

Appeal Decision

Site visit made on 22 September 2016

by G Powys Jones MSc FRTPI

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

Decision date: 29 September 2016

Appeal Ref: APP/D0840/D/16/3151889

Rosedor, Cliff Road, Mousehole, Penzance, Cornwall, TR19 6PX

- 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 Brian Martin against the decision of Cornwall Council.
 - The application Ref PA15/09003, dated 25 September 2015, was refused by notice dated 24 March 2016.
 - The development proposed is described as a less-abled accessible proposed single storey one bedroomed annex.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The appeal proposal is comprised of an annex intended for occupation for those with limited mobility. Although sited very close to the main dwelling, the annex would be detached and physically independent. The representations indicate that the annex would be occupied by the appellant and his wife, an elderly couple, and the main house would be taken over by their son, with the intention that he would arrange and provide care for his parents as they grow older.
3. The appeal property is located within the Cornwall Area of Outstanding Natural Beauty (AONB).

Main issues

4. The main issue is the effect of the proposed development on the character and appearance of its surroundings.

Reasons

5. The appeal property, a detached dwelling, is set on steeply rising land between Cliff Road and Cliff Lane to the rear. It is one of several similarly sited detached dwellings of various designs along this part of Cliff Road, also referred to locally as The Parade. All the houses display generously sized front gardens, whilst their rear amenity areas are far more constrained. Extensive and attractive views over the sea are obtained from the front of these houses.
 6. The annex would be built at the rear of the property, and its design takes account of the lie of the land. The appellant describes the extension as subservient to the host property. This may be the case in floorspace terms, but the submitted drawings, including the sections, indicate that because of
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site levels the flat roof of the annex would be set just below the main dwelling's eaves. In terms of its elevation and bulk, the extension would be perceived as substantial, particularly when viewed from the rear.

7. The extension's western wall would adjoin Cliff Lane and would be perceived as a significant and sizeable continuation of the structures along this boundary, including an elevated car parking space. Whilst adjacent properties display some development to the rear, none display the same intensity of development as proposed by the appellant.
8. Viewed from the rear, the proposed annex to my mind would be perceived as a rather amorphous overdevelopment of the rear amenity space, having a cramped and congested appearance. Being built so close to the host property's rear elevation, and given the ground levels involved, it would tend to visually overwhelm it and the resultant visual relationship would be perceived as awkward and contrived.
9. From oblique views to the front, the development would not be noticeable. However, the annex would protrude to the side of the dwelling, and would be clearly visible in front-on views. It would intrude into one of the gaps currently separating the detached dwellings, which assists in lending the area a sense of spaciousness. Although some intrusion into these gaps has already taken place, it appears to me that further physical intrusion, as proposed, would detract from the spacious character of the surrounding area.
10. I conclude that the proposed development would harm the character and appearance of its surroundings by reason of its overdeveloped and congested form. Accordingly, a conflict arises with the provisions of saved policies GD-1 & GD-2 of the Penwith Local Plan (LP) requiring development to be integrated with its surroundings and be in keeping with the character of the district, and to respect traditional patterns of development and building styles. These policies are not inconsistent with the Framework's advice on design and attract substantial weight in the context of its paragraph 215.

Other matters

11. I have taken into consideration the views expressed by the Town Council and local residents, and have already dealt with most of the planning related points raised.
12. I share the appellant's view, largely because the appeal property is sited within the built-up confines of the settlement, that the proposal would have no material effect on the natural beauty of the AONB. I should also clarify that it is not the modernity of the design that I find objectionable, but its intensity and consequent effect on local character.
13. I have considered the appellant's personal circumstances and motivation for this proposal, and have balanced these aspects against the harm that the development would cause to the character and appearance of its surroundings.
14. The family's personal circumstances, in my experience, are not unique and I find that little or no evidence has been presented to demonstrate as to whether other possible solutions to their future aspirations as to their familial connections have been examined.

15. I fully understand that the appellant and his wife may be closely attached to the property, having lived there for so long, but this does not in itself justify the approval of a development causing local harm.
16. Accordingly, on balance, the appellant's personal and family circumstances are not so compelling as to outweigh the environmental harm that would be caused by their proposal, if implemented.
17. No other matter raised is of such strength or significance as to outweigh the considerations that led me to my conclusions.

G Powys Jones

INSPECTOR