
Appeal Decision

Site visit made on 11 March 2021

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 25 March 2021

Appeal Ref: APP/D0840/D/20/3264676

Cove View, Riviere Towans, Phillack, Hayle, Cornwall TR27 5AF

- 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 Ian Lawson against the decision of Cornwall Council.
 - The application Ref PA20/08112, dated 21 September 2020, was refused by notice dated 26 November 2020.
 - The development proposed is the construction of extension(s) 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 Ian Lawson against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the living conditions of nearby residents with particular regard to noise and disturbance; and,
 - The effect of the proposed development on the character and appearance of the surrounding area.

Reasons

Living Conditions

4. The site is accessed from a narrow lane which adjoins the highway. The appeal building is a single storey, modestly sized structure which is located within a dense grouping of properties close to Hayle beach. A public right of way passes along the narrow lane and past the appeal site, and which joins the South West Coast Path northwest of the site. To the rear of the appeal building there is an area for parking, with garden land separating the appeal building from the boundary with the coast path.
5. The appeal scheme seeks to extend the modestly sized appeal building, with a further addition of a second storey, and which would result in a substantially scaled building with four ensuite bedrooms.
6. Whilst it is acknowledged that the appeal scheme does not seek a change of use, given the substantial and significant increase in scale of the appeal

building and the provision of additional bedrooms and dedicated ensuite facilities, it is likely that the residential use of the site would be intensified. Furthermore, the intensified residential use would be likely to result in an increase in the numbers of movements, of both persons and vehicles, to and from the appeal site.

7. As noted above, the access lane to the appeal site is narrow, and visitors to the site would pass between the dwellings at 32 and 33 Riviere Towans and a garage building located immediately southeast of the appeal building. Whilst it is acknowledged that the narrow point of access to the appeal site is currently used for vehicular access to the appeal building, as described above, the proposal would result in the likely significant intensification of residential use.
8. Given the narrow, constrained nature of the access lane and by reason of the proximity of the abovementioned neighbouring dwellings which abut the narrow access lane, increased levels of pedestrian activity and the increased number of vehicle movements associated with the proposal, would be likely to result in increased levels of noise disturbance to the detriment of the living conditions of the adjoining neighbouring residential dwellings mentioned above. Given the scale of the proposed dwelling and the resulting likely intensification of residential use, and by reason of proximity, the proposal would be likely to have a significant adverse effect on the living conditions of nearby residents.
9. The Appellant has put it to me that the number of bedrooms within the existing building could be increased by altering the internal layout of the building and which would not require planning permission. However, even in the event that such arrangements were made, it would be unlikely, in my view that that would result in an increased level of residential activity at the site, given the modest scale of the existing building and its capacity to provide additional rooms from the limited space available.
10. For the above reasons, the appeal scheme would conflict with Policies 12 and 13 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan) which, amongst other matters, provides that development should protect individuals and property from unreasonable noise and disturbance. Furthermore, and for the same reasons, the proposal would fail to accord with those parts of the National Planning Policy Framework (the Framework) which requires development to provide high standards of amenity and avoid harmful impacts from noise disturbance. Whilst it is noted that the Council have cited Policy SD2 of the Hayle Neighbourhood Plan 2014 – 2030 (the Neighbourhood Plan) within their reason for refusal, that policy concerns design and layout and, consequently, I shall return to that policy in the below main issue.

Character and Appearance

11. The appeal scheme proposes to enlarge the existing parking area at the site and, in this respect, also proposes additional planting to be positioned between the enlarged parking area and the boundary with the coast path.
12. The garden at the appeal building and those at adjacent properties within this location, are visible to those travelling along the coast path. Whilst the gardens of these properties are relatively consistent in terms of their length and include examples which are predominately open and lacking in domestic clutter, there are also other examples of gardens where there is considerable variety in

terms of landscaping design, planting and in terms of the amount of domestic residential features such as decked seating areas and conservatories.

13. In this respect, there is an existing area for parking at the appeal site and given the presence, and variety, of a substantial amount of domestic features that are present within the rear gardens of nearby properties, I find that the proposed enlargement of the parking area would not have a harmful effect on the character or appearance of the area. Whilst the length of the garden at the appeal property would be reduced by the proposal, the character and appearance of the densely arranged properties adjacent to this stretch of the coast path would be unaffected by the proposal.
14. The Council further maintains that the provision of additional planting between the enlarged parking area and the boundary with the coast path, would be an alien feature which would be at odds with the surrounding landscape character. However, from the observations made on my site visit and as noted above, there is considerable variety in terms of the character and appearance of gardens at this location, and it was noted that relatively substantial amount of planting was present within nearby gardens. In this respect I find that the proposed additional planting would not be an incongruous feature and that the proposal would integrate well within its immediate surroundings and would not be harmful to the character or appearance of the area.
15. For the above reasons, the development would not have a harmful effect on the character and appearance of the area. The appeal scheme would therefore accord with those parts of Policies 12 and 23 of the Local Plan which seek to ensure that local distinctiveness and the character and appearance of the area is protected. Furthermore, and for the same reasons, the proposal would accord with those paragraphs of the Framework which concern achieving well designed places whilst conserving the natural environment.
16. In this respect, the appeal proposal would also comply with the provisions of Policies SD2 and NE3 of the Neighbourhood Plan which, amongst other things, requires that the density of development is appropriate to the built character, function and setting of the site and that proposals result in no adverse impact on the natural environment.

Planning Balance and Conclusions

17. Although I find no harm arises in terms of character and appearance, I have found that the proposed development would be contrary to those policies of the Local Plan and those paragraphs of the Framework which concern the effects of proposals on the living conditions of nearby residents. Consequently, the appeal scheme would conflict with the Local Plan and the Framework when taken as a whole and I attach significant weight to this conflict in the determination of this appeal.
18. Weighed against this conflict, it is acknowledged that the proposal would provide economic benefits in terms of employment opportunities during the construction phase. Furthermore, given the likely intensification of residential use as described above, some additional economic benefits may arise through future additional spend of residents within local businesses. However, the weight to be attach to such benefits would be limited by reason of the scale of the proposal.

19. Consequently, I conclude that the significant harm identified above would outweigh the limited benefits that the appeal scheme would bring. Once these matters are considered together, the appeal scheme could not be considered to be sustainable development in the context of the Framework or in terms of Policy 1 of the Local Plan for which there is a presumption in favour of.
20. The proposed development would conflict with the development plan when taken as a whole. There are no material considerations that would lead me to reach a determination other than in accordance with the development plan. As such, the appeal should be dismissed.

A Spencer-Peet

INSPECTOR