

Appeal Decision

Site visit made on 4 April 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 25 April 2017

Appeal Ref: APP/D0840/W/16/3159218

Warath, 20 Bolenna Lane, Perranporth TR6 0LB

- 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 Birchmore against the decision of Cornwall Council.
 - The application Ref PA16/05289, dated 6 May 2016, was refused by notice dated 3 August 2016.
 - The development proposed is described as "the replacement of existing sub-standard dwelling with two new dwellings".
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Birchmore against Cornwall Council. This application is the subject of a separate Decision.

Procedural Matter

3. The Cornwall Local Plan (the Local Plan) has been adopted since the application was originally determined by the Council. This appeal is determined on the basis of the development plan at the time of writing.

Main Issues

4. The main issues in this case are:
 - the effect of the proposal on the living conditions of the occupiers of Trevone with particular regard to outlook, noise and disturbance.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

5. It is proposed to demolish the existing dwelling (Warath) and replace it with a pair of semi-detached dwellings. The proposed dwellings would be taller than Warath and extend further to the rear of the site, which slopes steeply. Due to the gradient, the dwellings would have a two storey frontage along Bolenna Lane with three storeys at the rear. Whilst the proposal would enable a more efficient use of the site, it would also lead to an increase in the overall mass of
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- development facing Trevone, the neighbouring dwelling. This property is set at a lower ground level than Warath and Bolenna Lane.
6. Although the principal outlook from Trevone is obtained from the frontage of the property to the north, much of the private garden area is situated to the rear of the dwelling, which faces the appeal site. I saw on my site visit that this part of the garden contains a small patio where the occupiers can sit outside. As Trevone is dug into the hillside beneath Bolenna Lane, this garden is already somewhat enclosed by the surrounding retaining walls and the protected trees to the east.
 7. The appellant indicates that the side elevation of Unit 2 would be set back from the boundary of Trevone by approximately 5 metres. Nonetheless, the effect of the development when seen from Trevone is somewhat exacerbated by the difference in ground levels. The increase in ridge height combined with the extent to which the development would extend to the rear means that the side elevation of Unit 2 would loom large over Trevone. Despite the degree to which the proposed development is set back from the boundary, it would dominate the outlook from the neighbouring garden and facing windows, leading to an increased sense of enclosure.
 8. Furthermore, the plans indicate that a parking area would be constructed to the side of Unit 2 immediately adjacent to the boundary of Trevone. Given the topography of the site, this would require a retaining structure on which fencing would need to be placed in order to contain the parking area. Some parts of this development are therefore likely to be seen at very close quarters from within Trevone above the existing boundary fence. As such, it would only add to the sense of enclosure experienced within the neighbouring garden from the side elevation of Unit 2. The combined effect would be unacceptable harm to the amenity value of the private outdoor space of Trevone.
 9. The Council also argue that the parking area would disturb the neighbouring occupiers as a result of engine noise and headlight glare. However, any effects are likely to be minor. While the parking area would be situated close to the garden of Trevone on elevated land, it would serve a relatively modest sized dwelling. Hence the space is unlikely to be subject to a great deal of vehicle manoeuvring or general activity. Furthermore, any headlight glare could be contained by boundary fencing.
 10. The appellant says that the development would not lead to any significant overlooking and would in fact improve the existing relationship between dwellings in this respect. Whilst that may be the case, it does not help to allay my concerns regarding its overbearing impact on Trevone.
 11. I therefore conclude on this issue that the proposal would harm the living conditions of the occupiers of Trevone. There would be conflict with Policy 12 of the Local Plan which aims to avoid overbearing impacts.

Character and appearance

12. Even though Warath is of no particular architectural merit, it is nevertheless a relatively small and inconspicuous building within the wider street scene. The proposed semi-detached houses would represent a larger and therefore more prominent form of development. However, I consider that the proposed two storey street frontage would be consistent with the residential characteristics of

the lane. Whilst most dwellings in the area are detached, the architectural styles and orientations of properties are very mixed in this particular location. Hence the appeal proposal would be in keeping with the general grain of development in the area, despite the modest increase in residential density. Although the side elevation of Unit 2 would appear relatively bulky when approaching the site from Bolenna Lane to the north, this part of the development would not come into full view until relatively close to the site entrance and hence its visual impact would be limited.

13. The trees to the immediate east of the proposed dwellings are all subject to Tree Preservation Orders. They form part of a belt of protected trees which contribute to the vegetated characteristics of the hillside and are visible from a number of vantage points within the village. Although the dwellings would be positioned above the level of these trees, Unit 1 would be situated close to a sycamore tree (T1 in the appellant's Tree Survey). This tree is expected to grow further and the Tree Survey notes that the proximity of the crown to the new development is a cause for concern. I share the Council's view that further growth of the tree would compromise outlook from the rear elevations as well as levels of daylight reaching the garden. The tree would therefore have to be removed or pruned back in order for living conditions within the proposed dwellings to be maintained.
14. Although living conditions within the proposed dwellings do not form part of the Council's reasons for refusal, I nonetheless recognise that there would be a burden placed on future occupiers to constantly maintain tree T1 in order to achieve an acceptable standard of amenity. Notwithstanding that matter, the evidence put before me in this appeal indicates that the protected tree could be retained alongside the existing development. While the Council argue that there would be pressure to remove tree T1 entirely, the Tree Survey suggests that the crown of tree T1 could be reduced by two metres in order to accommodate the new development. It is indicated that this would not require pruning to a level where the tree becomes disfigured. I am also mindful that consent would be required before any works to the protected tree could be carried out and hence the Council would maintain a degree control and could resist its felling. Although a two metre reduction in the crown spread of tree T1 would have some visual consequences, the wooded appearance of the site would be generally maintained. Therefore, in terms of character and appearance, the visual impacts would be somewhat limited.
15. I therefore conclude on this issue that the proposed development would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policy 12 of the Local Plan which aims to maintain local distinctiveness.

Other matters

16. I recognise that the proposal would replace a dwelling which the appellant describes as 'substandard' with new housing built to modern living standards. Although there would be design improvements in terms of a modernised appearance, I have established that the existing dwelling is relatively inconspicuous due to its small size. Therefore, while I have found the appeal proposal to be acceptable in terms of character and appearance, it does not necessarily follow that the development would result in a significant visual enhancement of the site. I do note that the proposal would make a modest

contribution to the local housing supply through a net increase of one dwelling and there would be a small contribution to the local economy from the construction works. However, these benefits do not outweigh the harm to living conditions that I have identified above.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR