

Appeal Decision

Site visit made on 27 September 2016

by David Walker MA MRTPI

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

Decision date: 01 November 2016

Appeal Ref: APP/D0840/W/16/3148335

Beggars Roost, 94 Gwithian Towans, Hayle, Cornwall TR27 5BU

- 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 Neville Richards against the decision of Cornwall Council.
 - The application Ref PA15/11735, dated 11 December 2015, was refused by notice dated 24 February 2016.
 - The development proposed is a replacement holiday chalet and installation of sewage treatment plant.
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Decision

1. The appeal is allowed and planning permission is granted for a replacement holiday chalet and installation of sewage treatment plant at Beggars Roost, 94 Gwithian Towans, Hayle, Cornwall TR27 5BU in accordance with the terms of the application, Ref PA15/11735, dated 11 December 2015, subject to the conditions in the schedule at the attached Annex.

Main Issues

2. The main issues in the appeal are:
 - i) the effect of the proposal on the character and appearance of the area; and
 - ii) the effect of the proposal on the living conditions of the occupants of Nos 93 and 96 Gwithian Towans having regard to scale and proximity and in relation to the availability of light and outlook.

Reasons

Character and appearance

3. Gwithian Towans is a distinct community of chalet homes that is evidently going through some considerable change. While the Council considers the piecemeal additions and low roofs of the existing chalets to be determining characteristic of the area this is being lost to the many chalets that have been, or are in the process of being, improved or replaced.
 4. My attention has been brought to saved Policy TM-8 of the Penwith Local Plan 2004 (the Local Plan). This facilitates the replacement of chalets at Gwithian Towans subject to being constructed of, or faced in, timber with dark coloured pitched roofs, and with an individuality of design in keeping with the overall character of the site.
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5. The proposal would be undoubtedly larger than the very small chalet it would replace and be detached from the adjoining property at No 93. It would also result in a taller structure under a single ridged roof than the other chalets along the short row within which it is situated. However, while it would have a different appearance to its immediate neighbours along the row with regard to the variety of design in the immediate vicinity, and the much larger structures nearby, it would not look out of place or appear incongruous.
6. In relation to saved Policy H-9 of the Local Plan referred to in the reasons for refusal, this supports the on-site replacement of dwellings subject to there being no significant harm to the character or appearance of the landscape or the countryside. With the proposal being subsumed within the general massing of the grouping of chalets at this part of Gwithian Towans it would not give rise to harmful impacts to cause conflict with this policy. For these reasons the proposal would also conserve the natural beauty of the designated Cornwall Area of Outstanding Natural Beauty within which the appeal site falls.
7. I am satisfied, therefore, that subject to the further specification of materials, as I intend to secure by a condition, the proposal would accord with saved Policies TM-8 and H-9 of the Local Plan, and paragraphs 60, 61 and 64 of the National Planning Policy Framework (the Framework) that relate to achieving good design.

Living conditions

8. An overall increase in the width of the proposed dwelling would bring it closer to No 96 which has windows facing the appeal site only a short distance away over a narrow passageway. The Council has pointed to the potential for the extra height of the proposal to breach the 25 degree rule established within good practice guidance¹. However, I have nothing before me to demonstrate the extent of any conflict with the guidance.
9. Having regard therefore to the existing close arrangement of the present dwelling and No 96, and the generous open outlook over the dunes afforded to the latter, I am satisfied that satisfactory living conditions would remain for the occupants of the neighbouring chalet. In relation to No 93, I acknowledge an existing side window facing the proposal. This has a northerly aspect and so the additional height of the proposal is unlikely to give rise to unacceptable overshadowing as the sun moves through its path at various times of the day.
10. I do not therefore find any conflict with the requirements of the Framework in relation to the quality of life aims of paragraphs 7 and 9, or the need to secure a good standard of amenity for existing occupants of land and buildings at paragraph 17. Overall on this issue, I am satisfied that the proposal would have a satisfactory effect on the living conditions of the occupants of Nos 93 and 96.

Other Matters

11. No 93 is presently attached to the existing dwelling and my attention has been brought to structural issues that could arise from any separation and to future maintenance along the gap that would be created. However, these are not issues before me for consideration under the Planning Acts and remain private matters to be resolved between the parties affected.

¹ BRE Site Layout Planning for Daylight and Sunlight

12. I am also mindful of area-wide restrictive covenants limiting the height of any chalet structure. In this regard I have determined the appeal in the light of the policies of the development plan, and the extent to which the scheme accords with any legal restrictions also remains a private matter between the relevant parties.

Conditions

13. The appeal being allowed I have given consideration to the need for conditions and the suggested wording provided by the Council. I attach the standard period for implementation and plans approved conditions in the interests of certainty.
14. I also consider that it remains necessary to control the specification of external materials in order to safeguard the visual qualities of the area. Having regard to the advice contained within the Planning Practice Guidance (PPG) I am satisfied that further approval of these details should be obtained prior to the carrying out of any works above the base course level.
15. Also with reference to the PPG, and with regard to the close proximity of neighbouring properties, it is necessary to restrict the extent that any further enlargement of the dwelling or creation of new openings can be carried out to avoid giving rise to an overbearing development or create opportunities for harmful overlooking.

Conclusion

16. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR

Annexe

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site/location Plan 1974.01 B; Proposed 1974.08 B; Proposed 1974.09 A; and Proposed 1974.10.
- 3) No development shall take place above base course level until details of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B and C of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely:
 - the enlargement, improvement or other alteration of the dwellinghouse;
 - the enlargement of the dwellinghouse consisting of an addition or alteration to its roof;
 - any other alteration to the roof of the dwellinghouse.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no additional openings other than those hereby permitted in the external walls or roof of the development shall be formed without an express grant of planning permission.

End of schedule