



Appeal Decision

Site visit made on 21 August 2019

by S Leonard BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 September 2019

Appeal Ref: APP/D0840/D/19/3230251

Sea La Vie, Green Lane, Portreath, Cornwall TR16 4NX

- 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 Ryan Phelps against the decision of Cornwall Council.
 - The application Ref PA19/00836, dated 23 January 2019, was refused by notice dated 3 April 2019.
 - The development proposed is garden games room detached.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. The Council has used a different description, which has been agreed with the appellant, which is planning permission required for a detached garden games room. I have determined the appeal on this basis.
3. The site has been the subject of a dismissed appeal decision, Ref APP/D0840/D/12/2174637, with respect to a proposed single storey summerhouse/storage area in a similar position to the current appeal proposal. This is a material consideration to be apportioned appropriate weight. It is noted that the design of the current appeal scheme differs from that of the dismissed scheme. This matter has been taken full account of in the reasoning set out below.

Main Issue

4. The main issue raised in this appeal is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. Sea La Vie is a modern, detached, two storey dwelling located on the north side of Green Lane, in an elevated hillside position overlooking the village of Portreath. The site lies within the Cornwall Area of Outstanding Natural Beauty (AONB) and within designated Heritage Coast. It is visually prominent within the wider landscape, and clearly evident when viewed from the public realm to the north, including from Portreath village and the opposite hillside.
6. There are detached dwellings to both sides of the appeal site. Green Lane forms a ribbon of residential development running along the hillside at a high

level above Portreath. Below this, there is a significant area of largely undeveloped hillside, forming a green, rural setting to the main concentration of built development within the village below, and making a positive contribution to the character and appearance of this part of the AONB. The garden of the appeal property is steeply sloping beyond the north elevation of the dwelling, and contributes to the green wedge which separates the Green Lane built development from the village below. The garden is grassed and undeveloped, apart from an area of raised timber decking which is positioned close to the rear of the house. This has been dug into the hillside and is sited at a lower ground level than the house, accessed by steps leading down from the side of the house.

7. The appeal proposal will replace the existing raised timber decking. The appellant has sought to design the appeal scheme to minimise its visual impact by partially setting the building into the hillside, incorporating a green roof and green cladding, and proposing additional landscape planting to the sides and front of the building.
8. Nonetheless, the existing timber deck is visually inobtrusive when viewed from the public realm to the north of the site. It sits discretely within the garden, being dug into the hillside and having a shallow north facing edge. There is no balustrading nor any fixed structures on the top of the decking. In contrast, the proposed replacement development would introduce a new detached building within the garden. Due to its position, height, width and design, it would appear as a discordant addition to the appeal site.
9. In the wider landscape it would be viewed as a distinctly separate building from the main dwelling, due to its detached position, significantly lower ground level, and substantially different design and materials than those of the existing house. The visual prominence of the building would be further exacerbated by the large glazed windows/doors on the north elevation. The result would be an incongruous encroachment and visual intrusion of built development into the open gap between the Green Lane residential development and the intensively developed village below.
10. The proposed landscape planting around the new building would fail to provide effective screening of the proposed development, given the height of the new building, which would rise to about 3 m, and the steeply sloping nature of the garden. Furthermore, such landscaping would not be practical, since it would block views over the valley and village from the proposed full height glazing on the north elevation and timber decking around the north and west side of the garden room, thus potentially impacting upon the enjoyment of the building by the occupants of the appeal site.
11. I have had regard to the existing scattered dwellings and small outbuildings/structures located on the hillside below the main concentration of residential development in Green Lane. Such buildings existed at the time of the determination of the previous summerhouse/storage area appeal. Like the previous Inspector¹, I do not have sufficient detailed information before me to be able to determine how recent these structures are. I also find that the appeal proposal would contribute to an inappropriate intensification and consolidation of existing sporadic development on the lower hillside.

¹ Appeal Ref 2174637

12. I have also considered the replaced or/enlarged dwellings within the site vicinity referred to by the appellant. However, I do not find that these developments are directly comparable to the appeal proposal and each proposal must be considered on its own planning merits as I have done here.
13. Accordingly, I find that the appeal proposal would have a detrimental impact on the character and appearance of this part of the Cornwall AONB, including on the rural character on the outskirts of Portreath.
14. I therefore conclude that the proposed development would be contrary to Policies 2, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030, which, amongst other aims, require new development to protect, conserve and enhance designated landscapes, including AONBs and Heritage Coasts, and to maintain and respect the character and setting of settlements.
15. It would also conflict with Paragraph 172 of the National Planning Policy Framework, which confirms that AONBs are afforded the highest status of protection in relation to the conservation and enhancement of landscape and scenic beauty.

Conclusion

16. The proposal would be contrary to the adopted development plan and there are no material considerations indicating a decision otherwise than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

S Leonard

INSPECTOR