



Appeal Decision

Site visit made on 8 July 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/D0840/W/20/3246038

Little Trerank, The Lodge, Access Road To Little Trerank, Roche PL26 8EU

- 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 Aaron Cherrie against the decision of Cornwall Council.
 - The application Ref PA19/00848, dated 24 January 2019, was refused by notice dated 7 August 2019.
 - The development proposed is described as '*Retention and completion of dwelling with amended height/siting*'.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed dwelling was in a state of construction at the time of my site visit. I therefore made my assessment on the basis of what I observed on site and the proposed drawings.
3. The appeal is accompanied by a drawing Ref SK01 Rev A. As this drawing is relevant to the issues at hand, and as the parties were able to comment on it during the appeal process, I accepted it and had regard to it in my decision.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the occupants of The Cottage with reference to light and outlook.

Reasons

Background

5. The appeal site comprises a partially completed dwelling 'The Lodge', set in wall, fence and tree bound grounds within a rural location largely surrounded by farmland near to the settlement of Roche. The site shares vehicular access, via a single rural track, with its solitary adjacent neighbour, 'The Cottage'.
6. In 2015 the Council granted planning permission for a replacement dwelling at the site under Ref PA14/10722, which was to be a larger property set more centrally within the plot. In a subsequent, dismissed appeal decision, which related to a proposal for two dwellings at the appeal site, it is identified that the dwelling approved for replacement in 2015 was demolished before June

2016¹. In the absence of evidence to the contrary, I consider that this act of development constitutes the commencement of Ref PA14/10722.

7. The replacement dwelling has not, however, been constructed in accordance with the approved plans. It has been situated a little differently and is higher, at both its eaves and to its ridge. Whilst the extent of the difference in height is disputed by the parties, it is in my opinion most accurately conveyed by the appellant's drawing Ref SK01 Rev A, which identifies a difference of 1.64m.

Character and appearance

8. Policy 12 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP) requires development to achieve high quality design through, amongst other things, being an appropriate height, with a clear understanding and response to its setting; and to provide continuity with the existing built form. Policy 23 seeks for proposed development to be of an appropriate scale, mass and design that recognises and respects the landscape character of both designated and undesignated landscapes.
9. Whilst over two storeys and extended, The Cottage maintains a low-profile and a humble aesthetic typical of vernacular rural buildings in this area². The building being constructed at The Lodge, by contrast, is a large and generously scaled two storey dwelling which is also set on higher land. The height of the building leads it to be visible from the public highway network to the north and south. However, the greenery which surrounds the property nestles it to some extent. This, when coupled with the fair distances involved, greatly reduces the perception of its height and softens its visual effect from these vantages.
10. That said, The Lodge is experienced very differently in closer proximity. Whilst The Lodge is now further from The Cottage than was formerly the case, the confined space they cohabitate continues to draw them together into what is an intimate and retiring setting. The Lodge imposes its far higher gable end towards The Cottage and the effect is a visually domineering building out of context with its more modest environs. Given that this is an inherent issue of height, it could not be overcome by references to the local vernacular in the finer details of the building's design, or the omission of smaller features such as a garage or porch.
11. I recognise that the previously approved replacement dwelling would also be a large building of similar form. However, the height difference to the ridge and eaves is nonetheless significant in my view, particularly when the practical effects of that difference are assessed on the ground. The 2015 permission is not therefore a fallback position which justifies the harm I have identified. Whilst the 2016 appeal decision found no harm to the character or appearance of the area, that scheme was made in outline with all matters reserved, with the appeal decided prior to the adoption of the CLP. Its circumstances were thus quite different, and it is therefore of limited influence in this appeal.
12. I therefore conclude on this issue that the proposed development has an unacceptable effect on the character and appearance of the area. It conflicts with the design and landscape aims of Policies 1, 2, 12 and 23 of CLP, Policies G1 and H2 of the Roche Parish Neighbourhood Plan (made 2018) (RPNP) and the National Planning Policy Framework (the Framework). As Policy A1 of the

¹ Appeal Ref: APP/D0840/W/16/3146606

² LCA 20 Mid Cornwall Moors – Cornwall and Isles of Scilly Landscape Character Study

RPNP relates to the location of development, I find no conflict with it in relation to this main issue.

Living conditions

13. The Lodge is to the south of the Cottage but there is only a single, obscure glazed opening within The Cottage's facing elevation, and I saw on site that its rear garden was also well screened by greenery along the shared boundary at that point. The Cottage's principal elevation is orientated in such a way that its window openings would be largely screened from any shadowing. On this basis, the proposal does not cause unacceptable loss of light to The Cottage.
14. Whilst The Lodge is a dominant feature which does impinge to an extent upon outlook when one approaches The Cottage, I am mindful that this is a logically brief and transient experience. The effect of The Lodge on outlook from the rear garden of The Cottage is also, in my opinion, diminished by the distance between The Cottage and this space and the intervening boundary vegetation.
15. I therefore conclude on this issue that the proposed development has an acceptable effect on the living conditions of the occupants of The Cottage with reference to light and outlook. It accords with the residential amenity aims of Policies 1 and 12 of the CLP and the Framework.

Other Matters

16. I have had regard to concerns raised about the procedural conduct of the Council prior to the refusal of planning permission for the appeal scheme. However, these matters are not for me to consider in my assessment of this section 78 appeal, which is focused on the planning merits of the proposal.
17. I have also had regard to the concerns of interested parties in relation to access and foul water drainage, but these matters do not alter my findings against the main issues.

Planning Balance

18. The scheme would, when completed, provide a dwelling built to modern standards. Given the small scale of the proposal, this is a limited benefit in the scheme's favour, as is the management of the localised surface water flooding issue within the site. These benefits are outweighed by the significant harm I have identified to the character and appearance of the area.
19. I therefore find that the proposal would conflict with the development plan when read as a whole and that there are no other considerations, including the Framework, which would outweigh this conflict.

Conclusion

20. For the reasons outlined above, and taking all other matters raised into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR