The Planning Inspectorate

Appeal Decision

Site visit made on 11 October 2016

by David Walker MA MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/D0840/W/16/3151733
Land at Keveral Gardens, Seaton, Cornwall PL11 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr D Bishop of Kearn Industrial Holdings Ltd against the decision of Cornwall Council.
- The application Ref PA16/00498, dated 18 January 2016, sought approval of details pursuant to condition No 2 of a planning permission Ref 60/8425 (Decision No 8194/E), granted on 5 September 1960.
- The application was refused by notice dated 18 May 2015.
- The development proposed is erection of residential buildings.
- The details for which approval is sought are: Reserved matters application for details of appearance and scale, Plots 2 to 12 and shared private driveway to Plots 10, 11 & 12.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a disagreement between the parties over whether the layout of the proposed residential development would accord with that approved under an earlier reserved matters application[1]. However, there is nothing to prevent more than one scheme being approved under reserved matters. Notwithstanding this dispute I am satisfied that I can determine the appeal in relation to the matters of appearance and scale that are before me and have proceeded on this basis.

Main Issue

3. The main issue in the appeal is the effect of the proposal on the character and appearance of the area.

Reasons

4. Seaton is a small coastal village with development spreading broadly out from a country park located at the centre in a valley. The appeal site is at the fringe of the village on higher ground above the linear arrangement of detached dormer bungalows and modest houses of Keveral Gardens. It forms a transitional area between the existing built form of the village and the surrounding open countryside. The Council has pointed me to the description

[1] Permission Ref PA10/03480 dated 11 November 2011

of the Looe and Seaton Valley Area of Great Landscape Value (AGLV) identified within the Caradon Local Plan First Review 2007 (the Local Plan) as 'fine wooded valleys and their intervening land which is high and open'. I have no reason to disagree with that assessment.

5. While there are other dwellings positioned on higher ground overlooking the village these are few in number and the pattern of development is generally low lying in the valley. However, the site benefits from a historical outline permission from the 1960's, and reserved matters approved in 2010 have established a layout for 12 detached dwellings including the detailed design of plot No 1.

6. The proposal for the remaining 11 dwellings features individual designs for each plot. With regard to the submitted Design and Access Statement, I acknowledge the approach taken has sought to be rooted in the modern tradition but tied to geological and cultural contexts. The resulting house designs have thus adopted layered forms following the profile of the ground, and 'floating' elements. They would be strikingly contemporary dwellings and I acknowledge the support for modern design that was received from interested parties at the time of the application.

7. However, while the individual dwellings are undoubtedly of a high quality they exhibit a substantial scale as a result of their overall height and extensive use of horizontal forms and flat roofs. With minimal spacing between plots to afford glimpses of the rural context the whole development would deliver a significant massing of built form in an otherwise natural setting.

8. Although the curve in the landform would obscure much of the development from the village, plots 10-12 would remain highly prominent in views from the country park and along Tregunnick Lane. From these public vantage points the largest dwellings of the proposal would occupy an elevated position well above the existing pattern of development. A backdrop of hillside, as identified within the submitted Landscape and Visual Impact Assessment, would provide insufficient mitigation for the harmful massing of development that would be introduced at this sensitive position at the rural fringe.

9. Plots 2-9 have limited spacing between them and as a result would be viewed in unison as a single block of development. It would result in a substantial scale of development in the narrow valley leading off from Keveral Gardens, visible from the public rights of way network in the vicinity and in glimpses from Looe Hill. Such a scale of development would result in a massing of built form that would be harmful to the intimate scale of the landscape at this position and the rural setting of the village. The existing development is also closely spaced but the smaller scale of these buildings has a reduced effect on the setting.

10. I acknowledge the appellant's submission that the proposal would deliver a 12% reduction in development area over that of the previous reserved matters application. However, I have nothing before me to show the approved layout commits the development to a particular scale of house designs to draw a reliable comparison. Conversely, the ridged and hipped roofs illustrated in the approved layout would indicate a softening of the potential roofline against the background of the hillside. In the approved layout there would also appear to more of the plot frontages available for new landscape planting.

11. I have given consideration to the use of materials and planting to reduce the harmful scale and massing I have identified. The palette of local stone and timber with cedar shakes and copper accents proposed would undoubtedly deliver a high quality finish that would complement the forms employed. However, neither these, nor the limited new planting in the plans provided, would satisfactorily assimilate the development into the natural qualities of its setting I have identified. From the limited space that would be available after the provision of the dwellings I am not satisfied that a suitable scheme for mitigation planting could reasonably be secured by condition.

12. Some mitigation would be provided by the green roofs proposed and which would help to integrate the new roofscape into the wooded setting when viewed from higher ground. I am also mindful of the sustainability measures that have been incorporated into the scheme through the minimisation of rock extraction and the energy efficiency of the proposed glazing. These would deliver acknowledged benefits but are insufficient to outweigh the significant harm to the landscape setting of the village.

13. Overall, while the progressive nature of the domestic architecture is to be commended, I find the scale and appearance of the individual dwellings when seen in unison to result in a massing of development that would be harmful to the character and appearance of the area.

14. Such harm would conflict with Policy ALT2 of the Local Plan for development to be compatible with its surroundings in terms of scale, density, massing and height, amongst other things, and to make the best use of landscape and topographical features that make a material contribution to the character of the area. In this regard I find the Local Plan to be consistent with the core planning aim set out at paragraph 17 of the National Planning Policy Framework (the Framework) to always seek to secure high quality design.

15. The proposal would also fail to accord with Policy CL9 of the Local Plan which seeks to avoid materially harming the character of the AGLV and to closely reflect the characteristic pattern of the settlement. As a consequence further conflict would arise with the Government's aim to enhance the natural and local environment by protecting valued landscapes at paragraph 109 of the Framework.

Conclusion

16. For the reasons given above, and with regard to the development plan read as a whole and to the Framework, I conclude that the appeal should be dismissed.

David Walker

INSPECTOR