



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: 09 October 2020

Appeal Ref: APP/D0840/W/20/3249968

Land at Chapel Meadow, Chapel Meadow, Porthtowan

- 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 SPS Architectural against the decision of Cornwall Council.
 - The application Ref PA19/02247, dated 13 March 2019, was refused by notice dated 21 January 2020.
 - The development proposed is erection of a 3 bed dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a 3 bed dwelling on land at Chapel Meadow, Chapel Meadow, Porthtowan, in accordance with the terms of the application, Ref. PA19/02247, dated 13 March 2020, and subject to the conditions listed in the Annex to this decision.

Procedural Matter

2. An application for costs was made by the appellant against Cornwall Council. This application is the subject of a separate Decision.
3. The application, as submitted, sought permission to erect a 2 bed bungalow. This description was amended during the determination of the application and amended plans submitted seeking permission for a 3 bed dwelling. I have, therefore, determined the appeal on this basis.

Main Issue

4. The main issue is whether the proposed development would be cramped and out of keeping with the streetscene, and, if so, whether the proposed development would affect the character and appearance of the area.

Reasons

5. The appeal site comprises an open parcel of land located in the north western corner of a modern housing estate. The proposed dwelling would be sited to the west of No.12 Chapel Meadow (No.12), a two storey property that forms part of the estate, and to the south of Porthtowan Farm Bungalow (PFB), a large bungalow with rooms in the roof, located outside, but on the boundary to the estate.
6. Whilst the appeal site is of an irregular shape, the proposed dwelling would be positioned in the gap between No.12 and PFB. In this location, the proposed building would provide an appropriate transition between No.12 and PFB. I note that the Council have questioned the accuracy of the 'proposed north east

- street elevation' on drawing No. 0278 100 Rev.D, in terms of whether this accurately reflects ground levels. However, as I observed on site, even if the appeal building was higher than that shown on this 'street elevation', it would still provide an acceptable transition between the two existing properties.
7. The proposed distances separating the appeal building from No.12 and PFB, would be acceptable. The proposed building would relate well to the existing built form and pattern of development, particularly within the estate. Even though it would be detached, whereas the estate properties are terraced, it would not appear out of keeping with the character of the area.
 8. The proposed building would be located on a spacious plot, with large gardens to the front and rear. The submitted plans and the aerial photograph in the Council's Appeal Statement, show that the appeal proposal would, in fact, occupy a much larger plot than that of a number of existing properties on the estate. The proposed building would sit comfortably on the appeal site. The proposed layout would include two dedicated parking spaces, which can be accommodated whilst still retaining the existing turning head. As a consequence, the footprint, scale and layout of the appeal proposal would not appear cramped.
 9. As I observed on my site visit, the properties on the estate have different ridge heights and detailing. The terraces on the estate are also sited at different angles, and within individual terraces some properties are stepped. The combined effect is a varied streetscene with no specific uniformity. Within this context, the appeal building would assimilate well and would not be harmful to the visual amenities of the estate. This finding is supported by the proposed materials to be used on the appeal building, which would include slate, painted render and weatherboard cladding, drawing on references from No.12 and PFB.
 10. The Council contend that the appeal proposal would not accord with the guidance in the Cornwall Design Guide (2013), which requires development to properly integrate with its surroundings. As I have found above, that is not a view I share. The Council also contend that the appeal site provides an important link to the open countryside beyond. I do not agree. In my view, the proposal would simply fill a gap between No.12 and PFB that is of no significant value other than providing a backdrop to the estate.
 11. The Council make a number of references to the random angle of the proposed dwelling, its poor design and the fact that it does not adhere to building lines, which they contend draws attention to the proposal. Again, that is not a view I share. As I found earlier, the proposed building would respond well to its surroundings and specifically its relationship with No.12 and PFB. There is no established building line, and the positioning of the appeal building relative to No.12 would add interest and relief to the large terraces that characterise the estate.
 12. The Council refer to the existence of a 5+ year supply of housing, and that whilst accepting the need to find more land for housing, contend that this should be plan led. However, in the relevant policy extracts to the Council's decision notice and its Appeal Questionnaire, is reference to Policy 2a of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP). This policy states that the CLP'S housing targets are to be treated as a "*minimum*". Also included, is Policy 3, which states that outside of the main towns new housing will be allowed on appropriate infill sites or as rounding off of settlements. The

appellant argues that the appeal proposal would represent an acceptable form of infill, which is a finding I concur with. These policies must, of course, be considered in conjunction with paragraph 59 of the National Planning Policy Framework (February 2019) (Framework), which sets out the Government's objective of significantly boosting the supply of housing.

13. For the above reasons, I am satisfied that the proposed development would not be at variance with the aims and objectives of Policies 1, 2 and 12 of the CLP or the guidance set out in the Cornwall Design Guide and the Chief Officer Advice Note – Good Design in Cornwall, and that it would also be compliant with the advice in paragraph 127 of the Framework.

Other Matters

14. Concerns have been raised regarding the inadequacy of parking on the estate and alternative uses envisaged for the appeal site when the estate was first built. There is no detailed evidence before me to suggest that any of these concerns would result in material harm and I note that they are not issues that the Council have raised. I am satisfied, therefore, that none of these issues would give rise to any significant harm.
15. Concerns have also been raised regarding the impact of the appeal proposal on neighbouring occupiers, in particular the occupiers of No.12 and PFB. However, based on my observations site, I am satisfied that the appeal proposal would not give rise to any significant harm to the living conditions of neighbouring occupiers. Again, I note that these are matters which the Committee Report addressed in detail, and are not issues that the Council have raised in relation to this appeal.
16. I have also had regard to the fact that the appeal site borders the Cornwall & West Devon Landscape World Heritage Site (WHS). I concur with the Council's findings in this respect, that the appeal proposal would not have any material effect on the WHS or its setting. The proposed development would not, therefore, be at variance with paragraphs 189 – 192 (inclusive) of the Framework.
17. There are a number of benefits to the appeal scheme. The proposed development would secure the more efficient use of the appeal site and maximise the potential it offers to contribute towards housing need, within a sustainable location. All of these are benefits that are supported by other development plan policies, as well as those of the Framework. These benefits add further support to the findings I have reached above.

Conditions

18. The Council has suggested a number of conditions which I have considered against the advice in the Framework and the Planning Practice Guidance (PPG) on the use of planning conditions.
19. Conditions relating to compliance with the approved plans, the provision of parking (during construction and for the new dwelling), the use of obscure glazing and no new openings, are necessary and reasonable in order to secure a high-quality sustainable development and to safeguard the living conditions of neighbours.

20. Whilst the PPG advises that permitted development rights should only be taken away in exceptional circumstances, I am satisfied that those circumstances exist here and that a condition preventing the construction, improvement or alteration of any means of enclosure, under permitted development rights, is necessary and reasonable to safeguard the amenities of the occupiers of neighbouring properties and in the interests of the visual amenities of the area.

Conclusion

21. 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

Annex - Conditions

- 1) The development hereby permitted shall be begun 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 plans: 0278-LP, 0278 100 Rev.D, 0278 PSP Rev.E and 0278-BP.
 - 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Class A of Part 2 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The erection, construction, maintenance, improvement or alteration of a gate, fence, wall or other means of enclosure.
 - 4) Before construction commences on the dwelling hereby permitted, the parking and turning areas shall be laid out and constructed to base course and made available for employees engaged in the construction of the dwelling hereby permitted and thereafter completed in accordance with approved drawing no 0278 PSP Rev.E prior to the first occupation of the dwelling hereby permitted; and the said areas shall not thereafter be obstructed or used for any other purpose.
 - 5) With the exception of the window [and external door] openings shown on approved drawing no 0278 100 Rev.D, no new openings shall be added to the north west and south east first floor elevations.
 - 6) Before the first occupation of the dwelling hereby permitted the windows on the north west elevation shall be fitted with obscure glazing and fixed closed and the windows shall be permanently retained in that condition thereafter.
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