

Appeal Decision

Site visit made on 20 September 2016

by Colin Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 18 October 2016

Appeal Ref: APP/D0840/W/16/3151241

Trelawney, Worthy Hill, Trebetherick, Wadebridge PL27 6SG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Oaten against the decision of Cornwall Council.
 - The application Ref PA16/01216, dated 5 February 2016, was refused by notice dated 12 April 2016.
 - The development proposed is new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwelling at Trelawney, Worthy Hill, Trebetherick, Wadebridge PL27 6SG in accordance with the terms of the application, Ref PA16/01216, dated 5 February 2016, subject to the conditions set out in the Schedule at the end of this Decision.

Procedural Matter

2. The application was made in outline with all matters reserved for future determination. I have considered the appeal on that basis.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of surrounding occupiers having particular regard to privacy, noise and disturbance.

Reasons

Character and appearance

4. Trelawney is part of a group of detached dwellings on this side of Worthy Hill which follow a relatively consistent building line. Properties within this line of development are generally set well back from the street frontage with spacious gardens and undeveloped land to the rear. As such, the street scene maintains a distinctly open and verdant appearance in this location.
 5. The appeal site is situated within the rear garden of Trelawney and contains mature vegetation and various domestic features together with areas of lawn and paving. There are agricultural fields situated immediately to the rear, behind a small hedgerow. As the site adjoins the gardens of neighbouring properties on either side, it forms part of a larger area of undeveloped space to the rear of this line of dwellings, separating Trebetherick from the agricultural
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- land to the east. Whilst this is not easily appreciated from the public domain, it nonetheless contributes to the open and spacious characteristics of the private areas to the rear of these properties.
6. Although indicative plans have been submitted, the exact positioning and design of the proposed dwelling would potentially be subject to change as the application was made in outline. However, the plans indicate that the proposed dwelling would use the existing driveway of Trebetherick and therefore no changes would need to occur along the street frontage. Given that the appeal site is mostly screened by Trebetherick and surrounding properties, a new dwelling in this location would not be easily seen from the street outside or other parts of the public domain. Whilst a dwelling might be visible in some longer views when approaching the village from the south, it would be relatively inconspicuous from this distance.
 7. Nonetheless, the characteristics of the area are also experienced from within the private domain. Whilst the effect of the proposed dwelling would partly depend on its exact design and positioning, any form of 3 bedroom dwelling within the site is likely to be visible from the rear of The Coppice and Trebetherick. A new dwelling in this location is also likely to be partially visible from The Haven, although there are mature trees near the boundary of this property which help to screen direct views into the appeal site.
 8. However, the appeal site is particularly spacious and it would be possible to situate the proposed dwelling to the rear of the site where it would be well separated from surrounding development. Although the new dwelling is likely to be seen from Trebetherick, The Coppice and the Haven, it would not appear particularly prominent due to the level of separation that could be achieved and the mature vegetation in this area. There is also adequate space to ensure that a relatively large area of garden could be maintained. Hence, it would be possible to design and position a modest sized dwelling so that the open and verdant characteristics of this area would be retained, even though the development would be situated to the rear of the established building line.
 9. The effect of the proposed dwelling on the living conditions of surrounding occupiers is considered elsewhere within this decision. However, on the separate issue of character, the proposed dwelling would be situated within the boundaries of a village in a predominately residential area. Therefore, even though the site is currently garden space, the residential character of the area would be maintained.
 10. I have found that the specific characteristics of this particular site would enable the proposal to be accommodated without harming the established character and appearance of the immediate surroundings. I have considered the Council's argument that the granting of planning permission would set a precedent for other similar developments in this area. I note the development at depth just to the north of the site, associated with Daymer Lane, and also the appellant's arguments that gardens to the south lie outside the development boundary. These gardens are of decreasing width and also appear to have some differing characteristics to the appeal site. Consequently, whilst I recognise the Council's concerns, I see no reason to suppose that my decision would set a precedent as the Council fear, and these differing circumstances and the potential for cumulative harm, would represent matters to be considered were other similar proposals to be advanced.

11. I therefore conclude on this issue that the proposal would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy DVS1 of the North Cornwall District Local Plan (the Local Plan) which requires development to reflect local character. There would also be no conflict with the objectives of the National Planning Policy Framework (the Framework) to achieve good standards of design which reflect local distinctiveness. This includes paragraphs 17, 58, 60, 61 and 64 which are quoted by the Council. Both parties refer to the emerging Cornwall Local Plan which has reached an advanced stage of preparation. However, I am unable to give these policies full weight as they have not been formally adopted.

Living conditions

12. The indicative plans suggest that the only part of the access that would need to be shared by both properties would be the initial part of the driveway near the road. Trelawney would be accessed via the part of the driveway which crosses the front garden and links with the integral garage. The proposed dwelling would be accessed via the part of the driveway which runs to the side of Trelawney, next to the boundary with The Coppice.
13. I note that the driveway to the side of Trelawney is narrow and runs close to the north elevation and internal living areas of The Coppice as well as the private garden space of that property. It also runs close to the garden and internal living areas of Trelawney. However, the driveway would only serve a single household and is therefore unlikely to generate a great deal of pedestrian or traffic movements or be in constant use. Consequently, any noise or disturbance generated by vehicles using this part of the driveway is likely to be limited. The fact that the appellant plans to block side windows within Trelawney does not infer that pedestrians or vehicles would cause unacceptable levels of disturbance. I am mindful that that the driveway is already an existing feature and may be used for accessing the rear of the site whether the proposed dwelling is constructed or not.
14. The part of the driveway that would be used to access the garage of Trelawney is well separated from the garden and living areas of The Coppice. As such, use of this part of the driveway has little impact on neighbouring occupiers. Therefore, whilst the proposed development would intensify the use of the site, the combination of vehicle movements from both Trelawney and the new dwelling would not cause unacceptable harm to the living conditions of neighbouring occupiers.
15. The appeal site is sufficiently large to ensure that a new dwelling could be well separated from existing properties. Any disturbance from turning vehicles or general activity would be distanced from the main internal living areas of both Trelawney and The Coppice. In this respect, it would be typical of other relationships between dwellings within Trebetherick. Furthermore, the activity generated by only a single dwelling is unlikely to be significant. Whilst concerns have been raised regarding loss of privacy, the plans submitted with the application are indicative and all matters are reserved. I note that the appeal site is at a different ground level than surrounding properties, but the evidence indicates that a dwelling in this location could be designed to avoid unacceptable levels of overlooking taking place.
16. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of surrounding occupiers. There would be no

conflict with Policy DVS3 of the Local Plan or paragraph 17 of the Framework. These aim to protect the amenity of current and future occupiers of land and buildings. Although paragraph 53 of the Framework has been quoted within the reasons for refusal, this is not directly relevant to the appeal as it advises local authorities to consider the case for policies to resist development of gardens. No such policies have been brought to my attention.

Conditions and Conclusion

17. I have imposed the standard requirement for further details to be approved before development takes place, together with standard time limit conditions. In order to ensure adequate drainage, there are also conditions requiring further details of surface water and sewage disposal. Due to the mining history of the wider area, there is also a condition requiring a mining survey to be carried out. In the event of the proposed development taking place, I note that the appellant intends to block the windows on the southern elevation of Trewlaney. Notwithstanding this, I have not imposed this as a condition as the windows in question are positioned relatively high above the driveway.
18. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be allowed.

Colin Cresswell

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall not be occupied until sewage disposal works serving the development have been completed in accordance with details that have been submitted to and approved in writing by the Local Planning Authority. These works shall be implemented in accordance with the approved details and shall not thereafter be altered or removed unless otherwise agreed in writing by the Local Planning Authority.
- 5) No development approved by this permission shall be commenced until details of a scheme for the provision of surface water management has been submitted to and approved in writing by the Local Planning Authority. Prior to occupation of the site it shall be demonstrated to the satisfaction of the Local Planning Authority that relevant parts of the scheme have been completed in accordance with the details and timetable agreed. The scheme shall thereafter be managed and maintained in accordance with the approved details.
- 6) No development shall take place within the area to be developed until the applicant has obtained a mining survey and this has been submitted to the Local planning Authority. Thereafter no development shall commence until a scheme to deal with any unstable land has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on site investigations and an assessment to identify the extent of defect and the measures to be taken to stabilise the land. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.