



Appeal Decision

Site Visit made on 20 April 2021

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 July 2021

Appeal Ref: APP/D0840/W/21/3266309

Last end of the Old Carthouse, Trebarvah Lane, Trebarvah, Rosudgeon, Cornwall TR20 9NG

- 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 and Mrs Stuart and Samantha Firth against the decision of Cornwall Council.
 - The application Ref PA19/11124, dated 10 March 2020, was refused by notice dated 18 November 2020.
 - The development proposed is construction of dwelling house, landscaping 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 and Mrs Stuart and Samantha Firth against Cornwall Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - a) The effect of the development on the character and appearance of the area and the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty; and,
 - b) The effect of the development on the living conditions of the occupants of The Old Potato Barn with regard to light and outlook.

Reasons

Character and appearance/Cornwall Area of Outstanding Natural Beauty

4. The appeal site lies in a cluster of buildings in an otherwise rural area to the east of Perranuthnoe. The immediate group contains a range of single and two-storey buildings, some of which may once have been part of a historic farm group, but which are now much altered and in residential use. There is no particular pattern to the layout of these buildings, but most are of traditional design and constructed in stone with slate roofs. However, the most recent addition to the group, Seascope, has a more contemporary appearance, with large areas of glazing in its southwestern gable. The wider enclave of development also includes the buildings on the opposite side of Trebarvah Lane, and the ribbon of dwellings that extend north-westwards. The group, as a whole, contains a diverse range of building sizes and designs.

5. The collection of buildings is surrounded by open land comprising a cliff top plateau in largely agricultural use, and there are southerly views from the vicinity of the appeal site to the rugged coastal scenery of Mounts Bay. The site and the surrounding landscape lie within the Cornwall Area of Outstanding Natural Beauty (the AONB). Paragraph 172 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.
6. The appeal site lies in the heart of the group of buildings, between Seascape and The Old Potato Barn. It currently accommodates a static caravan and a single-storey former agricultural building, which has a utilitarian appearance with rough cast rendered walls and a corrugated sheet roof. This building is a prominent and uncharacteristic feature in the centre of the complex of residential buildings. Consequently, the site does not currently make a positive contribution to the landscape and scenic beauty of the AONB.
7. The proposal comprises the removal of the existing building and the construction of a two-storey dwelling, with a footprint further to the southeast. The Council does not dispute that a house on the site would be acceptable in principle, and the evidence indicates that there is an extant outline planning permission for a dwelling. However, scale and appearance were reserved matters when outline permission was granted, and the siting of the dwelling now proposed is further to the south west than was previously approved. Consequently, the matters at issue are the scale, design, and siting of the proposed dwelling.
8. There is no particular order to the layout of the buildings in the cluster, so the siting of the proposed dwelling, on a similar south westerly building line to Seascape, would not appear visually discordant. This positioning would maintain the line of the outer edge of the collection of buildings that is currently established by Seascape, the existing utilitarian structure on the site, and The Old Carthouse to the west. As a result, the proposed dwelling would not extend outside the present built envelope.
9. The scale of the proposed dwelling, both in terms of its footprint and two-storey height, would be similar to Seascape and others in the wider enclave of buildings. Although it would have a higher overall ridge height than the traditional buildings within the immediate group to the west, it would be lower than that of Seascape. Currently, Seascape appears somewhat isolated from the group, with a rather abrupt change in roof heights to the single storey building on the appeal site. The intermediate ridge height proposed would provide a visual transition between the traditional buildings and Seascape, resulting in a more coherent appearance to the group of buildings.
10. The former agricultural buildings in the immediate cluster generally have simple rectilinear or L-shaped plan forms, with gabled roofs. Whilst Seascape, The Old Potato Barn, and the existing building on the site have ridges and gables that face in a south westerly direction, there are others in the immediate group which have ridges running perpendicular to this orientation. Consequently, the basic form and orientation of the proposed dwelling would conform with the prevailing character of the group of buildings.
11. The dwelling would have stone and timber clad walls with a natural slate roof. These materials are predominant in the immediate locality, and would be

appropriate in this rural environment adjacent to existing vernacular buildings. The design of the building itself would be largely in keeping with these traditional buildings, except for the large glazed opening in the south west elevation. This elevation would be viewed in close association with the gable of Seascape, which contains extensive glazing, so it would not be incongruous in its setting. Furthermore, the windows would be recessed within the opening, so would be less prominent than those in Seascape. The overall appearance of this elevation would be redolent of converted agricultural buildings, which often have recessed windows in large floor to eaves openings. It would, therefore, result in a successful transition between the contemporary architecture of Seascape, and the vernacular buildings to the west.

12. The immediate cluster of buildings can be seen in its open landscape setting in views from the west and south west. In these views Seascape is visible on the skyline, beyond the traditional stone buildings, which also break the ridgeline. The proposed dwelling would be visible within this tight cluster of development, but would be seen against the backdrop of Seascape, which would be higher, and it would be largely hidden by the Old Carhouse in the foreground. The natural slate roof would be visible, and would be in keeping with the surrounding buildings. The dwelling would not extend the built envelope of the cluster, so there would be no alteration to the balance of countryside to buildings. Consequently, the proposal would not harm the landscape and scenic beauty of the AONB.
13. Although not part of the reason for refusal, the Council contends in its statement that the grouping of farm buildings at Trebarvah is a non-designated heritage asset, by virtue of the medieval origins of the settlement, which is recorded in the historic environment record. Paragraph 197 of the Framework requires that, in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset. Little evidence has been provided on the significance of the asset, but the buildings are now much altered and in residential use, with separate curtilages. Consequently, little semblance of the agricultural origins of the complex remains, which diminishes any significance it has.
14. It is not argued that the loss of the existing building on the site would be harmful, and the principle of a new dwelling on the site has already been established by the extant planning permission. I have already found that the siting, scale, and design of the proposed house would be compatible with the character of the group. Consequently, the proposal would not result in any harm to the significance of the non-designated heritage asset.
15. I therefore conclude that the development would not harm the character and appearance of the area, or the landscape and scenic beauty of the AONB. Consequently, the proposal would accord with Policies 1, 2, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) and Policy MD9 of the Cornwall AONB Management Plan 2016-2021, insofar as these policies seek to ensure that development is of high quality design that respects its context, conserves landscape and scenic beauty within the AONB, and protects the significance of non-designated heritage assets. The proposal would also comply with the Framework's aims of achieving well-designed places and conserving the natural and historic environment.

Living conditions of the occupants of The Old Potato Barn

16. The Old Potato Barn is a roughly L-shaped, two-storey dwelling, located to the north west of the appeal site. It has windows in its south east elevation that look directly towards the site, and a first-floor balcony on its south west elevation, which has views over the southern part of the site. All of the external amenity space lies to the south west of the dwelling, and comprises a small area of grass, and a walled courtyard with the balcony above. The existing former agricultural building runs alongside the entire south east boundary of the grassed garden, and its gable abuts the courtyard, which wraps around the end of the building. This building would be removed to allow for the new dwelling, which would be located away from the boundary. It would, however, be a considerably higher and larger building.
17. The siting of the proposed dwelling would mean that views directly out of the windows in the south east elevation of The Old Potato Barn would be largely unchanged, as they would look towards the single storey lean-to at the rear of the building. The removal of the existing building, and the siting of the dwelling further to the south east, would widen the angle of view from the balcony and first floor windows in the south west elevation. Consequently, the proposal would not result in any harm to the outlook of occupants from within The Old Potato Barn.
18. The appellants' evidence, which is not contested by the Council, demonstrates that light reaching the windows in the south east elevation, over the ridge of the proposed dwelling, would do so at an angle of less than 25°. This would accord with the Building Research Establishment sunlight and daylight standards, which the Council's draft Design Guide says should be achieved. Although similar evidence has not been submitted in respect of the windows and balcony in the south west elevation, the distance between them, and the ridge directly in front of them, is greater. Consequently, these windows would also receive light at an angle that would comply with the guidance. The development would not, therefore, result in a harmful loss of light within The Old Potato Barn.
19. The removal of the existing building, and the siting of the dwelling away from the boundaries, would allow more light to reach the garden and courtyard at some times of the day. However, the dwelling would be a considerably larger and higher building, so would cast a longer shadow. In the absence of a detailed shadow analysis, it is unclear whether the overall development would result in more, or less, light reaching the garden. However, on the evidence available, I conclude that the impact, either way, would not be significant. It is also evident that the garden receives direct sunlight for much of the afternoon, regardless of the proposed development. The proposal would not, therefore lead to a harmful loss of light to the outdoor amenity spaces serving The Old Potato Barn.
20. The dwelling would, nevertheless, be a large two-storey building that would occupy the entire south eastern outlook from the garden and courtyard of The Old Potato Barn. Outlook from these areas is already affected by the existing building on the site, which is right on the boundary. It is, however, single storey with a roof that slopes away from the garden. The part of the dwelling on a northeast – southwest axis would be set away from the boundary, and would also have a roof that slopes away from the garden. Consequently, the

ridge would be at a significant distance. As a result, the net impact on outlook from the garden would be balanced by the removal of the existing building.

21. The part of the dwelling that runs on a northwest – southeast axis would, however, result in a full height two-storey gable close to the boundary. Although a little further away from the garden than the existing building, it would be much higher, and would run along almost half of the length of the garden. Consequently, its overbearing impact would be much greater than that of the existing single storey building. Its proximity and bulk would result in it having a dominant and oppressive presence for occupants of the small garden. It would have an enclosing effect on the garden, diminishing its attractiveness as a relaxing outdoor amenity space. It would, therefore, be an unneighbourly feature that would be harmful to the living conditions of the adjacent occupants.
22. To conclude on this issue, although the development would not cause significant loss of light or outlook from within The Old Potato Barn, it would result in harm to the living conditions of occupants through its overbearing impact on the garden. The proposal would therefore be contrary to Policy 12 of the Local Plan, which seeks to ensure that development protects individuals and property from such impacts. It would also be contrary to the Framework's aim to achieve well-designed places with a high standard of amenity for existing and future users.

Planning Balance

23. The Government's objective is to significantly boost the supply of housing, and the proposal would provide an additional dwelling. Given the small scale of the proposal, however, and the supply of deliverable sites in the area, the provision of one additional house only attracts modest weight.
24. The proposal would also make effective use of the site for housing, which is supported by the Framework and Policy 21 of the Local Plan. However, in both cases this encouragement is subject to consideration of other factors. In any event, the site already has outline planning permission and there is no evidence to suggest that a dwelling could not be provided without the harmful impacts that I have identified.
25. The harm to the living conditions of adjoining occupants would be contrary to Policy 12 of the Local Plan. The Framework makes it clear at paragraph 12, that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. The relatively small scale of the benefits does not outweigh this conflict.

Conclusion

26. For the reasons given above, the proposal would conflict with the development plan, and there are no other considerations, including the Framework, that outweigh this conflict. As a result, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR