



Appeal Decision

Site Visit made on 7 July 2021

by A Tucker BA (Hons) IHBC

an Inspector appointed by the Secretary of State

Decision date: 09 August 2021

Appeal Ref: APP/D0840/W/21/3271269

Land Adj To Wenappa, Bassett Road, Voguebeloth, Illogan TR16 4EX

- 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 David Malt against the decision of Cornwall Council.
 - The application Ref PA20/07102, dated 18 August 2020, was refused by notice dated 10 February 2021.
 - The development proposed is construction of four dwellings & associated works.
-

Decision

1. The appeal is allowed, and planning permission is granted for the construction of four dwellings & associated works, at Land Adj to Wenappa, Bassett Road, Voguebeloth, Illogan TR16 4EX, in accordance with the terms of the application, Ref: PA20/07102, dated 18 August 2020, subject to the conditions in the attached schedule.

Application for costs

2. An application for costs was made by Mr David Malt against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matter

3. On 20 July 2021, during the appeal process, the Government published its revised National Planning Policy Framework (the Framework). Both parties have had an opportunity to comment on the revisions where they may be relevant to the case, and any comments received have been taken into account in determining the appeal.

Main Issue

4. The effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located at the edge of a large village, bordering open countryside to the north. It is located on the north side of Bassett Road, where existing built form is largely linear, fronting the road.
6. One significant exception to this is the existing dwelling immediately to the east of the site, known as Upyonda. This dwelling was built behind an existing dwelling fronting the road. I accept that this is something of an anomaly to the prevailing pattern of nearby development. However, as a sizeable dwelling with a large garden area it is a significant component in the immediate context of the appeal site, particularly as it faces out over the highest part of the appeal

site and can be easily viewed in a back land position from the road. It has the effect of extending built form back from the road alongside the appeal site. The rear boundary of the appeal site aligns with the boundary of this neighbouring dwelling and an area of garden to the east.

7. As a result, the rear two dwellings would not appear isolated, or result in built form that would protrude harmfully into an area of undeveloped countryside. They would be of a scale and spacing that would accord with nearby built form, including their low form with first floor accommodation set into the roof.
8. The Council refers to the value of the site to the rural setting of the settlement and the significance of views of surrounding countryside between existing dwellings. However, views over the appeal site towards surrounding countryside are significantly restricted by the presence of the existing mature hedge along the front of the site and the low level of the road. As a result, the appeal site makes minimal contribution to the settlement's rural setting. The existing hedge would be retained as part of the proposal. Whilst the proposed dwellings would be visible from the road the retention of the hedge would significantly lessen their visual impact, including the view of the site from Valley Gardens opposite.
9. At the rear, the northern boundary of the site can be viewed from the nearby footpath. From this perspective the two northernmost dwellings would be seen alongside Upyonda, although they would be set further in from the rear boundary than this existing dwelling. This rear boundary is separated from the footpath by a small wedge of open land with intervening hedges to both boundaries. As a result, although the dwellings would be visible from this perspective, they would not be dominant. The far reaching rural outlook enjoyed by users of the footpath to the north and east would be unaffected.
10. In summary, the proposal would not harm the character or appearance of the area. It would accord with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP) and Policy PH3 of the Illogan Parish Neighbourhood Development Plan 2016-2030 (NP), which together seek to ensure that development proposals are well located and designed to a high quality that demonstrate an understanding of location and character.
11. In its refusal reason the Council also referred to Policy PH4 of the NP. The proposal would not be within an existing private garden and I am thus not satisfied that this Policy is relevant.

Other Matters

12. The proposal would be in a location that is identified by Policy 3 of the LP to be acceptable in principle for new development, to be managed through a Site Allocations DPD or Neighbourhood Plan. The appeal site is included within the settlement boundary of the NP. Policy PH1b of the NP establishes that small scale infill development within a settlement boundary will be supported where it conforms with other development plan policies. The proposal is a modest scheme for four dwellings that would sit between existing development. I am satisfied therefore that it accords with the NP Policy.
13. I have given careful thought to the various comments before me relating to the impact of the proposal on the living conditions of the occupiers of existing dwellings to either side of the site. The dwellings to the east would not suffer

from any overlooking. The effect on the level of light reaching either existing dwelling to this side would be very modest. I accept that Plot 3 would have some impact on the outlook from Upyonda. However, I am not satisfied that this impact would be significant as the occupants of Upyonda would still enjoy far reaching views over areas of adjoining countryside to either side of the east facing gable of Plot 3, and this existing dwelling otherwise stands in a large plot with generous areas of garden to the west that would be unaffected by the proposal.

14. The existing dwelling to the southeast of the site is at a lower level. It is most commonly referred to in the submissions as 'Goodwill'. I accept that the front elevation of Plot 4 would be prominent to view from the rear of Goodwill and its rear garden, although I am satisfied that the distance would be sufficient to ensure that its impact would not be overbearing. A high fence along the boundary would ensure that people looking out from ground floor windows and people using garden areas for both of the adjacent plots would not be able to easily look out towards Goodwill or its garden. In terms of overlooking from the first floor rooms, Plot 4 would be a significant distance from Goodwill, and would not directly align with its rear elevation. Furthermore, the rear elevation of Goodwill is orientated slightly to the east, away from the site. For these reasons I am satisfied that this relationship would be acceptable.
15. In terms of highways impacts, I note that the Council's highways officer did not object to the proposal and no adverse comments relating to this matter were made in the officer report. The access is considered sufficient to safely accommodate additional vehicle movements and a turning head within the site would allow large vehicles including refuse vehicles space to turn on site. Based on my understanding of the proposal and findings on site I see no reason to take a contrary view.
16. A condition could be imposed to ensure that the site does not lead to increased likelihood of flooding as a result of surface water displacement, and this could be worded to ensure that an agreed system is maintained so that it continues to serve its purpose. Comments before me relate to the inadequacies of the existing sewerage system, however I note that South West Water has not objected to the proposal.
17. Based on the information before me and the findings of my site visit, I am satisfied that the proposal would not have a harmful impact on wildlife or biodiversity.

Conditions

18. I have had regard to the planning conditions suggested by the Council. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance. I have imposed a condition specifying the approved plans as this provides certainty.
19. I have imposed a condition to ensure that the ground conditions at the site are properly understood in the interest of public safety and the living conditions of future occupiers. This needs to be a pre-commencement condition, and has been agreed as such with the appellant, to ensure that any potential adverse ground conditions are properly understood and appropriately mitigated to allow the development to proceed safely.

20. I have imposed a condition relating to the disposal of surface water to avoid flooding and maintain water quality. This needs to be a pre-commencement condition, and has been agreed as such with the appellant, to ensure that the existing site conditions are understood and that adequate drainage provisions are built into the scheme from the commencement of the development.
21. I have imposed a condition relating to boundary treatments to preserve the character and appearance of the area, the living conditions of existing residents and to ensure that future residents enjoy appropriate levels of privacy.
22. I have imposed conditions to secure the provision of obscured glazing to side windows that face towards neighbouring plots and privacy screens for the first floor terraces. This is to ensure that the proposal does not harm the living conditions of the occupiers of existing dwellings and secures acceptable living conditions for the occupiers of the new dwellings. I have amended the wording suggested by the Council to include plot 2, to preserve the living conditions of the occupiers of Goodwill.
23. I have imposed a condition to remove permitted development rights to form additional openings within side elevations of the approved dwellings, to ensure that additional openings are not inserted that may result in unacceptable levels of overlooking. I have amended the wording suggested by the Council to refer to the General Permitted Development Order and have broadened it to protect the living conditions of the occupiers of the new dwellings as well.

Conclusion

24. For the reasons above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Tucker

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development shall be carried out in strict accordance with the following submitted plans: 001 Rev B, 002, 003 Rev B, 004, 005, 006, 007, 008, 009 and 010.
- 3) The development hereby permitted shall not commence until a scheme to deal with any instability of the ground 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 unstable ground and the measures to be taken to avoid risk to buildings when the site is developed. The approved scheme shall be fully implemented and completed before the development hereby permitted is first occupied.
- 4) The development hereby permitted shall not commence until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the Local Planning Authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
- 5) Before the development hereby permitted is first occupied, the height, siting, appearance and construction of all boundary treatments (means of enclosure) shall be completed in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. Notice shall be given to the Local Planning Authority when the approved scheme has been completed in accordance with the approved details. The boundary treatment (means of enclosure) shall not thereafter be altered or removed, other than by necessary replacement.
- 6) Before the development hereby permitted is first occupied, the first-floor windows in the west (side) elevation of plot 1 and east (side) elevation of plots 2 and 4 shall be fitted with obscure glazing and permanently retained in that condition thereafter.
- 7) Before the first occupation of plots 3 and 4 the 1.8m first floor terrace privacy screens to these plots, as indicated on drawing number 006, shall be fitted with obscure glazing and permanently retained in that condition thereafter.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no openings (other than those expressly authorised by this permission) shall be constructed on the west or east elevations of the dwellings hereby approved.