



Appeal Decision

Site Visit made on 20 October 2020

by Mr A Spencer-Peet BSc.(Hons) PGradDip.Law PGDip.LP

an Inspector appointed by the Secretary of State

Decision date: 02 November 2020

Appeal Ref: APP/D0840/W/20/3256590

Land Adjacent Linfield House, High Street, St Keverne, Helston TR12 6NS

- 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 Ms Sara Cordall against the decision of Cornwall Council.
 - The application Ref PA20/00913, dated 31 January 2020, was refused by notice dated 5 June 2020.
 - The development proposed is reserved matters application with access, appearance, landscaping, layout and scale.
-

Decision

1. The appeal is allowed and planning permission is granted for reserved matters application with access, appearance, landscaping, layout and scale at Land Adjacent Linfield House, High Street, St Keverne, Helston, TR12 6NS in accordance with the terms of the application, Ref PA20/00913, dated 31 January 2020, subject to the conditions in the attached schedule.

Applications for costs

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

Preliminary Matters

3. I have amended the original description of development to reflect that as stated at section E of the appeal form in the interests of accuracy and consistency.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The appeal concerns approval of reserved matters following a grant of outline planning permission¹. The appeal site is located within St Keverne and comprises land which, the evidence before me indicates, formed part of the garden area associated with the dwelling known as Linfield House. The site is bounded to the east and south by agricultural fields and is accessed from the adjacent B3293 highway.

¹ Local Planning Authority Reference: PA17/06917

6. The immediate surrounding area is characterised by a mixture of residential and commercial development, with residential development comprising a mix of substantially sized detached dwellings and more modestly sized two storey and single storey dwellings. Here variety is the rule, with modern properties and commercial development interspersed amongst older and more prominent dwellings.
7. Linfield House is an impressive two storey detached dwelling with a double bay frontage. Whilst Linfield House is located in a prominent position towards the top of a hillside, on approaches to the village it is seen in the context of the adjacent commercial development and the mixture of single and two storey dwellings that are located close to the site. This position is similar when leaving the core of the village where Linfield House is seen in the context of nearby single and two storey modern residential development at Polventon Parc, and the health centre located on the opposite side of the highway.
8. The proposed dwelling would be sited so as to respect the building line of the front of Linfield House, with the width of the proposed dwelling reflecting the overall width of the neighbouring dwelling. However, the proposal would have a greater depth than its neighbour and would provide a single bay on the north western elevation. Furthermore, the proposal would incorporate a hipped roof design which would appear somewhat different to the sloping roof design of Linfield House.
9. In these regards, whilst it is noted that the roof form of the proposed dwelling would not strictly replicate the design of the roof at Linfield House, the proposed hipped roof form which would be set down lower than the height of the roof at Linfield House, in combination with the width of the frontage at the proposed dwelling, would ensure that the proposal would remain subservient in appearance to Linfield House. Furthermore, the use of materials which are sympathetic to those exhibited by Linfield House and the incorporation of a bay which is reflective of design features at that dwelling, would ensure that the proposal would not be a visually discordant development when viewed either in close proximity or when viewed from a distance and would not overpower or dominate the character or appearance of Linfield House.
10. The proposed dwelling would be sited approximately centrally within the site. While it is acknowledged that the proposal would have a greater depth than its neighbour at Linfield House, in my view, and by reason of its design, scale and bulk and due to its subservient appearance when viewed in conjunction with its neighbour, the proposed dwelling would successfully integrate into its surroundings and would not be detrimental to the character or appearance of Linfield House.
11. The appeal site is located within the AONB. Paragraph 172 of the National Planning Policy Framework (the Framework) provides that great weight should be given to conserving and enhancing the landscape and scenic beauty of the AONB.
12. As noted above, the proposal would be located in an area which is characterised by a mixture of housing types and commercial development. While the site is undeveloped, given that the site is bordered to the north, northwest and west by substantial amounts of residential development, which include dwellings of modern design with domestic gardens, and given that the

- site has the character and appearance of domestic garden land, the site makes a very limited contribution to the landscape and scenic qualities of the AONB.
13. The proposed development would not result in a visually isolated or discordant dwelling, and would be seen, both from close to the site and from more distant views, as forming part of the existing development at St Keverne and specifically in the context of the nearby residences that are located close to the B3293 highway. Consequently, the proposal would not disrupt any long distance views of this section of the AONB from within the wider surrounding landscape.
 14. Given that the proposal would be seen in the context of the nearby built environment and by reason of the proposal's design and scale which would successfully integrate with nearby development within St Keverne, in my view the proposed development would conserve and enhance the landscape and scenic beauty of the AONB at this location.
 15. In summary of the above, the proposal would reflect and respect local distinctiveness and would not be harmful to the character and appearance of Linfield House or to the wider surrounding area. The appeal scheme would successfully integrate into the built environment of St Keverne and would reflect the pattern of development at this location. The design, scale and siting of the proposal would assist in conserving and enhancing the landscape and scenic beauty of this location within the AONB.
 16. For the above reasons, I conclude that the proposed development would not conflict with Policies 2, 12 or 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan) which require, amongst other things, that development maintains and enhances Cornwall's distinctive natural character. For the same reasons, the appeal scheme would accord with the provisions of paragraphs 127, 130, 170 and 172 of the Framework which, amongst other matters, seeks to ensure that development is designed to be sympathetic to local character and conserves and enhances protected landscapes.
 17. Although the Cornwall AONB Management Plan 2016-2021 (the AONBMP) is not part of the development plan it is, nevertheless, an important material consideration. Given there would be no harm to the AONB for the reasons provided above, the proposal would comply with Policies MD9 and SCW8.04 of the AONBMP, which seek that development is compatible with the distinctive character of the location.
 18. Furthermore, I have also considered whether the proposal accords with the principle of sustainable development. In this regard, as described above, the proposal would not adversely affect the character and appearance of the surrounding area or the neighbouring dwelling at Linfield House and would conserve and enhance the landscape and scenic beauty of the AONB. The appeal scheme offers good levels of access to services and facilities and, consequently, the proposal is in line with the environmental and social dimensions of sustainable development. The proposed development would also bring about economic benefits in the form of employment during the construction phase. Consequently, the appeal scheme could be considered to be sustainable development in the context of the Framework and in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.

Other Matters

19. Concerns have been raised by interested parties with regards to the effect of the appeal scheme on trees and hedgerows, archaeology and on the living conditions of nearby residents. In these regards, it is noted that the hedgerows would be retained. A condition would be applied to the planning permission which would ensure that exact details of boundary treatments are approved by the Council and thereafter maintained in accordance with that approval.
20. The appeal concerns reserved matters following approval of an outline application. Consequently, potential impacts on local archaeology are not matters which can be considered at this stage given that the principle of locating a dwelling at this location has previously been agreed.
21. With regards to the impact on the living conditions of nearby residents, by reason of its siting and orientation within the plot and the separation distance to the neighbouring dwelling, there would be no harmful effects in respect of outlook. Furthermore, the design of the proposal incorporates obscured glazing for first floor windows on the south western elevation, which are to be secured by condition, thereby resulting in no harm to neighbouring residents with regards to overlooking or loss of privacy.

Conditions

22. I have considered the planning conditions suggested by the Council in light of paragraph 55 of the Framework and the advice in the Planning Policy Guidance. It is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. I further find it reasonable to include conditions requiring details of any external materials and boundary treatments be approved by the Local Planning Authority, in the interests of preserving the character and appearance of the surrounding area and the AONB.
23. Inclusion of conditions requiring that no new openings be inserted in the south western elevation of the proposed dwelling and that first floor bathroom windows be fitted with obscured glazing is reasonable and necessary in the interests of protecting the living conditions of neighbouring residents. Where necessary, and in the interests of clarity and precision, I have altered the conditions to better reflect the relevant guidance.

Conclusion

24. For the reasons given, I conclude that the appeal should succeed.

Mr A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby approved shall in all respects accord strictly with drawing numbers: Site/Location Plan C622-01, Block Plan C622-02, Proposed C646-06, Proposed C646-07 A, Proposed C-646-08 A, C646-09 A, C646-H00, Proposed C646-H01, Proposed C646-H02, Proposed 646-H03, Proposed 646-H04 and Proposed 646-H05 received by the Local Planning Authority on 31 March 2020.
- 2) No development involving the use of external materials shall take place until details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
- 3) Before the development hereby permitted is first occupied, the height, siting, appearance and construction of all boundary treatments (means of enclosure) shall be completed in accordance with details that shall have first been submitted to and approved in writing by the Local Planning Authority. Notice shall be given to the Local Planning Authority when the approved scheme has been completed in accordance with the approved details. The boundary treatment (means of enclosure) shall not thereafter be altered or removed unless otherwise agreed in writing by the Local Planning Authority.
- 4) Before the first occupation of the dwelling hereby permitted, the two first floor bathroom windows in the south-west elevation, as indicated on drawing number C646-H03, shall be fitted with obscure glazing to at least Pilkington level 5 or equivalent and permanently retained in that condition thereafter.
- 5) With the exception of the openings shown on approved drawing number C646-H03, no new openings shall be added to the south west elevation of the dwelling hereby permitted.