
Appeal Decision

Site visit made on 21 October 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 November 2025

Appeal Ref: APP/D0840/W/25/3366928

Land Adj to 48 Eliot Road, St Austell PL25 4NN

- 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 Rhino Construction Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/02590.
 - The development proposed is construction of dwelling house and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for construction of dwelling house and associated works at Land Adj to 48 Eliot Road, St. Austell PL25 4NN in accordance with the terms of the application, Ref PA24/02590, 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 nos 2637/001 – Location Plans; 2637/002 – Topographical Survey; 2637/003 - Proposed Plans & Elevations; 2637/004 - Sections & Opening Schedules.
 - 3) The dwelling house hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of foul and surface water drainage has been completed in accordance with details that have first been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system if required. The system shall thereafter be permanently retained and maintained in accordance with the approved details.

Main Issues

2. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) Whether the development would provide suitable living conditions for future occupants with regards to access, noise, light, privacy, and disturbance.

Reasons

3. The appeal site is an unused piece of land between two pairs of semi-detached houses. It lies in a residential area, within walking distance of a range of facilities and services. It is not disputed that the proposal accords with the spatial strategy

of the development plan, and the site is a sustainable location for a new dwelling. Furthermore, it is common ground that the scale and design of the proposed house would respect the character of the surrounding area. The only matter at issue is the potential presence of a car-parking space that would impinge on the frontage of the site. This parking space (the Third-Party Space) would serve another proposed dwelling, a short distance to the east, which was recently permitted on appeal¹.

Character and appearance

4. The context of the site is a cul de sac of dwellings, with two-storey houses on the northern side, and a terrace of bungalows opposite. They are all set back from the road behind front gardens enclosed by low walls that are intermittently punctuated by openings that allow frontage parking. To the east is a courtyard of Cornish unit style houses on either side of a large area of open car-parking. Consequently, the immediate locality has a mixed character, with little local distinctiveness, and where parked cars are prevalent in the street scene.
5. The submitted drawings show two off-street car-parking spaces on the frontage of the site to serve the proposed house. In combination with the Third-Party Space, there would therefore be three spaces across the entire width of the plot, with little scope for any landscaping. My attention has been drawn to guidance in the Cornwall Design Guide (2021), which advises that on-plot car-parking should be integrated into the design and not reduce garden space available to residents or dominate the front elevation of the dwelling. In this case, future residents would have ample rear garden space, so would not be reliant on the space at the front.
6. Whilst the cars parked on the frontage would be clearly visible, they would be viewed in the context of the frontage parking at 46 Eliot Road, the row of parked cars in the courtyard beyond, and the hard surfaced frontages of the bungalows opposite. In this setting, the parking area would not be overly dominant. The drawings do not show any physical subdivision between the appeal site and the Third-Party Space, so, although it would be an unusual arrangement, it would not be visually evident as such in the street scene.
7. Overall, therefore, the proposed development, in combination with the Third-Party Space on the frontage, would not be harmful to the character and appearance of the area. The proposal would, therefore, accord with Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), which seeks to ensure that development respects and enhances places through high quality safe, sustainable, and inclusive design.

Living conditions

8. The Third-Party Space would be located on the eastern side of the frontage and would not, in itself, impede access to the front door of the proposed house. If cars were parked in the two spaces shown within the appeal site, however, there would be limited access space between them. Nevertheless, I have not been provided with any evidence to demonstrate that two parking spaces would be necessary to serve a new dwelling in such an accessible location, and the Council has not suggested that I impose a condition requiring their provision and retention. The number of cars parked on the frontage would, therefore, be within the control of

¹ Appeal Ref: APP/D0840/W/25/3366929

future occupants. Suitable access to the front door could be achieved for all with only one parked car, and there is no evidence to indicate that any overspill car-parking could not be safely accommodated on the road within this quiet cul de sac. Consequently, the proposal would not result in unsuitable living conditions with regard to access.

9. There would be no ground floor windows in the front of the house on the eastern side, so the light from a car driven into the Third-Party Space would not intrude into the dwelling. There would be some noise associated with a car manoeuvring onto and off the space, including the engine starting, car doors being closed, and voices. However, these would be of short duration, and to be expected in a residential environment. Although the arrangement is somewhat unorthodox, the impact on the living conditions of the occupants of the proposed house, with regard to noise and light, would be little different to many scenarios in an urban environment where the driveway of one house is close to the boundary with another.
10. Users of the Third-Party Space would be getting into, or out of a vehicle, in close proximity to the front elevation of the proposed house. However, the only ground floor window in the front elevation would be on the opposite side, so the line of sight into it, from the parking space, would be at an acute angle. Consequently, views into the room would be very limited, and no more intrusive than from people walking past on the pavement directly in front. Occupants of the proposed dwelling would, therefore, have suitably private living conditions in their main habitable accommodation.
11. For the above reasons, I conclude that the proposed house would provide future occupants with suitable living conditions. The development would, therefore, comply with Policy 12 of the Local Plan, which seeks to ensure that proposals protect individuals and property from overlooking and unreasonable loss of privacy, and unreasonable noise and disturbance.

Conditions

12. 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 suggested three conditions to cover other matters, which I have considered against the advice in the Planning Practice Guidance (the PPG).
13. A condition requiring the provision of suitable foul and surface water drainage arrangements is reasonable and necessary in the interests of flood and pollution control. I have altered the suggested condition, in the interests of clarity and precision, to better reflect the guidance.
14. The proposed external materials for the house are specified on the drawings, and are appropriate for the surroundings, so a condition requiring the submission of further details would fail the test of necessity.
15. The Council has suggested a condition removing householder permitted development rights for the appeal site. The PPG advises that blanket removal of freedoms to carry out small scale domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of

reasonableness and necessity². I have been provided with little justification as to why such restrictions would be necessary in this case. Furthermore, there is no evidence as to why the limitations imposed by the legislation on the exercise of these permitted development rights would be insufficient to avoid any significant harm to the character of the area and the amenity of neighbouring properties. For these reasons, I have found the proposed condition would fail the tests, so I have not imposed it.

Conclusion

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

Nick Davies

INSPECTOR

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