
Appeal Decision

Site visit made on 21 October 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 November 2025

Appeal Ref: APP/D0840/W/25/3362746

Cooper Signs, The Parade, Malpas Road, Truro, Cornwall TR1 1UJ

- 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 Dan Anson, Cornwall Living Property Ltd against the decision of Cornwall Council.
 - The application Ref is PA24/05886.
 - The development proposed is change of use and associated internal works.
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Decision

1. The appeal is allowed and planning permission is granted for change of use and associated internal works at Cooper Signs, The Parade, Malpas Road, Truro, Cornwall TR1 1UJ in accordance with the terms of the application, Ref PA24/05886, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Cornwall Living Property Ltd against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No.6 the Parade, with particular regard to overlooking and privacy.

Reasons

4. The appeal building is a two-storey industrial building located to the rear of a terrace of residential dwellings at The Parade. In order to facilitate the proposed change of use, amongst other things, additional new window openings are proposed to the southeast elevation, as well as other fenestration amendments.
5. The Council's reason for refusal (RfR) primarily relates to the proposed new first floor window to the southeast elevation. However, whilst not articulated in the RfR, the Council's appeal statement also raises concerns that there would remain a perception of overlooking from windows on the southwest elevation.
6. The rear of the properties at The Parade directly opposite the appeal site feature a single storey projecting element, with separation distances of windows and doors to the appeal building stated by the Council to be less than 4m. First floor separation distances are stated to be some 10.5m.
7. It is proposed that windows closest the neighbouring properties along the Parade, namely those on the southwest elevation, would be obscure glazed and non-

opening up to a height of 1.6m. Given that the neighbouring properties are at a slightly lower level than the appeal property, obscure glazing up to a height of 1.6m would be sufficient to prevent direct overlooking to ground floor windows. Moreover, given the potential existing use of the property and existing obscure glazed windows, any additional 'perceived' overlooking from future occupants would not be significant.

8. In terms of the proposed first floor window on the southeast elevation serving a living area, this window would directly overlook a neighbouring parking area, a garden area associated with No.6 The Parade, and at greater distance, the rear of properties along The Parade.
9. Due to separation distance and oblique viewing angles this window would not result in significant overlooking of neighbouring windows at The Parade. However, it would result in some direct overlooking of parts of the neighbouring garden, which I observed currently benefits from some privacy.
10. The parties have suggested that this window could be obscure glazed. The appellant's suggestion of obscure glazing to 1.6m above floor level, combined with an oblique overlooking angle, would sufficiently prevent line of sight and significant downward overlooking into the area of garden closest to the appeal building which currently benefits from a level of privacy.
11. The ground floor southeast elevation window serving a living area would directly overlook the neighbouring parking area. Nevertheless, this parking area is open and clearly observed from people using the adjacent road. Therefore, the proposal would not result in a significant harmful increase in overlooking of this area, or indeed ground floor windows along The Parade.
12. Finally, proposed bathroom windows on the southeast elevation which would directly overlook the neighbouring garden area are also proposed to be obscure glazed and restricted opening. This would be sufficient to prevent any overlooking. Obscure glazing can be secured through the use of a planning condition. As such, the effect on privacy would not be significant or unreasonable.
13. To conclude, the proposal would not result in harm to the living conditions of occupiers of No.6 the Parade, with particular regard to overlooking and privacy. It would therefore comply with Policy 12(2) of the Cornwall Local Plan Strategic Policies 2010-2030 which amongst other things, requires development to protect individuals from overlooking and unreasonable loss of privacy.

Other Matters

14. Obscure glazing of the first floor window to the southeast elevation would result in both windows serving the living area of this particular apartment being obscure glazed in part. Nevertheless, given the room is served by two large windows with upper parts being clear, sufficient light would be achievable in the rooms, with some outlook being afforded through the upper part of the windows. As such, the proposal would provide sufficient living conditions for future occupants in terms of outlook and light.
15. The adjacent 'The Parade' are a Grade II listed terrace of properties. The appeal building is also within the Truro Conservation Area (CA). The significance of The Parade derives in part from their historic and architectural values as examples of

period buildings. The immediately surrounding area provides a setting which allows an appreciation of The Parade's values, thereby positively contributing to its significance.

16. Despite featuring aluminium framed windows, and the existence of a sandstone wall, the appeal building as a whole is of a basic form. The proposal would involve minor changes in external appearance, which whilst including the replacement of the windows with upvc frames, would not significantly alter its appearance, or have any material effect to the setting of The Parade. As such, the proposal would, in so far as it relates to this appeal, have a neutral effect on the significance of The Parade.
17. The significance of this part of the CA is derived from historic built form and the pattern of development illustrating the expansion of Truro from the Middle Ages¹. Due to its basic form and age, the appeal building makes no positive contribution to the significance of the CA. Given the retention of the building and the modest changes proposed, the proposal, in so far as it relates to this appeal, would have a neutral effect on the significance of the CA.
18. Various other matters in addition to the main issue above have been raised by interested parties. Although a concern is raised in relation to 'stink pipes', the appellant has clarified that these are fan extract grills. Given their modest size, purpose and location, these would not harmfully impact neighbouring occupiers living conditions.
19. Whilst I am told the appeal building has been used for business purposes for decades and a local artist has an interest in purchasing the building, evidence before me indicates that the property has unsuccessfully been marketed for 13 months from March 2023 to April 2024. I have no substantive evidence that this marketing was inappropriate or flawed in any respect. The Council have accepted that there is no demonstrable overriding concern in respect of loss of the site as a business/ employment site, and I see no reason to disagree.
20. The proposed apartments all meet national described space standards, provide waste storage areas, potential cycle parking, modest shared outdoor space and would afford intended occupants satisfactory living conditions. Although only two vehicle parking spaces are provided, the proposal is in a location with high levels of accessibility to services and facilities within Truro and a range of transport options. Given the above, I do not find that the proposal would result in overdevelopment of the appeal site.
21. I have no substantive evidence that any required statutory consultation has not been carried out. Moreover, the appellant states that community engagement was carried out, with a meeting held with the Parade Resident's Association on the 19th July 2024.
22. Although it is inevitable that some disruption will occur during the implementation of the planning permission, this would be short term. Whilst the appeal building is in reasonably close proximity to neighbouring dwellings, I see no reason why, given the relatively small scale of the proposal and scope of works, this cannot be implemented without undue disruption to neighbouring occupiers.

¹ Identified within the Truro Conservation Area Appraisal (2010) and Conservation Area Management Plan (2010)

23. The appeal site is within the zone of influence of the Penhale Dunes and Fal and Helford Special Area of Conservation (SACs). The Cornwall Council European Sites Mitigation - Supplementary Planning Document – July 2021 (SPD) explains that the Penhale Dunes SAC is important and has qualifying features because of the specified range of rare plant species amongst the shifting sand dunes. The Fal and Helford SAC qualifying features include saltmarsh, intertidal mudflats, subtidal sandbanks, large shallow inlets and bays, estuaries and reefs.
24. Recreational activity within these areas has the potential to disturb the habitats. The SPD concludes that additional residential development within the identified zones of influence, in combination with other residential development, would likely increase recreational visits and, thereby, increase disturbance to the habitats. There is, therefore, an impact pathway between additional residential development in the zone of influences and a resulting likely significant effect on the qualifying features of the SACs.
25. As recreational pressure would compromise the sites conservation objectives as detailed in the SPD, an adverse effect on integrity cannot be ruled out. In this case, without mitigation the additional residents who would occupy the proposal would be, in combination with other schemes, likely to adversely affect the SACs by way of increased recreational disturbance.
26. A strategic mitigation scheme is available, and the SPD sets out a series of measures, which include a Strategic Access Management and Monitoring plan, to mitigate the effect of increased recreational pressure resulting from additional residential development within the zones of influence. Natural England have been consulted as part of the appeal process and have not objected to the proposal subject to securing a financial contribution. In this case, the appropriate financial contribution has been demonstrated to have been paid to the Council.
27. On this basis, in carrying out the Appropriate Assessment, the adverse effects of the proposal on the integrity of the SACs would be avoided. For these reasons, the proposal would not harm the integrity of the SACs.

Conditions

28. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance. In addition to the standard time condition, it is necessary for a condition to confirm the approved plans in the interests of certainty.
29. In the interests of the character and appearance of the area, conditions are necessary requiring full details and the implementation of hard and soft landscaping, and waste and recycling storage prior to occupation. A further condition is necessary to ensure cycle parking is provided in order to promote sustainable modes of travel.
30. Conditions are also required to ensure bat boxes and bee bricks are installed prior to occupation, and the development is carried out in accordance with recommendations of the submitted Bat, Barn Owl and Nesting Bird Survey in order to ensure impacts to protected species are avoided and the interests of ecology.

31. A condition is necessary to ensure windows to the southwest elevation, and new bathroom windows and first floor living area window on the southeast elevation shall be obscure glazed to an appropriate level of obscurity, and restricted opening. However, whilst the Council have suggested an amended condition in relation to proposed obscure glazing to the ground floor living area window on the southeast elevation, I have found that this window would not result in significant harmful overlooking. Furthermore, I have found that restricted opening and obscure glazing to a height of 1.6m would be sufficient.
32. Finally, the Council have suggested a condition preventing any new openings being constructed on the southeast and southwest elevations. However, given the proposal relates to residential apartments, the express grant of planning permission would in any case be required for such openings. Therefore, such a condition is not necessary or reasonable.

Conclusion

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

S Harrington

INSPECTOR

Schedule

Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with drawing nos: 2169/101; 2169/102Rev A; 2169/103Rev A; SMT 2169/205Rev A; SMT 2169/206; SMT 2169/207; SMT 2169/208.
- 3) The development hereby permitted shall not be occupied until full details of hard and soft landscaping have been submitted to and approved in writing by the local planning authority.

All planting/seeding/turfing shall be carried out in the first planting season following the occupation or completion of the development, whichever is the sooner. All hard landscaping shall be completed prior to the first occupation of the development.

- 4) The development hereby permitted shall not be occupied until dedicated, secure cycle parking has been provided, in accordance with details which have first been submitted to and approved in writing by the local planning authority. The cycle parking shall thereafter be retained and maintained as such.
- 5) The development hereby permitted shall not be occupied until waste and recycling storage has been provided, in accordance with details which have first been submitted to and approved in writing by the local planning authority. The waste and recycling storage shall thereafter be retained and maintained as such.
- 6) The development hereby permitted shall not be occupied until a scheme for the incorporation of bat boxes and bird boxes and bee bricks at a minimum rate of one measure per apartment has been submitted to and approved in writing by the local planning authority. Such details shall include the location and specific details of each feature. The approved features shall be installed prior to the occupation of the apartments to which they relate and shall thereafter be retained and maintained as such.
- 7) Obscure glazing shall be provided as indicated on approved plan reference SMT 2169/208 and where indicated, the obscure glass shall extend to 1.6 metres from internal floor level.

In addition, the first floor living area window opening on the southeast elevation shall also be obscure glazed and the obscure glass shall extend to 1.6 metres from internal floor level.

Obscure glazing shall be provided to level 3 or higher on the Pilkington scale of privacy or equivalent, and fixed shut prior to the first occupation of any apartment which they serve and shall be retained as such thereafter.

- 8) The development shall proceed in accordance with the recommendations outlined within section 5 of the submitted Bat, Barn Owl and Nesting Bird Survey, prepared by Wheal Grey Ecology Ltd and dated June 2024.

End of Conditions