

Appeal Decision

Site visit made on 20 January 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/D0840/W/20/3259274

Land South of Arnewood, Creed Lane, Grampound, Cornwall TR2 4SH

- 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 Paul Mannell against the decision of Cornwall Council.
 - The application Ref PA19/09891, dated 4 November 2019, was refused by notice dated 23 March 2020.
 - The development proposed is a new dwelling and associated works.
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Paul Mannell against Cornwall Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area, (ii) the living conditions of the occupants of Arnewood with reference to outlook and light, and, (iii) the living conditions of future occupants with reference to outside space.

Reasons

Character and appearance

4. Creed Lane contains buildings in a variety of styles and scales. However, the site is an infill plot within a collective of five gable fronted bungalows. The bungalows are largely uniform in their modest scale. They are set behind soft landscaping and step-down southwards, following the topography of Creed Lane. These attributes combine to provide for a deferential and suburban style which is perceptible as one passes by the row up and down the street.
5. The width and gable frontage of the dwelling would correspond with the row, and its appearance would take reference from styles and materials within the area, albeit in an individual way. However, its height would be very slightly above Arnewood to the north and would therefore fail to follow the stepped pattern of the bungalows.
6. Its strong render facing, the verticality of its central stone pier and timber cladding and its glazed apex would provide the sense of a substantial two-storey property. Thus, its perceived scale would diverge discordantly from the low-profile character of the row, which would be emphasised by the relative absence of soft landscaping opportunities at the front of the site.

7. As such, whilst I recognise that the site is presently anomalous and untidy, and the scheme has sought to achieve an innovative response to its geometry, the proposal would be an incongruous departure from the housing it would infill.
8. Consequently, the proposed development would have a harmful effect upon the character and appearance of the area. It would conflict with the design aims of Policy 12 of the Cornwall Local Plan Strategic Policies 2010–2030 (adopted 2016) (CLP) and the National Planning Policy Framework (the Framework). I also find conflict with the relevant aims of the Cornwall Design Guide (2013).

Living conditions - Arnewood

9. The west boundary of the rear garden of Arnewood is fairly enclosed by trees and vegetation. Given also the topography of Creed Lane, this leads outlook and light to be principally gained through the south to south westward aspect from within the garden space, and the conservatory therein.
10. Arnewood also has several openings within the south elevation which provide light and outlook, albeit filtered to a degree by adjacent greenery. Whilst I understand that there was greater vegetation here previously, the extent of its effect upon Arnewood is disputed, and the limited photographic evidence before me, one of which is taken from a lower level, does not provide for a fully informed assessment. The vegetation is largely gone now in any event.
11. The scale and siting of the dwelling would lead it to present its substantial and quite unembellished north elevation close to, forward of, along and beyond Arnewood's south elevation, matching its eaves. Whilst it is evident that light loss would not be substantial, there would be an overall dominating effect. This would significantly and cumulatively diminish outlook from Arnewood's garden space, conservatory and from within the mainstay of the dwelling itself. Given the specific way that Arnewood achieves its outlook, such effects would not be analogous to a standard relationship between housing across level topography nor justified by relationships between housing elsewhere within Creed Lane.
12. The proposed dwelling would block existing overlooking between Arnewood and the dwelling on the other side of the appeal site, Trees. However, given the fair distances involved, this is a mutual benefit of little weight, which does not serve to justify the harm I have otherwise identified.
13. I therefore conclude on this issue that the proposed development would have an unacceptable effect upon the living conditions of the occupants of Arnewood with reference to outlook and light. It would conflict in this regard with the residential amenity aims of Policy 12 of the CLP and the Framework. I also find conflict with the relevant aims of the Cornwall Design Guide (2013)

Living conditions – future occupants

14. Given the length of the proposed dwelling within its plot, the residual space to the rear would provide only a relatively small rear garden to be used for the enjoyment of occupants. In my view, it is unlikely to cater for the breadth of recreational activity one would associate with a family dwelling of this size.
15. The appellant has referred to the area forward of the property, and an area within the control of the appellant to the north east. However, the area forward of the dwelling would be principally used for access to neighbouring properties and access, manoeuvring, parking, and bin storage for the appeal site. The

other area is beyond the realms of the application site, as established by its red line, and is away from its principal living areas, separated from it by the access to Arnewood. It would not provide suitable amenity space for future occupants.

16. A conservatory would be provided within the dwelling at first floor level. However, whilst it would have a glass roof, it would be physically disconnected from the garden, with enclosing, unbroken flanks, and could be closed off from the outside and from fresh air. This appears to be unlike the example cited from the National Design Guide. For these reasons, whilst winter gardens can be an innovative way to provide outside space, the conservatory would not be a compelling substitute for being outside in this case. In any event, counting it as garden space, winter or otherwise, is reliant on occupants using it as such. Given the area's elevated position and enclosed form, I am not persuaded that this could reasonably be expected, or indeed enforced by a condition.
17. On this basis, I conclude on this issue that the proposed development would fail to provide adequate living conditions for future occupants with reference to outside space. It would conflict in this regard with the residential amenity aims of Policy 12 of the CLP and the Framework. I also find conflict with the relevant aims of the Cornwall Design Guide (2013). As the development standards set out in Policy 13 of the CLP do not relate directly to external amenity space, I find no conflict with it in relation to this issue.

Other Matters

18. I have had regard to the response of the Parish Council and correspondence given by Cornwall Council, including within a pre-application enquiry. However, there is nothing in this which alters the substance of my reasoning. Whilst I have also had regard to the new Cornwall Design Guide, given its emergent status it has not been determinative in my assessment. As the referenced Permitted Development Rights relate to existing buildings and would require prior approval, they have carried very limited weight in the scheme's favour.

Planning Balance

19. The scheme would contribute a dwelling, grounded in innovation and intended to closely align to Passivhaus standards. The potential for home working may reduce car usage. Given the quantum of the housing provision these are benefits of limited weight. They do not outweigh the harm to the character and appearance of the area and the living conditions of future and current occupants, which together attract significant weight.
20. 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, that outweigh the conflict.

Conclusion

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

Matthew Jones

INSPECTOR