



Appeal Decision

Site Visit made on 28 September 2021

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

an Inspector appointed by the Secretary of State

Decision date: 27 October 2021

Appeal Ref: APP/D0840/W/21/3275949

Land Rear of Homeland, Marias Lane, Sennen Cove, Penzance TR19 7BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Christopher Angove against the decision of Cornwall Council.
 - The application Ref PA20/09520, dated 1 November 2020, was refused by notice dated 28 January 2021.
 - The development proposed is for outline planning permission with all matters reserved: one, two storey, three bed house, and change of use of additional land to create access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with all matters reserved and I have determined the appeal on that basis.
3. Since the submission of the appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this, I have sought the views of the main parties in writing, and I have taken any relevant correspondence into consideration.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

5. The appeal site comprises an area of garden associated with the dwelling at Homeland, in addition to a corridor of land located immediately south of the existing garden at Homeland. Homeland is an end house in a terrace of dwellings which are described as 'coastguard cottages' located within Marias Lane. Marias Lane includes residential development for much of its length. However, the appeal site is located towards the end of this lane and is enclosed by predominately open countryside and heathland to the east, south and west with the site being in a sensitive position at the edge of the settlement, within the AONB and forming part of the Heritage Coast landscape.
6. The coastguard cottages comprising the terrace are of a similar age and are uniform in terms of character and appearance. The frontage of these cottages faces west with the character of these cottages being defined, in part, by relatively narrow and long gardens to the rear which contribute positively to

the character and appearance of this terrace and to the character and appearance of the surrounding area. The rear gardens of the cottages include examples of outbuildings which appeared to be subservient to their host dwellings in terms of their modest scale and utilitarian appearance.

7. The proposal seeks to introduce a new dwelling by subdividing the garden space to the rear of Homeland. The scheme is in outline and whilst it may be that details submitted at reserved matters stage could show that the proposed dwelling would be of a high quality design, the new dwelling would stand separate from the terrace of coastguard cottages and would significantly disrupt the linear pattern and grain of development within Marias Lane, being harmful to the character and appearance of the terrace and to the character and appearance of the surrounding area. The subdivision of the garden and the inclusion of additional land to the south of the existing garden at Homeland would, in my view, result in the proposal appearing as a separate residential dwelling, rather than being seen in the context of existing outbuildings.
8. Whilst the existing boundary vegetation would partially screen the rear of the appeal site and could be strengthened as suggested by the Appellant, the subdivided garden and proposed new dwelling would be visible from Marias Lane and from the public rights of way which are located south and southwest of the site. As such, even in the event of additional screening being provided to the rear of the site, the proposed development would be visible from nearby footpaths located within the AONB and, for the reasons given above, would appear to be at odds with the established character and appearance of the surrounding area.
9. Given that the proposed development would, for the reasons above, be at odds with the character and appearance of the nearby terrace and surroundings, the appeal scheme would represent an incongruous feature which would be likely to draw the eye from the landscape and scenic beauty of the AONB. Furthermore, whilst acknowledging that the built form at the rear would not extend beyond that of the existing residential curtilage, the inclusion of additional land to the south of the existing garden at Homeland would see the proposal encroach into the more open landscape which contributes positively to the landscape beauty of the AONB. Although the effect on the AONB would be localised, the proposal would detract from the quality of this highly protected landscape.
10. In summary of the above, I find that the appeal scheme would have a harmful effect on the character and appearance of the area. Furthermore, the appeal scheme would be harmful to the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. The proposal would therefore conflict with Policies 2, 12 and 23 of the Local Plan and would fail to accord with paragraphs 130, 174 and 176 of the Framework, which, amongst other things, seek to ensure that local distinctiveness and the character and appearance of the area, including the scenic beauty of the AONB, is protected.
11. Weighing in favour of the appeal scheme, I acknowledge that the proposal would provide some limited social benefits in terms of an additional unit towards housing supply at a location which has access to services and facilities. The appeal scheme would also provide some limited economic benefits in terms of employment opportunities during the construction phase. The Framework recognises that new housing can contribute to the vitality of rural communities

by helping to support local services and, as such, I accept that an additional household at the appeal site could play a small part in supporting the viability of those businesses located within Sennen Cove and within the wider surrounding area.

12. However, in my view and by reason of the limited scale of the proposed development, the benefits which the appeal scheme would bring are limited in scope, and would be outweighed by the conflict with the development plan and the resulting harm to the character and appearance of the surrounding area and to the landscape and scenic beauty of the AONB, to which I attach great weight.
13. Furthermore, by reason of the adverse environmental impacts of the proposal as identified above in relation to the AONB, the appeal scheme would fail the environmental objective of sustainable development as described within paragraph 8 of the Framework and, consequently, 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.

Other Matters

14. Interested parties raise additional concerns with regards to the impact of the proposal on the living conditions of neighbouring residents and specifically in respect of overlooking and loss of privacy. These are important concerns and I have considered all the evidence and submissions before me. However, given my findings in relation to the main issue above, these are not matters which have been critical to my overall decision.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mr A Spencer-Peet

INSPECTOR