
Appeal Decision

Site visit made on 9 March 2021

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th May 2021

Appeal Ref: APP/D0840/W/20/3264607

Land adjacent to Glenside, The Valley, Carbis Bay TR26 2QD

- 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 & Mrs Franke against the decision of Cornwall Council.
 - The application Ref.PA20/02084, dated 19 February 2020, was refused by notice dated 11 June 2020.
 - The development proposed is the erection of a dwelling house with associated parking.
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Decision

1. The appeal is dismissed.

Main Issues

2. These are (1) the effect of the proposal on the character and the appearance of the area; and (2) whether the proposal performs, or could be made to perform, satisfactorily in relation to surface water drainage.

Reasons

Character and Appearance

3. While the prevailing layout of the housing to the north of the appeal site is ordered, with dwellings addressing a street frontage, that sense of order is much diluted in the vicinity of the appeal site where housing has been fitted into the wooded valley side. Notwithstanding that distinction, the houses to the north, and those on the wooded valley side, share an important characteristic; they are all set in relatively generous plots, with off-street parking, and gardens.
4. The dwelling proposed would almost fill its plot, with little room for a garden, and sit uncomfortably close to a mature tree. Its attendant parking would have to be located on a separate piece of land. As such, the proposal would appear incongruously cramped and present itself as a dwelling forced into a space too small to properly accommodate it.
5. On that basis, it would appear as an alien insertion that would harm both the character and the appearance of the area. This would represent a failure to comply with Policy 12 of the Cornwall Local Plan (CLP) that, put simply, requires development proposals to be respectful of their context. The proposal would also fall contrary to Policy GD1 of the St Ives Area Neighbourhood Development Plan (SINP) that has a similar requirement, and Policy BE12 that requires new development to have a proportionate plot size.

Drainage

6. The appeal site lies within a Critical Drainage Area (CDA) and according to the Council, is susceptible to ground water flooding. Very little information has been submitted to demonstrate how the proposal might meet the requirements of CLP Policy 26. In CDAs, this requires development to enable or replicate natural ground and surface water flows and decrease run off, through the use of SUDS.
7. The appellant suggests that this could be dealt with by a Grampian style, pre-commencement condition requiring the submission of a SUDS scheme for the approval of the Council. However, for such a condition to be acceptable, there would need to be a reasonable prospect of it being complied with. In that context I take the view that some indication of how a SUDS scheme might be accommodated ought to be presented to show how such a condition might be satisfied. That is especially important given that the site is in a CDA, and crucially, restricted in size.
8. As a result of all that, the proposal fails to comply with the requirements of CLP Policy 26

Conclusion

9. I appreciate that the appeal site lies in an area that in general terms is deemed suitable for development by CLP Policy 3 and that CLP Policy 21 seeks to make efficient use of land. I appreciate too that the Policy 1 of the Cornwall Council – Site Allocations Development Plan Document makes allowance for housing growth through windfalls. However, neither these policies, nor for that matter the National Planning Policy Framework, suggest that this form of development should take place at the expense of the built environment.
10. As such, I place more weight on the failure to accord with CLP Policies 12 and 26, and SINP Policies GD1 and BE12 and for that reason, the appeal is dismissed.

Paul Griffiths

INSPECTOR