



Appeal Decision

Site visit made on 25 July 2013

by Simon Miles BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 August 2013

Appeal Ref: APP/D0840/A/13/2190721

6 Dennis Road, Padstow, Cornwall PL28 8DD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr S Jones against the decision of Cornwall Council.
 - The application Ref PA12/06768, dated 16 July 2012, was refused by notice dated 30 October 2012.
 - The development proposed is demolition of garage, reconfiguration of site access and construction of dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are the effects of the proposed development on, firstly, the character and appearance of the area and, secondly, the living conditions at the proposed and existing neighbouring properties.

Reasons

3. The appeal relates to 6 Dennis Road, one of a pair of semi-detached dwellings occupying an elevated position set well back in deep plots with sizeable front gardens. This appeal follows an unsuccessful appeal in 2009 for a similar form of development, although the detailed design and layout of this latest proposal are different. The Council has also granted planning permission for the erection of a new dwelling to the front of the adjoining semi-detached property at No 4. Although I have had regard to this as a material consideration, I note that the developable area of the adjoining site provides for a significantly wider plot. In short, much depends on the detailed circumstances and each proposal must be assessed on its merits.
 4. Although the wider locality includes both period and modern buildings, reflecting successive periods of development and renewal, the immediate surroundings of this site are characterised by traditional buildings drawing on a limited palette of traditional materials. This provides a pleasing sense of cohesion within this section of the street scene, even though the form, siting and layout of the individual buildings vary.
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5. This need not necessarily preclude a contemporary design approach, particularly as the National Planning Policy Framework makes it clear that unsubstantiated requirements to conform to certain development forms or styles should not be allowed to stifle innovation, originality or initiative. It is, however, proper to seek to promote or reinforce local distinctiveness. Planning policies and decisions should aim to ensure that developments respond to local character and history, and reflect local surroundings and materials, while not preventing or discouraging appropriate innovation.
6. In this case, there is much to commend the design of the proposed dwelling. The use of local stone cladding and slate tile hanging provide appropriate references to local building materials, whilst the contemporary flat-roofed design allows the building to be set down into the slope in a manner that serves to minimise the height and bulk of the main two storey element. In this important respect, the proposal improves upon the previous scheme. However, the proposed upper floor pod, by reason of its height and starkly contrasting composite cladding, would appear as a most discordant feature in views from the road and various nearby properties. Although intended as a lightweight structure occupying a smaller area than the lower storeys, I agree with the Council that this element would be inappropriate and overly prominent in the context of this small site and the traditional character of its surroundings.
7. Whilst the design as a whole is not without merit, the obtrusive effect of the upper floor pod is sufficient to lead me to conclude, on the first issue, that the proposed development would cause significant harm to the character and appearance of the area. It follows that saved Policy DVS1 of the adopted North Cornwall District Council Local Plan 1999 (LP) and the adopted North Cornwall District Council Design Guide are not satisfied in terms of the need to ensure that development respects the character and appearance of the immediate surroundings and the wider environment. The Direction by which structure plan policies were saved was revoked with effect from 20 May 2013. Although out-of-date, LP Policy DVS1 is not inconsistent with the general approach set out in the National Planning Policy Framework. In particular, whilst seeking to increase the supply of housing, the Framework attaches great importance to the design of the built environment.
8. Turning to the second issue, the confines of the site limit the scope for outdoor amenity space at the proposed dwelling. A small rear courtyard garden would be provided. However, this would be overlooked from the upper floor windows of the existing dwellings at 4 and 6 Dennis Road. Given this relationship, and the minimal separation, the small courtyard garden would not be of high quality. Some other small amenity areas are provided, including a balcony. However, these lack privacy, being towards the front of the site, and are not of sufficient quality to alleviate the deficiency in the provision of private garden amenity space, particularly as the proposed dwelling is suitable for family occupation.
9. I note that this proposal, whilst no longer employing an access tunnel, retains the arrangement whereby parking for the existing dwelling at No 4 is provided in the form of a car port integral to the proposed dwelling. Whilst such an arrangement might be common in flatted developments, it would be unusual and far from ideal in a scheme for a new detached dwelling. In addition, and of necessity given the constraints of this small site, the driveway to No 4 passes directly in front of the proposed dwelling. It is therefore still the case that much of the living

- accommodation would give onto parking, turning areas and driveways at close quarters. This was a concern in the previous appeal and remains a problem in this case. This reinforces my impression of a cramped and contrived layout that would fail to provide appropriate standards of privacy and amenity for potential occupiers.
10. As regards the relationship with existing neighbouring properties, I have particularly noted the close proximity of 10 Dennis Road and to a lesser extent 12 Dennis Road. The design of the upper floor pod includes obscure glazing, which would be sufficient to prevent direct overlooking of the adjacent properties. On the first (or 'upper ground') floor there would be a balcony enclosed by a low-level balustrade. However, notwithstanding the close proximity of No 10, the arrangement of windows and gardens is such that significant direct overlooking would not arise. In other respects, including the potential for noise and disturbance and the relationship with other nearby properties, I consider that the effects of the development would be within acceptable limits, bearing in mind the urban character of the local environment, whereby few properties enjoy complete freedom from intrusion.
 11. To conclude on the second issue, although I find that no significant harm would be caused to the living conditions at existing neighbouring properties, the proposed development, given the deficiencies I have identified above, would not provide acceptable living conditions at the proposed dwelling. It follows that the proposal is contrary to saved LP Policies DVS3 and DVS4 insofar as these seek to ensure appropriate standards of privacy and private outdoor amenity space whilst not permitting development that would be adversely affected by existing development. These policies are not inconsistent with the National Planning Policy Framework to the extent that this is concerned to deliver high quality residential environments.
 12. Overall, the appeal is not without merit. However, notwithstanding the lack of significant harm in certain respects, the harm that would be caused to the character and appearance of the area and the living conditions at the proposed dwelling is significant and over-riding. The balance in this case therefore weighs against approval and the appeal is dismissed.

Simon Miles

INSPECTOR