

Appeal Decision

Site visit made on September 17 2019

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/D0840/W/19/3222967

**Land east of Trepenty, Parkyns Lane, Lanjeth, St Austell,
Cornwall PL26 7TN**

- 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 Peter Hendy against the decision of Cornwall Council.
 - The application, Ref. PA18/08332, dated 6 September 2018, was refused by notice dated 8 February 2019.
 - The development proposed is a detached dwelling and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (i) the effect of the proposal on the character and appearance of the area, and (ii) the effect on the living conditions for the occupiers of Fairdene Meadow as regards outlook.

Reasons

3. On the first issue, the Council's concern is that whilst the principle of a new dwelling on the site is acceptable, the combination of the proposed building's siting, design and bulk would result in it appearing cramped within its setting to the detriment of the character of the area.
 4. I am satisfied that in terms of its location within the built up part of the settlement the appeal site is not precluded from residential development. However, at my visit to the site I saw that the site is also subject to important constraints. These are firstly its modest size, particularly the width between the proposed boundary with the host dwelling Trepenty and the existing boundary with Fairdene Meadow, the dwelling to the east. This limiting factor is further exacerbated by the drop in land level to this neighbouring building, albeit mainly in relation to the second issue, as discussed in paragraph 8 below.
 5. The second constraint is that the site is bounded on three sides by existing houses: the aforementioned Trepenty and Fairdene Meadow to the west and east respectively and Rose Cottage & Hope Cottage to the south. Of these four dwellings, the proposed building would be read rather more with the two cottages and Trepenty than Fairdene Meadow given the latter's somewhat offset position from the group, its spacious and open setting and a suburban appearance.
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6. In my view the proposed dwelling would not respond positively to its immediate context. There would only be a very modest distance to three of its boundaries and in a couple of respects this might reasonably be described as being minimal. Moreover, the proposed site plan (Drawing No. NGF-060-PL02 Rev. B) shows the area between the building and its flank and rear boundaries as being paved. And whilst this is practical in terms of day to day living, I consider that it is also symptomatic of a development that does not reflect the more loose knit, verdant and rural character of its surroundings. In addition, the size of the footprint is such that it would noticeably extend forward of Trepenty and would adjoin an extensive area proposed for parking and turning.
7. The Council's argument that the proposed development would appear cramped is in my view justified not just by the large footprint but also by its visual impact as a result of a design necessary to accommodate the three bedrooms and two bathrooms on the first floor. The roof height and the two front dormers would increase the prominence of the building and I accept the Council's assessment that, in combination with the tight fit to the sides and rear of the plot, it would appear as being 'shoehorned and cramped into the northern end of the site and at odds with the prevailing character of the area'. I also agree with the Council's view that the adverse effect of the proposed building's juxtaposition with Trepenty would be given further emphasis by the marked contrast in their design and appearance.
8. Turning briefly to the second issue, the effect on the outlook from Fairdene Meadow, I have noted the disagreement between the parties on the issue of shadowing. However, this is a separate, albeit potentially related, consideration to the matter of outlook which aside from character and appearance is the other main point in the Notice of Refusal. As regards this issue, the substantial height, depth and close proximity to the boundary of the proposed gable when combined with the difference in land level would have an adverse effect on the outlook from the side garden and to some degree the flank windows of Fairdene Meadow. The absence of a significant gap between the proposed dwelling and the boundary and to some extent the proposal for paving would preclude the introduction of any significant and effective planting to mitigate the oppressive effect.
9. Returning to the effects of the development as a whole, the grounds of appeal refer to the economic and social benefits of an additional dwelling, but bearing in mind that because both the Council's analysis and my own judgement relate to matters of scale and design rather than the principle, I can give this only limited weight. Reference is also made to a number of other approvals in the neighbourhood, but without more details in terms of the site coverage and design I am unable to consider them in detail. In any event I consider that each case rests on its individual merits and it is on these that I have made my assessment for this particular site in the garden of Trepenty.
10. Overall and having had regard to all other matters raised in respect of both main issues, I conclude that the proposed dwelling would have an unacceptable effect on the character and appearance of the area and the living conditions for the occupiers of Fairdene Meadow as regards outlook. This results in a conflict with the relevant parts of Policies 2, 12 and 21 of the Cornwall Local Plan Strategic Policies 2010-2030 adopted in 2016 and with the provisions of Section

12: 'Achieving Well-Designed Places' of the National Planning Policy Framework 2019.

11. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR