
Appeal Decision

Site visit made on 23 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 01 July 2021

Appeal Ref: APP/D0840/W/21/3269701

Land Adj to Parc An West, Red Lane, Rosudgeon, Penzance, Cornwall TR20 9PU

- 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 V Brooks against the decision of Cornwall Council.
 - The application Ref PA20/09172, dated 21 October 2020, was refused by notice dated 22 January 2021.
 - The development proposed is the erection of a dwelling and new vehicular access.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a dwelling and new vehicular access at Land Adj to Parc An West, Red Lane, Rosudgeon, Penzance, Cornwall TR20 9PU, in accordance with the terms of the application, Ref: PA20/09172, dated 21 October 2020, subject to the conditions in the attached schedule.

Procedural Matters

2. In the interests of accuracy and consistency, I have used the address of the appeal site as provided on the Council's Decision Notice, in the banner heading above.
3. Furthermore, I have amended the original description of development to remove reference to "amended scheme" as this is not in itself a form of development. I have considered the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site comprises garden land associated with the single storey dwelling at Parc An West which forms part of a small cluster of dwellings at this location. The site is roughly rectangular and is bounded by grassed banks on its western and southern sides. Adjacent to the west of the site is Red Lane, with the site being bordered to the south by a narrow lane which connects Red Lane to a number of dwellings including Woodford Cottages.
6. Within Red Lane, the pattern of development is formed of small clusters of dwellings which predominately are arranged in a linear manner adjacent to the lane. However, there are examples of properties, such as the cottages that are

located east of the site and those dwellings located south of the site at Ivy Court, which are positioned orientated so that their frontages are directed towards access lanes which then connect with Red Lane. Furthermore, whilst noting the linear pattern of development, a significant proportion of dwellings within the immediate vicinity have narrow elevations directed towards Red Lane, such as the examples found south of the appeal site.

7. As I observed on my visit, dwellings within Red Lane exhibit a variety of styles and designs and comprise buildings which do not follow a particular pattern in terms of their height, scale and spread across the width of their respective plots. In these regards the proposed development would be a single storey dwelling that would reflect the scale and height of the adjacent host dwelling at Parc An West and, subject to the use of materials which reflect local distinctiveness, in my view, the development would integrate successfully within the character of the immediate area.
8. Whilst the scheme's narrow front elevation onto Red Lane would not replicate the position with regards to the dwellings at Parc An West, Rusmar and Sunset north of the site, a significant number of dwellings within Red Lane are also orientated such that their narrowest elevations face towards Red Lane. In this respect, the wider southern elevation of the proposed dwelling would face towards the narrow lane which connect Red Lane to Woodford Cottages and would therefore replicate the position as found at Ivy Court.
9. The front elevation of the proposed dwelling would respect the building line established by the dwellings to the north of the site and would have a plot width that would reflect those as found on dwellings south of the appeal site. The plans indicate that the separation distance between the proposed dwelling and its neighbours would be similar to that exhibited by other residential development within Red Lane and would provide sufficient gaps between the proposed dwelling and its respective boundaries such that, in my view, the proposal would not appear cramped within its plot.
10. Further to the above, the Council have raised concerns regarding the impact on the character and appearance of the surrounding area by reason of the loss of a section of grassed bank which forms the boundary of the site with Red Lane and, in this respect, it is also acknowledged that concerns have been raised regarding the loss of a section of hedgerow which it is maintained would adversely affect the movement of wildlife.
11. At the date of my visit, the boundary treatment which separates the site from Red Lane was formed of a grassed bank, but which also included a few patches of other forms of vegetation. The proposal seeks to remove a small section of this grassed bank in proportion to its length and would require keeping the bank to a relatively low height in order to provide sufficient sight lines for vehicles emerging from the site onto Red Lane.
12. As I observed on my visit, Red Lane is, in part, characterised by the presence of a significant number of access points onto the highway. Furthermore, there were sections of this highway where dwellings with narrow frontages were not located behind high hedgerows and which provided relatively open views of the respective plots. The appeal scheme would replicate these nearby examples and, in my view, the loss of the section of grassed bank as described above, would not have a harmful effect on the character or appearance of the

surrounding area. Additional landscaping and planting at the site would assist in providing alternative corridors for wildlife at this specific location.

13. For the above reasons, the proposed development would not conflict with Policies 2, 12, 21 and 23 of the Cornwall Local Plan Strategic Policies (the Local Plan) 2010-2030. These policies, amongst other things, seek to ensure the best use of land whilst protecting the local distinctiveness and character of the area, and that development responds appropriately to its landscape setting. Furthermore, and for the same reasons, the proposed development would accord with those paragraphs of the National Planning Policy Framework (the Framework) which concern achieving well designed places.
14. The appeal scheme would provide an additional unit towards housing supply in a location that provides convenient access to a range of services and facilities that would reasonably be required on a day to day basis and which would not necessarily add to the need to travel by private car. Economic benefits would arise from employment opportunities during construction and through the spend of future residents within local businesses. Whilst these benefits are limited in scale, they are materially positive. The proposal would therefore comprise sustainable development and would accord with the aims and intentions of Policy 1 of the Local Plan.

Other Matters

15. The site lies within the Cornish Mining World Heritage Site (the WHS) and in accordance with the Framework great weight should be given to the conservation of this heritage asset. The WHS Planning Officer who reported to the Council on this proposal did not consider the proposed development would impact on the Outstanding Universal Value of the WHS and I have no evidence to dispute this conclusion.
16. Interested parties have also raised concerns in respect of the impact of the appeal scheme on the living conditions of nearby residents. In this regard, I find that separation distances to the boundaries, and the inclusion of additional landscaping, would ensure that there would be no significant adverse effect on neighbouring residents with regards to overlooking or loss of privacy. Furthermore, given the separation distance and in the absence of substantive evidence to the contrary, I find that the proposed development would not result in an overbearing impact or loss of light for neighbouring residents.

Conditions

17. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance and the Framework. In addition to the standard three year period implementation condition, which is a statutory requirement, it is necessary, in the interest of certainty and precision, to define the plans with which the appeal scheme should accord. In the interests of public health and the environment, it is reasonable to include conditions requiring investigation of potential contaminated land.
18. Furthermore, in the interests of highway safety and the living conditions of residents, it is reasonable and necessary to include conditions which require the approval of a construction traffic management plan prior to commencement of the appeal scheme and that the proposed access arrangements are provided prior to occupation of the new dwelling. Furthermore, conditions that require

details of the proposed use of external materials and landscaping are reasonable to ensure that the scheme does not adversely affect the character and appearance of the area.

19. Where necessary, and in the interests of clarity and precision, I have altered the wording of the conditions suggested by the Council in order to better reflect the relevant guidance. The Appellant has been provided with the opportunity to comment on the wording of the Council's suggested pre-commencement conditions and these have been agreed by the Appellant.

Conclusions

20. For the reasons given I conclude that the appeal should be allowed.

A Spencer-Peet

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby approved shall in all respects accord strictly with drawing numbers: Site Location Plan 001, Block Plan as Proposed 004 and Floor Plans and Elevations as Proposed 006 received by the Local Planning Authority on 21 October 2020 and drawing number Block Plan as Proposed 005 received by the Local Planning Authority on 4 November 2020.
- 3) Before any other building or engineering works are carried out on the site, the access shall be laid out and constructed in accordance with Block Plan Proposed Access; with its gradient, surfacing, drainage and sight lines having first been approved in writing by the Local Planning Authority. The access shall be retained as approved thereafter.
- 4) No development shall commence until details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/roof slates and method of fixing) of the building 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.
- 5) No development shall commence until a scheme to deal with any soil contamination has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include on site investigations and an assessment to identify the extent of contamination and the measures to be taken to avoid risk when the site is developed. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.
- 6) No development shall commence until a scheme of landscaping has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including:
 - Details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development,
 - Full schedule of plants,
 - Details of the mix, size, distribution and density of all trees/shrubs/hedges,
 - Cultivation proposals for the maintenance and management of the soft landscaping,
 - Boundary treatments (walls, fences, hedges).

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and

shall thereafter be retained until it is completed. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

All planting, seeding or turfing comprised in the approved scheme of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner. Notice shall be given to the Local Planning Authority when the approved scheme has been completed.

Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species as those originally planted.

- 7) No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
- i) construction vehicle details (number, size and type),
 - ii) vehicular routes and delivery hours,
 - iii) the parking of vehicles of site operatives and visitors,
 - iv) loading and unloading of plant and materials,
 - v) storage of plant and materials used in constructing of the development,
 - vi) wheel washing facilities and
 - vii) measures to control the emission of dust and dirt during construction.