

Appeal Decision

Site visit made on 23 September 2016

by G Powys Jones MSc FRTPI

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

Decision date: 10 October 2016

Appeal Ref: APP/D0840/W/16/3144081

Land south of Trewidden Cottages, Crowlas, Penzance, Cornwall, TR20 8DS

- 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 Danny Haines against the decision of Cornwall Council.
 - The application Ref PA15/10512, dated 9 November 2015, was refused by notice dated 15 January 2016.
 - The development proposed is the erection of three dwellings and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of three dwellings and associated works on land south of Trewidden Cottages, Crowlas, Penzance, Cornwall, TR20 8DS in accordance with the terms of the application Ref PA15/10512, dated 9 November 2015, subject to the conditions set out in the attached Schedule.

Preliminary matters

2. The Council, having particular regard to the planning history, does not object to the principle of housing development on the site.
 3. The second of the Council's reasons for refusing the application was withdrawn for the reason set out in its statement.
 4. Reference is made to the emerging Cornwall Local Plan, but the Council in its statement accepts that little weight may be attributed to its draft policies given the stage reached in its preparation.
 5. The appeal property is located within the Cornwall Area of Outstanding Natural Beauty (AONB). However, the Council does not allege that the development would harm the AONB's natural beauty. I do not think so either, not least since the site comprises backland development on partly developed land adjacent to a built up settlement.
 6. The Council considered possible impacts on the residents of 2 Trewidden Cottages, whose rear garden backs onto the appeal site. However, having particular regard to No 2's garden length, the Council does not consider that its residents' living conditions would be harmed by the development. I have no reason to take a contrary view.
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Main issues

7. The main issues, having regard to the above, is the effect of the proposed development on the character and appearance of the surrounding area and whether future residents of the proposed dwellings would enjoy acceptable living conditions, with particular reference to outlook.

Reasons

8. The appeal site is reached from the A30(T) along an existing accessway set between dwellings on the highway frontage. A parking and turning area would be provided alongside the fenced side boundary of 2 Trewidden Cottages' rear garden. The three detached dwellings would be set out in a line within the wider part of the site to the rear, alongside a fairly modern dwelling called Hunrosa, one of two dwellings built as backland development on adjacent land behind properties on the A30(T)'s southern frontage.
9. I share the Council's view that the siting of the dwellings is compact. A metre or so would separate the proposed dwellings from one another, with approximately 2m to the site's side boundaries. A distance of between 3-4m would separate the front elevations of the proposed dwellings on plots 1 & 2 from the fenced boundary of 2 Trewidden Cottages' rear garden.
10. However, the ground floors of the dwellings have been designed on an open plan basis clearly with a view to taking advantage of the southern aspect towards the proposed rear gardens and beyond to the attractive countryside. The rear of the houses would be in sun for most of the day, and the pattern of fenestration proposed on the ground floor is such that the main wide-ranging outlook would be clearly towards the south. I therefore consider that future residents of the dwellings would enjoy entirely acceptable living conditions with regard to outlook.
11. The development would appear tightly-knit, but this does not equate, in my view, to a development either '*shoehorned*' onto the site or one having a '*contrived or cramped*' appearance, as alleged by the Council. On the contrary, future residents would enjoy sizeable rear gardens, ample parking space and an unimpeded, extensive southern outlook.
12. Whilst the proposed dwellings would appear different from others in the vicinity, sufficient variety exists locally in house types to ensure that the dwellings would not stand out harmfully either on account of their layout or design. It is also true, as the appellant says, that the site is not visually prominent on account of its backland location, and the development would not thus be noticeable from the main road or from most of the the village generally.
13. I conclude that the proposed development would sit acceptably in its visual and spatial context without harming the character and appearance of its surroundings, and that future residents would enjoy an acceptable level of outlook. Accordingly, no 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.

Conditions

14. The Council has suggested a number of conditions. That suggested in respect of materials shall be imposed in the interests of visual amenity.
15. In the interests of highway safety and to avoid congestion on the adjacent trunk road, conditions are imposed in respect of the access & parking area and the need for a Construction Traffic Management Plan, as recommended by Highways England.
16. A condition is imposed to ensure that the site is acceptably and sustainably drained, but with a slightly different form of wording to that suggested by the Council.
17. In the interest of certainty, it is important that the development is carried out in accordance with the approved plans.

Other matters

18. I have taken into consideration the views expressed by the Parish Council and other consultees, and have already dealt with the main planning related points raised. The Council's acknowledgement that it cannot demonstrate a five-year supply of available housing land is noted, but this has attracted little weight in my determination given that I have found the proposed development acceptable on its merits. I have also taken account of the various references made to the policy guidance of the *National Planning Policy Framework*.
19. 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

Schedule of Conditions

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. Before the development hereby permitted is commenced details of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
3. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 001 Rev B; 002 Rev B & 003 Rev B.
4. Before the dwellings hereby permitted are occupied, the proposed access driveway, parking and turning areas shall be provided and laid out and surfaced in accordance with the details shown on approved Drawing No 001 Rev B. The areas once laid out and surfaced in accordance with the approved drawing shall not thereafter be obstructed or used for any other purpose other than as an access and for the parking and turning of vehicles.

5. No development shall commence until details of the implementation, maintenance and management of a sustainable urban drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - (i) a timetable for its implementation, and
 - (ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.
6. No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the local planning authority (in consultation with Highways England). The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - i) construction vehicle details (number, size and type);
 - ii) vehicular routes and delivery hours;
 - iii) the parking of vehicles of site operatives and visitors;
 - iv) loading and unloading of plant and materials;
 - v) storage of plant and materials used in constructing the development;
 - vi) wheel washing facilities and
 - vii) measures to control the emission of dust and dirt during construction.