

Appeal Decision

Site visit made on 17 September 2019

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

an Inspector appointed by the Secretary of State

Decision date: 31 October 2019

Appeal Ref: D0840/W/19/3222469

Topsails at Pentui, Pill Lane, Feock, Cornwall TR3 6SE

- 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 & Mrs A McGaw against the decision of Cornwall Council.
 - The application, Ref. PA/18/06151, dated 25 June 2018, was refused by notice dated 27 November 2018.
 - The development proposed is the construction of a single infill dwellinghouse.
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Application for Costs

1. An application for an award of costs was made by Mr & Mrs A McGaw against Cornwall Council. This is the subject of a separate Decision.

Decision

2. The appeal is dismissed.

Preliminary Matter and Main Issue

3. In appraising the appeal scheme I concur with the Council's view that as a single dwelling in an Area of Outstanding Natural Beauty ('AONB') that already includes other dwellings and buildings, the proposal does not constitute 'major development' for the purposes of paragraph 172 of the National Planning Policy Framework 2019 ('the Framework').
4. The main issue is the effect of the proposed dwelling on the character and appearance of the landscape of Pill Creek having regard to its location within the South Coast Central section of the Cornwall AONB.

Reasons

5. Analysis of the appeal proposal in terms of addressing the main issue in a proper perspective can be divided into three main categories: (i) the principle of further development in Pill Creek; (ii) the suitability of the appeal site for development, and (iii) the impact of the proposed dwelling on the AONB landscape with particular regard to its size and design.

Principle of Further Development in Pill Creek

6. On the first point, the Cornwall AONB unit refers to Policy SCC9.01 of the Cornwall AONB Management Plan 2016-2021 in support of its view that the proposed development would continue the trend of substantial contemporary dwellings on the eastern side of the creek. This cumulative effect is considered
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to harmfully erode the character and natural beauty of the creek and amounts to an 'in principle' objection to further development in this location.

7. However, I note from the officer's report that the appeal site is within the settlement boundary of Feock as defined in the Feock Neighbourhood Development Plan 2017-2030 ('the NDP') where housing development is allowed in principle. Furthermore, having regard to Policy H1 of the NDP and Policy 3.3 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan'), development at Pentui would be regarded as an acceptable infill scheme that would not physically extend the settlement into the countryside and would not diminish a gap that is significant in the wider landscape. I agree with this appraisal.
8. My attention has also been drawn to the principle within Local Plan Policy 21 that in order ensure the best use of land, encouragement will be given to sustainably located proposals through increasing building density where appropriate, albeit subject to provisos. Taking all these factors and policy provisions together, I conclude that I should give only very limited weight in this appeal to the cumulative effect of the proposal on the AONB.

Suitability of Appeal Site for Development

9. As regards (ii), the suitability of the appeal site for development, I saw on my visit that the appeal site forms part of the garden of the existing dwelling and its annex. The land is currently in the form of a lawn on a hillside with mature trees both above and below where the new dwelling would be positioned. The site is of a good size and I am satisfied that subject to the removal of the existing timber garage there is sufficient room for a new dwelling with access and garage parking. I therefore consider that the acceptability of the principle of further development under item (i) above also extends to (ii) the suitability of the site itself.

Impact of Proposed Dwelling on AONB Landscape

10. The preceding paragraphs confirm that the main issue is confined to (iii) the impact on the AONB landscape. And in this regard, in addition to the evaluation of the merits of the particular building in the appeal proposal, there are constraints on the site that would apply to any new building. These are the sloping form of the land; the proximity of trees subject to a Tree Preservation Order ('TPO') and the visual impact of the development from Pill Lane; the opposite side of the valley (including a public right of way), and the Creek itself. The relationship with, and proximity to, Pentui and its annex are also directly relevant to appraisal of this visual impact.
11. National and Local Planning policies make it clear that there is a very high bar to surmount if development in an AONB is to be accepted. Paragraph 172 of the Government's Framework says that '*Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues*'. And there are further complementary technical and legislative requirements that are cited in the Government's Planning Practice Guidance.

12. In the Local Plan, Policy 3.4 requires development to demonstrate that it conserves and enhances the landscape character and natural beauty of the AONB and this is repeated in Policy 23. In the Feock NDP, the necessity to safeguard the AONB landscape is referred to in Policies HE1 & LS2, whilst the same objective is referred to in Policy MD9 of the aforementioned Cornwall AONB Management Plan. There are additionally other more general policies requiring good design, with detailed design advice in the Cornwall Design Guide 2013.
13. However, in applying these policies it must be remembered that buildings, including dwellings at higher levels on the valley slopes that can be seen at distance, are already part and parcel of the existing Pill Creek AONB landscape. Furthermore, I have already accepted that the location and the particular site for the development are acceptable and it is in this context that the likely impact of the new dwelling must be assessed.
14. The Notice of Refusal refers to the 'contemporary design' of the proposed house with an implication that in this case it contributes to the appearance of the building being unacceptable. Whilst I acknowledge that there are already other contemporary dwellings in the area and that it would therefore be inappropriate to preclude the principle of a modern design, I am of the view that Council is correct to express its doubts. The uncompromising rectilinear form and extensive glazing more typical of contemporary architecture are characteristics of the scheme that, when combined with the considerable width of the proposed building on this particular site, cause legitimate concern. It is this combination that in my view weighs most heavily against an approval.
15. Accordingly, whilst I regard the proposed building as in itself being of aesthetic quality and architectural merit, I consider the combination of scale and design (even with the negotiated amendments) as not representing an appropriate balance between on the one hand the understandable aspirations of the appellants to make the most of the site and the views, and on the other hand the objective of conserving the distinctive characteristics and significant constraints of the AONB landscape as represented in national and local planning policies. The overall size of the building, the massing implications of its 23m frontage length to the creek and the almost continuous glazing on the upper two levels would be such that the building would draw the eye from the various vantage points to which I have already referred.
16. Furthermore, the building would be read together with the adjacent Pentui and its annex which are already prominent in the landscape, not least because of their use of white painted rendering. This would add to the perception of an area of visual intrusion into the natural wooded landscape of the creek. The south west orientation of the building would increase the likelihood of sunlight reflecting on the glass whilst the extent of glazing would have the potential to result in a substantial light spillage during the hours of darkness. Neither of these consequences lend support to the proposal.
17. An additional factor is that with the building so reliant on the aspect from the front living areas there is likely to be a long term conflict with the proposal for replacement tree planting on the lower slope of the site between the proposed building and Pill Lane. The need for the growth of trees to reduce the visual impact of the building so as to maintain the woodland landscape of the site and

its surroundings would reduce the residential amenity of the building in terms of both aspect and daylight / sunlight. Again, there is an inherent inconsistency here between the aspirations of the appellants or future occupiers and the need to safeguard the AONB landscape.

18. Overall and on balance, I consider that in respect of the main issue the appeal scheme is more assertive than discreet and would thereby have an adverse effect on the character and appearance of the AONB landscape in Pill Creek and its surroundings. Accordingly, there would be a harmful conflict with the Policies of the Local Plan, the Feock NPD and paragraphs of the Framework to which I have already referred.
19. I have taken account of the social, environmental and economic benefits of an additional dwelling in Feock and Cornwall, but I do not consider that these weigh strongly against the harm to the AONB that I have identified. As I have already indicated, the policies for protection of this designated landscape represent a particularly high bar that has to be surmounted if development is to be considered acceptable in the AONB. In its present form and size, and more particularly the combination of these two aspects, the proposed dwelling would be below that bar.

Other Matter

20. I have had regard to the appellant's view of procedural irregularities when the application was refused but I do not regard these as being likely to have materially affected the decision by Members to refuse permission and its legitimacy. In any event, the situation is what it is, and I have determined the appeal application on its merits as I see them.

Conclusion

21. For the reasons explained and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR