



Appeal Decision

Site visit made on 23 March 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2020

Appeal Ref: APP/D0840/W/20/3244338

Chy Gwyn, Sampys Hill, Mawnan Smith TR11 5EW

- 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 P Nixon against the decision of Cornwall Council.
 - The application Ref PA19/08384, dated 24 September 2019, was refused by notice dated 12 November 2019.
 - The development proposed is a dwelling to incorporate design amendments following refusal of PA19/02172.
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Decision

1. The appeal is dismissed.

Application for costs

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

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the area, and
 - the effect of the development on the living conditions of the occupiers of 1 Carlidnack Road, with particular regard to any overbearing impact.

Reasons

Character and appearance

4. Sampys Hill when viewed from the corner of Carlidnack Road, on the Chy Gwyn side of the road, has a pleasant character with the dwellings facing the road and set back in reasonable sized plots. The frontage to the road is generally well landscaped, softening the appearance of the buildings. While further up the road the storage building associated with the dwelling next to the commercial garage projects forward in the street scene and there are other buildings with a greater street presence, these buildings are not generally seen in nearby association with the appeal site and its surroundings.
5. The proposal would introduce a dwelling reasonably close to the front boundary in this part of Sampys Hill and on a part of the site that is elevated above the immediately adjoining road level. The combination of the siting, the level above the road, the height and width, and therefore the bulk, of the proposed

dwelling would result in an unduly prominent and bulky structure projecting forward in the street scene. While I acknowledge the position of the neighbouring bungalow, this faces the adjoining road, and the layout of the proposed dwelling with the end gable facing the road would not accord with the general pattern of development of the immediate neighbouring buildings within and fronting Sampys Hill itself. Furthermore, the widening of the access with the loss of part of the front boundary would erode some of the pleasant landscaped appearance of the site.

6. Taking all these matters together, the proposed development would appear as an unduly dominant and incongruous feature within this part of the street scene and would harm the character of this area within the village.
7. The proposal would make efficient use of the land but, because of the harm to the character and appearance of the area, it would not meet with the National Planning Policy Framework (the Framework) requirement that decisions should take account of the desirability of maintaining an area's prevailing character and setting, including residential gardens. A landscaping scheme along the frontage would not overcome the identified harm.
8. The Council has drawn my attention to the draft Mawnan Parish Neighbourhood Development Plan 2019-2030 (SEA/HRA Version) (August 2019) (the draft NDP). Policy 1 of the draft NDP concerns the locations and scale for new housing development. The proposal would not conflict with this policy and the Council accept that the principle of housing in this village location is acceptable. Policy 5 of the draft NDP sets design principles for new development and the proposal would not meet with all the requirements, such as being visually well-integrated with nearby structures. The evidence indicates that the draft NDP has been influenced by local consultation and events. However, it has not been the subject of formal public consultation and therefore, based on the information before me on the progress of the draft NDP, I attribute the draft NDP very limited weight in my considerations.
9. In the light of the above analysis, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policy 12 of the Cornwall Local Plan: Strategic Policies 2010-2030 (the Local Plan) and the Framework which seek, notably, that development should create places of an appropriate layout, height and mass with a clear understanding and response to its setting.
10. I am also mindful that the site lies within the Cornwall Area of Outstanding Natural Beauty (AONB). The Framework requires that great weight should be given to conserving and enhancing landscape and scenic beauty of AONBs which have the highest status of protection in relation to these issues. However, in this case the site is located within a village, where development is acceptable as a matter of principle and the site is in the general vicinity of other buildings. In these circumstances, notwithstanding the harm I have identified above, the proposal would not harm the special qualities of the AONB, its purpose or conflict with Policy 23 of the Local Plan.

Living conditions

11. 1 Carlidnack Road has a reasonably shallow depth of rear garden and is set on a lower level than the appeal site. The rear of the property has windows and what appears to be a glazed door that opens onto the rear area. The present

boundary between the sites includes some walling, fencing and vegetation. No 1 also has a conservatory attached to the end gable and a front garden open to some views from the adjoining road.

12. The proposed dwelling would be sited so that it would angle away to some extent from No 1 and a 2m high timber fence would be erected along the boundary. Nevertheless, the dwelling would stretch for a reasonable distance across and in proximity to the rear of No 1. A section of the rear wall of the proposed dwelling would, in all likelihood, be visible above the fence from the rear parts of No 1 and while the roof would slope away it would still be readily apparent such that the overall height, bulk and siting of the proposed building would have an imposing presence when experienced from parts of No 1. The combination of all these factors would mean that the dwelling would have an immediate and overly dominant impact on the living conditions of the occupiers of No 1. The impact would be to such an extent that the presence of the proposed dwelling would be overbearing and therefore unacceptably harm the living conditions of these adjoining occupiers.
13. I note that the present residents of No 1 have not raised objection to the scheme and that the property has other, perhaps more useable, amenity space. Nevertheless, this does not alter my view that the relationship of the proposed dwelling to No 1 would be overbearing. As a consequence, the proposal would not meet with the Framework policy that development should create spaces with a high standard of amenity for existing and future users.
14. For the above reasons, I conclude that the proposal would unacceptably harm the living conditions of the occupiers of No 1 because of the overbearing impact. As a consequence, the dwelling would conflict with Policy 12 of the Local Plan and the Framework which seek, amongst other things, that proposals should protect individuals and property from overbearing impacts.

Other Matters

15. The scheme would deliver an additional dwelling on a windfall site and in a location with good access to services, facilities and public transport. There would be economic and social benefits to the area during construction and in subsequent occupation. The evidence indicates that the dwelling would be built to high environmental and energy efficient standards.
16. Furthermore, because of the extent of the AONB in this wider area there are limited opportunities to be able to deliver housing requirements that would not encroach into a greenfield site and potentially adversely affect the AONB. The provision of the dwelling within a village location would be a benefit of the scheme that would help to protect the wider AONB.
17. The Council indicate that they can demonstrate a 5 year supply of deliverable housing land. In this respect paragraph 11d of the Framework would not be engaged. Nevertheless, the housing figures are not a minimum and the proposal would deliver a self-build dwelling for relatives of the appellant that would make a contribution to housing supply. Even if the site was to be considered previously developed land because of the presence of the structures, as the proposal would deliver only a single dwelling, I attribute the cumulative benefits limited weight.

18. I have noted the appellant's reference to the Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017). However, as the principle of a dwelling in this village location is not in dispute, the advice in the Note is not a matter which adds materially to the consideration of the main issues in this case.
19. The proposal is a revision to a scheme that was previously considered and refused by the Council. While I have noted the changes that have been made, I have considered the scheme on its merits, including all the evidence before me and my observations at the site visit.

Conclusion

20. The benefits of the scheme would afford limited weight. However, I have found that the proposal would harm the character and appearance of the area and would not protect the living conditions of the occupiers of an adjoining property. This combined harm is a matter to which I afford significant weight. Consequently, the overall harm would outweigh the benefits of the proposal.
21. The proposal would not comply with the development plan when considered as a whole and there are no material considerations that outweigh this conflict. Accordingly, having regard to the above, and taking all other matters into account, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR