However, as the provision of markings on the highway would not be in the control of the appellant, such a condition would not meet the test of reasonableness.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

² Paragraph: 017 Reference ID: 21a-017-20190723

Schedule of 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 nos: L-01 – Location Plan; PL-01 Rev E – Proposed Site/Block Plans and Elevations.
- 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the townhouse 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 / samples.
- 4) The townhouse hereby permitted shall not be occupied until the three windows shown on the approved plans in the west elevation have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the local planning authority before the window is installed, and once installed the obscured glazing shall be retained thereafter.