



Appeal Decision

Site visit made on 30 September 2020

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal Ref: APP/D0840/W/20/3249062

Capensis, Tresevern Croft, Goonlaze, Stithians, TR3 7AR

- 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 M Warden against the decision of Cornwall Council.
 - The application Ref PA19/10350, dated the 27 November 2019, was refused by notice dated the 4 February 2020.
 - The development proposed is a new dwelling in rear garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site comprises the rear garden of Capensis, a single storey bungalow with gardens to the front and rear. An existing driveway on the western boundary provides access to a single storey garage, which would be demolished to provide a shared access to the proposed dwelling.
4. The appeal site is located within a small hamlet. The surrounding properties comprise a variety of styles, varying in terms of their age and design. Even so, the character of this part of the hamlet is of properties that front onto the road, set within reasonably spacious plots.
5. Within this context, the appeal proposal would introduce a large two storey building into the rear garden of Capensis. Whilst the first floor would be set into the roof of the proposed dwelling, even with the screening provided by existing timber boundary fencing, the appeal building would be prominent and visible from surrounding properties and from public viewpoints, including the adjacent road. The latter is apparent from the submitted plans which show that the long ridge and roof to the proposed building would rise well above the ridge of Capensis. It would, as a result, have a material impact on the streetscene.
6. The appeal proposal would introduce a significant mass of building where there is currently no similar development of this type, location and scale. As a result, it would be out of keeping with the prevailing pattern of development.

7. As I observed on my site visit, whilst the properties adjoining the appeal site have various outbuildings in their gardens, these are low key and well hidden. None of these gardens contain similar backland development to that proposed. This area contrasts with the area further east, centred on No's 1 and 2 Tresevern Hill and Sarah's Patch, which is more intensively developed, containing older cottages and a more modern bungalow, though the planning circumstances that led to the latter have not been provided.
8. In comparison, the group of properties and their larger gardens, that include the appeal site, have retained a sense of spaciousness and greenery, which is a positive feature of this part of the hamlet, and an important part of its character and appearance. Although the garden comprising the appeal site is smaller than those to the west, the difference is not that significant and does not take away from the positive contribution that this group of properties makes to the character of the area.
9. Furthermore, the existing properties adjoining and opposite the appeal site all front onto the road, whereas the appeal building would be set back to the rear of Capensis. As a result, the proposed building would be unrelated to the existing built form in this part of the hamlet.
10. The inappropriateness of the proposal is accentuated by the cramped form of development that would result. The proposed dwelling would be sited very close to the existing high timber boundary fencing, with limited usable amenity space and large areas of hardstanding. The resulting rear garden to Capensis would be small and whilst it would retain a garden at the front, this would not, in my view, be private. The two properties would also be sited very close together, reemphasising the cramped nature of the development. Overall, the proposal would not sit comfortably on the site and the proposed buildings' location, scale and massing would appear overbearing and would visually dominate its surroundings.
11. The Council argue that the harm resulting from the appeal proposal is intensified by the sites location within an Area of Great Landscape Value (AGLV), where the objectives are to conserve and enhance the local landscape. However, whilst the appeal proposal would impact on surrounding views, I am not convinced that it would result in such significant harm to the AGLV as to justify the refusal of planning permission on its own. On balance, therefore, any conflict with Policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP) would not, in my view, be significant.
12. The appellant argues that the plot, which comprises the appeal site, is similar to Crofton and other properties to the east. This is true of Crofton, and together with the properties to the west they provide the local context within which I have found the proposal to be unacceptable for the reasons given above.
13. The appellant has referred to two examples of other dwellings permitted by the Council in the hamlet. However, neither of these are directly comparable to the appeal proposal. Whilst I have not been provided with full details of the new dwelling opposite, west of Carn Cottage, this appears from the Appellant's aerial photo to have involved part of the curtilage to that property and an existing single storey building. Also, the site fronts onto the road, is not backland development and comprises a spacious plot. In relation to the

permitted dwelling east of Crofton, that site again fronts onto the street, appears to be infill rather than backland development, again on a spacious plot.

14. The appellant has also referred to a new dwelling permitted in Stithians. The latter is a larger settlement, and not a small hamlet as in this case, and for these reasons it is again not directly comparable. Moreover, I have considered the appeal proposal on its individual merits having regard to the particular circumstances of this case. Those circumstances include the effect the development would have on the character and appearance of this part of Goonlaze.
15. The appellant has referred to the compliance of the appeal proposal with Policy 3 of the CLP. This may be so, but the issue in this appeal does not centre on whether, in principle, new development is appropriate within this hamlet. The appellant also contends that the character of the appeal site is similar to that to the east. This is not a finding that I share. The area further to the east does not form part of the local context to the appeal site, and the character of the area changes materially as you approach the appeal site from the east.
16. The appellant also argues that new landscaping would assist in assimilating the proposed development with its surroundings. There is no detailed scheme before me, however, I do not consider that any new landscaping would mitigate for the significant harm that I have found.
17. For the above reasons, I find that the appeal proposal would cause unacceptable harm to the character and appearance of the area. It would result in a cramped and over intensive form of development that would fail to promote or enhance local distinctiveness, and by virtue of its scale, location and massing would be out of keeping with the area. Accordingly, the proposed development would be contrary to Policy 1, 2 and 12 of the CLP and paragraphs 8 and 127 of the National Planning Policy Framework (February 2019) (Framework).
18. The Council have referred, in their Appeal Statement, to the Cornwall Design Guide (2013) (CDG). Whilst the appellant points out that this was not referred to in the reason for refusal, they go on to contend that the appeal proposal would not be contrary to the CDG. I do not agree and consider that the relevant references to the CDG, included in the Council's Appeal Statement, provide further support for my findings.

Other Matters

19. I note that objections were raised by interested parties at the application stage to the impact of the appeal proposal on living conditions, flooding, sewerage capacity and highway safety. These are not issues that the Council have raised in their objections to the appeal, but I note that they were addressed in detail in the Council's Delegated Report. I am satisfied, therefore, that in these respects, the appeal proposal would not give rise to any significant harm.
20. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires all proposals for development to be determined in accordance with the development plan unless material considerations indicate otherwise.
21. In this case, there are a number of benefits to the appeal proposal, including the small contribution the development would make to meeting future housing provision, the sustainability of the location and the more efficient use of

existing land. These benefits are supported by policies in the development plan and the Framework. Whilst I have attached modest weight to these benefits, they are not sufficient, either individually or cumulatively, to outweigh the significant harm to the character and appearance of the area that I have identified above nor the clear conflict with those policies of the development plan and the Framework that seek to protect and enhance local character, the built environment and local distinctiveness.

Conclusions

22. For the reasons given above and having taken all other matters into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR