

Appeal Decision

Site visit made on 19 September 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 October 2019

Appeal Ref: APP/D0840/W/19/3222220

Primrose Dell, Fore Street, Polgooth, St Austell, PL26 7BZ

- 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 Patrick Clancy against the decision of Cornwall Council.
 - The application Ref PA18/01587, dated 10 February 2018, was refused by notice dated 24 December 2018.
 - The development proposed is the construction of a new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a new dwelling at Primrose Dell, Fore Street, Polgooth, St Austell, PL26 7BZ in accordance with the terms of the application, PA18/01587, dated 10 February 2018, subject to the conditions on the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the locality.

Reasons

Character and appearance

3. The appeal site is the irregular shaped side garden area of the attractive detached Primrose Dell and, with the exception of that home, is in a part of the village which is characterised by varied detached homes of more modern idiom. The site lies at an appreciably lower level than neighbouring gardens to the side and rear. The frontage building line locally is a varied one and there is a reasonable degree of soft landscape featuring along with driveways and some bold front elevations. This stretch of street is of established residential character and of pleasing but unexceptional appearance.
 4. The proposal is for a detached two storey 3 bed home with integral double garage and the upper floor of accommodation partly within the roofspace.
 5. The proposed dwelling would be of unremarkable appearance albeit its front elevation would take some cues from nearby dwellings and it would feature some interest without being overly strident. It would sit close to certain boundaries but this is not without similar nearby and whilst garden size may be below the average locally there would be adequate amenity space and scope
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for soft landscape. The set-back off the road would be such as to avoid the scheme being jarring on the eye. The loss of the drive-width of boundary wall / hedge would be absorbed in the streetscene without undue harm. The existing 'green openness' of this side garden makes some contribution to the streetscene but it is a modest one and does not draw the eye. It does not provide aesthetic benefit which would outweigh the social and economic benefit of a new home. As is the case from the other side of Primrose Hill, views of this older home, which is set further back, would be reduced from an oblique angle by the new dwelling. However there would not be inappropriate intrusion on the space around Primrose Hill or its attractive long front garden and the sense of its unusual and more historic setting than the modern surrounds would continue to be evident.

6. In summary, my appraisal of the appeal site is that it is a reasonable infill plot and the dwelling planned for it would be appropriate design, scale, siting and density.
7. Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policy 1(a) and (b) (referring to the Cornwall Industrial Settlement Initiative report for Polgooth) of the St Mewan Parish Neighbourhood Development Plan 2016-2030 (NP) are relevant. Taken together and amongst other matters they seek to ensure that new development is well designed and suited to its setting; of appropriate scale, alignment and density; protective of historic settlement qualities and sensitive localities; and not representing creeping suburbanisation. I conclude that the appeal scheme would not conflict with these policies.
8. I should add that in response to some local commentary I am convinced that my allowing this appeal will not negate the importance, pedigree and usefulness of the NP which sets out a valuable locally-based framework for planning decisions. I have assessed this case on its own merits, as often there is a degree of subjectivity, and I have had the content and the ethos of the NP to the fore in my mind.

Other matters

9. I note that the proposition is put that Polgooth has reached its environmental capacity to accommodate any further growth. I would agree that great care needs to be taken to ensure that the settlement does not enlarge unreasonably so that its inherent social and environmental qualities may be protected. However I have seen no evidence that the point has been reached when a blanket ban on new homes would be appropriate and there are no adopted development plan policies to this effect.
10. I have carefully considered the matters relating to flood and surface water issues which have been raised and I am satisfied that the scheme, given the application of suitable planning conditions, would be acceptable in this regard.
11. From what I have seen on site and read, and given levels and separation distances as well as the dwelling design before me, I am also satisfied that there would not be undue harm to the residential amenities of neighbours.

Conditions

12. The standard commencement period is appropriate. A condition that works are to be carried out in accordance with listed, approved, plan is put forward; I

would agree, to provide certainty. I would concur that external materials, should be agreed and that hedging take place in the interests of visual amenity. The matter of drainage is particularly important in this locality and I would broadly agree with the Council's suggested conditions on this matter which would be suitable in the interests of water quality, residential amenity, and to prevent increased risk of flooding. I would also agree with the Council that 'permitted development' rights ought to be removed appropriately in the interests of visual and residential amenity. This is such an unusual site arrangement with, in parts, a restrictive nature and irregular relationship to other gardens that exceptional controlling circumstances should apply.

Overall conclusion

13. For the reasons given above I conclude that the proposal would not have unacceptable adverse effects in terms of the main issue or other matters raised. Accordingly the appeal is allowed.

D Cramond

INSPECTOR

SCHEDULE OF CONDITIONS (6)

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plan: PL.03 D.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E 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 alterations to the roof of the dwellinghouse; or
 - The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.
4. No development shall take place above slab level of the dwelling until the following have been submitted to and approved in writing by the Local Planning Authority:
 - i) samples of the natural slate to be used on the roof and external walls of this new building
 - ii) samples of the natural stone to be used in the construction of a new Cornish hedge along the south eastern boundary of the site.

The development shall be undertaken in accordance with the approved samples/details. The Cornish hedge shall be constructed along the entire south eastern boundary of the site as shown on Plan D dated October 18 within 12 months of the first occupation of the dwelling and thereafter the Cornish hedge shall be retained.

5. The foul and surface water drainage systems shall be carried out in accordance with the PDP Green Consulting Flood Risk Assessment and Drainage Strategy Revision E dated October 2018.
6. No development approved by this permission other than ground preparation or access works shall be commenced until the following details are provided:
 - i) Details of the final drainage schemes including percolation test results, calculations and layout;
 - ii) Confirmation from South West Water Ltd that the foul network has sufficient capacity to cater for this development;
 - iii) A Construction Surface Water Management Plan;
 - iv) A Construction Quality Control Plan;
 - v) A plan indicating the provisions for exceedance pathways, overland flow routes and proposed detention features;
 - vi) A timetable of construction;
 - vii) Confirmation of who will maintain the drainage systems and a plan for the future maintenance and management, including responsibilities for the drainage systems and overland flow routes.

The Developer must inform the Local Planning Authority of any variation from the details provided and agree these in writing before such variations are undertaken.

The surface water drainage systems shall fully manage surface water flows resulting from the developed site up to the 1 in 100 year peak rainfall event plus a minimum allowance of 40% for the impact of climate change.

The approved scheme shall be implemented in accordance with the timetable so agreed and the scheme shall be managed and maintained in accordance with the approved details for the lifetime of the development.