



Appeal Decision

Site visit made on 24 September 2020

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2020

Appeal Ref: APP/D0840/D/20/3248260

Koh I Noor, 3 Higher Lidden Road, Penzance, TR18 4NZ

- 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 L McDougall-Brown against the decision of Cornwall Council.
 - The application Ref PA19/09805, dated 9 November 2019, was refused by notice dated 22 January 2020
 - The development proposed is proposed car port (variation of previous design).
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Decision

1. The appeal is allowed and planning permission is granted for the proposed car port (variation of previous design) at Koh I Noor, 3 Higher Lidden Road, Penzance, TR18 4NZ, in accordance with the terms of the application, Ref. PA19/09805, dated 9 November 2019, and subject to the conditions listed below:
 - 1) The development hereby permitted shall begin 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 plans: A3/KHN/10181C, A3/KHN/10182C, A3/KHN/10183C, A3/KHN/10184C, A3/KHN/10185C & A3/KHN/10186C.

Procedural Matter

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

Main Issue

3. The main issue is whether the proposed development would affect the character and appearance of the area.

Reasons

4. The appeal site comprises a large detached two storey property with an extensive garden situated on the northern side of Higher Linden Road. The appeal proposal is an amended scheme in response to a previous application refused by the Council.
5. The proposed car port has, in my view, been designed to be broadly in keeping with the host property. The proposed scale, location and materials to be used would be sympathetic to the host property and would give the appearance of a new addition that is subordinate to the main house. Whilst the design would

- be simple, the use of timber cladding, natural stone and a flat roof would provide a visual and functional link with the main house. The landscaping strip, located between the proposed car port and Higher Lidden Road, would help in assimilating the proposal into the appeal site.
6. The Council argue that the proposal would be prominent and incongruous as a result of its location close to the road. The proposed car port is set back from the edge of the pavement and separated from it by a reasonable distance. It would also be sited against a high wall that forms the boundary with 5 Higher Lidden Road, to the north west. On top of this wall is a low timber fence and then a hedge, and the proposed car port would sit well below both. These factors, combined with the proposal being in keeping with the design and scale of the host property, result in an addition that is, in my view, acceptable.
 7. The Council also argue that the proposal, by virtue of its flat roofed design and siting, would be at odds with the pattern of development in the area and thus harmful to its character.
 8. The properties surrounding the appeal site are mixed and vary in terms of their scale, style, design and layout. Some properties face onto the road and others are sited side on. A number have been extended towards the road or have garages and car parts that are either integral to the property in question or are separate or in some cases close to the edge of the road.
 9. Within that context, I am satisfied that the appeal proposal would not appear at odds with the existing pattern of development. Whilst I accept that the proposed car port would be visible, due to its scale and sympathetic design, it would not, in my view, result in significant harm to the streetscene or to the character of the area.
 10. These findings are supported by my site visit, where I noted that the appeal proposal would essentially only be visible from Higher Lidden Road as you directly pass by the appeal site. This is due to the appeal sites location on a bend in the road and the existence of screening to the road boundary of the host property and to the boundary of 5 Higher Lidden Road.
 11. The Appellant has drawn attention to the Council's Domestic Alterations & Extensions Guide (2012) and the Cornwall Design Guide (2013). Both indicate that car ports should be designed to be simple and moderate in their scale, and be sited so as to link visually with the host building. The appeal proposal would be consistent with this advice.
 12. I find, therefore, that the proposed development would not be at variance with the objectives of Policy 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP), and would also be compliant with the advice in paragraphs 127 and 130 of the National Planning Policy Framework (February 2019) (Framework). These policies seek to ensure that new development is of a high quality, respects the existing built form and responds well to the character of the area.

Conditions

13. The Council has suggested one condition, other than the requirement for the permitted development to be begun within three years, which I have considered against the advice in the Framework and the Planning Practice Guidance on the use of planning conditions. The requirement for the permitted

development to be carried out in accordance with the approved plans is necessary and reasonable in order to secure a high-quality sustainable development.

Conclusion

14. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR