

Appeal Decision

Site visit made on 3 May 2017

by Stephen Hawkins MA MRTPI

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

Decision date: 26th May 2017

Appeal Ref: APP/D0840/W/16/3158470

Sea Craig, 4 Carrick Way, St Mawes, Truro TR2 5BB

- 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 Ray Leclercq against the decision of Cornwall Council.
 - The application Ref PA16/01630, dated 19 February 2016, was refused by notice dated 9 June 2016.
 - The development proposed is construction of a replacement dwelling house with separate garage and residential amenity space.
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Decision

1. The appeal is allowed and planning permission is granted for construction of a replacement dwelling house with separate garage and residential amenity space at Sea Craig, 4 Carrick Way, St Mawes, Truro TR2 5BB in accordance with the terms of the application, Ref PA16/01630, dated 19 February 2016, subject to the conditions in the schedule at the end of this decision.

Application for Costs

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

Procedural Matter

3. The adopted Cornwall Local Plan (CLP) has replaced the policies of the Carrick Local Plan referred to in the Council's decision. It now forms part of the Development Plan.

Main Issue

4. The main issue in this appeal is the effect of the proposed dwelling on the character and appearance of the area, which is within the South Coast Central section of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

Character and appearance

5. The appeal site is in the built-up area of St Mawes, on the slopes overlooking the harbour. The site consists of a modest detached bungalow of nondescript appearance occupying a spacious plot, with a detached garage in front. The bungalow is on rising ground, above a narrow residential cul-de-sac comprising dwellings which generally occupy generous plots and are set back from the street behind walls and mature planting. Some dwellings exhibit similarities in
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terms of their age, design and external materials to the existing bungalow but most appear to be substantially larger. Elsewhere in the locality there are also two storey dwellings of varying size and design, including the recently erected 5 Carrick Way (No 5), almost opposite the site. Consequently, the site and surroundings have a spacious residential character, in which there is little regularity in terms of the scale, design and siting of dwellings. Slate roofs and painted rendered walls-a general feature of local villages acknowledged in the Landscape Character Study (LCS)¹-are the principal building materials.

6. The village is within the AONB. There are some limited partial views of the existing bungalow from other parts of the village, notably around the harbourside. However, the bungalow is seen in the context of the more expansive group of dwellings along the hillside comprising part of the built-up area. Therefore, the bungalow is not prominent in terms of the village setting or the AONB landscape beyond the built-up area.
7. The proposed dwelling would be of two storeys, with a considerably wider and deeper footprint compared with that of the existing bungalow. Therefore, it would have a much greater overall height, size and bulk than that structure. Its built form would be closer to the boundaries with the adjoining properties at 2 Carrick Way (No 2) and 6 Carrick Way (No 6). The dwelling would also be sited further forward in the plot, closer to the street than the existing bungalow and No 6.
8. Nevertheless, the form of the dwelling would be articulated, in particular at the front, by the incorporation of two wings projecting towards the street. This would break up the overall bulk of the dwelling. The floor level of the dwelling would be well below that of the existing bungalow. Its overall height would be similar to that of 'Tremor' at the rear of No 2. The dwelling would be appreciably lower than No 6 and it would be set back a substantial distance from the street, well behind the rear elevation of No 2. Consequently, the dwelling would not be viewed as being significantly higher than adjacent dwellings and its size and bulk would not visually dominate the street. Moreover, there would still be substantial undeveloped gaps between the dwelling and both side boundaries, in particular at two storey level, allowing for views through to the rear of the site. As a result, there would still be a significant impression of space between the dwelling and the plot boundaries, not dissimilar to that between other buildings in the vicinity.
9. The above factors would all considerably offset the apparent overall scale of the dwelling, thereby significantly assisting in its assimilation with the adjacent dwellings and the pattern of development in the locality. Therefore, the dwelling would not appear unusually large in relation to adjacent buildings, the size of its plot or nearby plots and it would not significantly erode the existing spacious character or create a more built-up feel in the street scene.
10. In terms of the wider townscape, the larger scale would make the dwelling a marginally more visible built feature compared with the existing bungalow. Even so, where seen the dwelling would simply form a part of the group of buildings of varying design and size arranged along the hillside and it would not appear as an especially prominent feature on account of its scale.

¹ Cornwall and Isles of Scilly Landscape Character Study: Fal Ria, Truro and Falmouth Landscape Character Area.

11. The hipped roof form of the dwelling, the use of natural roofing slates and painted render all reflect local building traditions and would therefore assist in integrating the dwelling in the street scene and its wider surroundings. The dwelling incorporates significant areas of glazing, especially in its front elevation. This is a feature of the more contemporary approach in its design. Given the variation in elevational treatments in the locality, the extent of glazing would not appear alien in its context, either by day or at night. The use of Cedar boarding also reflects the contemporary design and is a neutral material which complements rendered finishes. Although not widely used, there are local examples of such boarding including at No 5. Stone is used extensively in boundary walls in the locality. Consequently, the external wall materials of the dwelling would not appear alien in their surroundings.
12. The proposed double garage would occupy part of the footprint of the existing garage. It would have an increased height and bulk by comparison, incorporating useable space in the roof area. There is a substantial two storey garage with accommodation over in the front garden of No 2. There are a number of other garages adjacent to the street in the locality. The walls of the garage would be finished in natural stone, thus assisting in integrating it with the existing boundary treatments along the street. The outer slopes of its crown roof would be covered in slate similar to the dwelling and surrounding buildings. Consequently, the garage would not appear as an alien feature in the street scene.
13. The gardens would be landscaped and terraced and at the front, there would be an extensive hardsurfaced area. Even so, a substantial part of the front garden would remain as 'green' space, with the potential to incorporate softening planting. Consequently, the terracing and hardsurfacing would not result in the site having a harsher or more urbanised appearance in the street scene compared with surrounding development.
14. Accordingly, the design of the dwelling is an appropriate response to its context which respects and reflects the character of local buildings. When viewed from the street and elsewhere in the village, the dwelling would be integrated into its built-up context and it would not appear as an alien or unusually dominant feature. Therefore, the dwelling would not cause unacceptable harm to the character and appearance of the area or the landscape and scenic beauty of the AONB.
15. Consequently, the dwelling would accord with CLP Policy 12, as it would ensure that the area's distinctive character is maintained and the existing context has been considered, it would be of an appropriate scale, layout, height and mass with a clear understanding and response to its setting and it would provide continuity with the existing built form and respect the natural environment. The dwelling would also accord with CLP Policy 23, as it would conserve the landscape and scenic beauty of the AONB.
16. The Roseland Neighbourhood Development Plan (NP) was made in December 2015 and forms part of the Development Plan. The Council confirmed that the NP is in general conformity with the more recently adopted CLP. Consequently, I have to determine the appeal in accordance with the NP policies, unless material considerations indicate otherwise. At paragraph 198, the National Planning Policy Framework (the Framework) advises that permission should not normally be granted where there is conflict with a made Neighbourhood Plan.

17. NP Policy HO8 supports replacement dwellings subject to criteria, including requirements at (i), (ii), (iv) and (vi) to show a genuine need for replacement; the volume should not exceed that of the original dwelling plus any extensions that could be erected as permitted development; the new build should grow out of the defining characteristics of the Roseland showing how it enhances the character and distinctiveness, and; it should not intrude above the skyline any further than the current building.
18. National advice on good design is mainly set out in section 7 of the National Planning Policy Framework (the Framework). Paragraph 59 advises that policies should avoid unnecessary prescription or detail. Paragraph 60 advises that innovation, originality or initiative should not be stifled through unsubstantiated requirements to conform to certain development forms or styles. However, achieving good design would be adversely affected by determining the appeal scheme strictly in accordance with the prescriptive requirements of NP Policy HO8. This is because it restricts replacing poor quality but structurally sound buildings with new buildings of better design and it largely precludes an increase in the size of a replacement, even where there might be sound design reasons for doing so. I acknowledge that paragraph 60 also explains that it is proper to seek to promote or reinforce local distinctiveness. In terms of the requirement to grow out of the defining characteristics of the Roseland, it has not been explained what these are, so there are no objective criteria against which proposals can be judged against. As a result, there is no properly articulated understanding of what makes up the distinctive character of the area in NP Policy HO8 and its supporting text and it has also not been made clear in the appeal.
19. The dwelling would be located so as to coincide with the original building, it would be in keeping with its setting and respect the character of the area in terms of bulk, scale, height and materials and as far as I have been made aware, there would be no adverse impact on any wildlife interest. Therefore, it would accord with the other criteria in NP Policy HO8. However, for the reasons set out above, I intend to give more weight to the Framework over this policy.
20. In terms of the rest of the NP, the dwelling would accord with NP Policy LA1, as it would conserve and enhance the landscape and qualities of the AONB, use materials and be of a scale and design that has appropriate regard to the character, sensitivity and capacity of the protected landscape and is appropriately sited to avoid harm to the AONB. The dwelling would also accord with NP Policy CV1 (i), as it would be well integrated with and contribute to and enhance the character of the village. Further, it would accord with NP Policy GP2 (iii) & (iv) as it would be integrated with existing housing in terms of form, scale, building details, materials, finishes and colour, siting, parking, planting and landscaping and the characteristic patterns of the settlement and it is not located on a visually exposed site.
21. The Council adopted its Cornwall Design Guide (CDG) in March 2013 and it therefore carries significant weight. For the reasons identified above the dwelling would not be inconsistent with advice in the CDG, in particular paragraphs 2.6, 2.9 and 4.9. The dwelling would have regard to the height, layout, building line and form of existing development. It would draw inspiration from building shapes, colours and materials in the area, responding to local characteristics in a contemporary way and it would respect those

characteristics in terms of scale, massing, landscape, materials, colours and detailing. The height would be related to development in the immediate context and the surrounding area and it would not result in an excessive variety of building styles, materials and colours.

22. The AONB Management Plan (MP) has been adopted by the Council. Whilst not having the same status of the Development Plan, it therefore carries some weight. The dwelling would be consistent with MP Policy MD9 as it would be high quality, appropriately located and of an appropriate scale, compatible with the distinctive character of the location described by the LCS, it would not compromise the special qualities and characteristics of the AONB and its design respects quality of place. Thus the dwelling would not have the adverse visual and character effects associated with some replacement dwellings, identified in the MP.
23. The dwelling would also be consistent with the Framework paragraphs 9 and 17 by positively improving the quality of the built and natural environment and by securing high quality design. It would also be with the guidance on good design at section 7 as well as sections 10 and 11 concerning conserving and enhancing the natural and historic environment respectively.

Other matters

24. Given the distances involved, intervening boundary features and relative levels, the dwelling would not have an overbearing effect, it would not result in undue levels of overlooking and loss of privacy or create unacceptable levels of noise and disturbance. Consequently, it would not adversely affect the living conditions of the occupiers of adjacent dwellings. Therefore, the dwelling would accord with NP Policy CV1 (ii).

Planning balance

25. Sustainable development has to be assessed against the three mutually dependent objectives-economic, social and environmental-set out in the Framework. The dwelling would provide economic benefits, notably in the short-term by providing jobs during the construction phase. There would be a social benefit from providing a high quality built environment. Whilst interested parties have referred to adverse social effects as a result of the loss of a smaller dwelling, I have not seen any firm evidence to suggest that there is an overriding need for such dwellings in the village or that otherwise, the value of the site would not largely reflect that of its location and thus its relative affordability. Similarly, there is no firm evidence that the dwelling would be occupied as a second home or have any associated adverse social effects as a result.
26. In environmental terms, the dwelling would contribute to protecting and enhancing the natural and built environment. By utilising a much more energy efficient design than the existing bungalow together with modern construction methods and energy efficiency measures, it would assist in using natural resources prudently, minimising waste and mitigating and adapting to climate change, including moving to a low carbon economy. Therefore, the dwelling would fulfil the environmental role. As a result, the dwelling would be sustainable development as meant by the Framework and it would therefore also accord with CLP Policy 1 and NP Policy GP1.

Conditions

27. In addition to the standard commencement condition I have imposed a condition specifying the approved plans, in the interests of certainty.
28. I have imposed a condition requiring the submission, approval and implementation of a Construction Method Statement in the interests of highway safety and to minimise disruption to the occupiers of adjacent dwellings during the construction period. The plan has to be in place prior to any work commencing on site, having regard to the constraints of local roads. Consequently, this is a pre-commencement condition. In order to secure a visually satisfactory setting for the development, I have imposed conditions requiring the submission, approval and implementation of a landscaping scheme. This is also a pre-commencement condition, as it is necessary to protect existing planting to be retained before works starts.
29. I have imposed a condition requiring the submission of the external materials of the dwelling to ensure that it would have a visually harmonious appearance with surrounding development. I have also imposed a condition requiring the provision and maintenance of adequate parking for the dwelling, in the interests of highway safety. I have re-ordered the conditions to reflect advice in the Planning Practice Guidance section 'Use of Planning Conditions'².

Conclusion

30. For the reasons given above I conclude that the appeal should be allowed.

Stephen Hawkins

INSPECTOR

² Paragraph: 024 Reference ID: 21a-024-20140306.

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 0152-EX-01, 0152-PL-05-B, 0152-PL-10-B, 0152-PL-15-A.
- 3) No development shall commence on site including any works of demolition, until a Construction Method Statement has been submitted to and approved in writing by the Local Planning Authority. The Statement 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 of the development;
 - vi) wheel washing facilities;
 - vii) measures to control the emission of dust and dirt during construction; and
 - viii) hours of site operations and working.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 4) No development shall commence on site until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.
- 5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 6) No development shall take place on site beyond the foundation and damp proof construction phase until details and specifications of the materials to be used have been submitted to and approved in writing by the Local Planning Authority. These details shall include the roofing slates, ridge tiles and the external timber boarded cladding. The development shall be carried out in accordance with the approved details.
- 7) The dwelling hereby permitted shall not be occupied until the areas of the double garage and the forecourt shown on drawing no. 0152-PL-05-B have been laid out and made available for the parking of vehicles. Those areas shall thereafter be kept available at all times for the parking of vehicles.