

Appeal Decision

Site visit made on 6 January 2022

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/D0840/W/21/3277761

Springfield, Rice Lane, Gorran Haven PL26 6JD

- 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 D W Shillaber of ADS Property Enterprises Ltd against the decision of Cornwall Council.
 - The application Ref PA20/03675, dated 1 December 2019, was refused by notice dated 21 April 2021.
 - The development proposed is new two bedroom bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal proposal seeks to construct a bungalow to the rear of the existing dwelling known as Springfield. The host dwelling is also a bungalow, but the site slopes downwards so its floor level appears elevated from the rear. Owing to the site's location within the built-up area, the sloping site is relatively exposed to the dwellings and gardens that surround it on all sides.
4. The site and its wider surroundings are within an Area of Outstanding Natural Beauty (AONB), designated for its high quality landscape value, but the local built environment is not designated for any special historical or architectural interest. The area is made up of a variety of dwellings of different scales and forms, though there is a preponderance of single storey dwellings, and a majority appear to have generously-sized plots.
5. The access to the site is a single-width driveway accessed from an approximate 90-degree bend from the main road. Its narrowness would limit its ability to be used by two separate households. At the end of the driveway where the host dwelling is situated, the driveway also turns an approximate 90-degree bend and visibility around this is limited by an existing high wall and oil tank. The driveway then passes adjacent to the side elevation of the host dwelling before reaching the modest parking area which is intended to serve both dwellings.
6. Whilst not the basis of an objection on highway safety grounds, which is surprising though I note the absence of accident data, the manner in which this backland development would be accessed would, in my view, be unsatisfactory

from a design perspective and would constitute poor design, compromising the quality of life of future occupiers of the host dwelling and that proposed.

7. The appeal site is a rear garden, that whilst generous in proportion, is not uncharacteristically large relative to those found elsewhere in the surroundings. Whilst some gardens have been subdivided, this has usually occurred where a new dwelling would benefit from its own street frontage, which would not be the case here. The site does not lend itself to subdivision owing to its modest size, which would result in a constrained, cramped and contrived form of development. I do not consider that specifying exacting standards with which developments should comply will encompass all potential development contexts and proposals. Sometimes it will be clear from the site, its surrounding characteristics and the nature of the proposal, even absent of specifically measurable shortcomings, that a proposal would constitute poor design and would therefore be capable of undermining the quality of the built environment.
8. Though I note that the floor level of the proposed dwelling has been lowered to minimise any potential privacy impacts on adjoining neighbours, the proximity of the host dwelling, the relative floor level differences between the two, and the necessary intervening fence of 1.8 metres high would result in the proposal appearing as a poorly located afterthought in the shadow of its grander neighbour. Occupiers would feel peculiar passing the front door of Springfield so regularly, potentially also with disharmony arising from the complicated access arrangements, and I therefore consider that it would be an unpleasant place within which to live. This would be further exacerbated by the modest pockets of garden space around its boundaries which, in my judgement, would be incapable of providing a quality of outlook, a useable or pleasant form of garden or suitable relief from the sense of being overlooked.
9. I note that the design of the bungalow is inoffensive when considered separately of its intended location. However, the poor design would result more from the scale of the site and how the dwelling would be sited and accessed in relation to the host and neighbouring dwellings.
10. I have considered the alleged inconsistency of the Council's approach in respect of subdivision and the precedent that supposedly exists for this form of development in the area. Nothing has been put before me, nor have I identified any such similar scheme that indicates that a precedent has been created for this specific type of development. In any event, any such harm where it has been permitted in a similar manner to that proposed, should not necessarily constitute a reason for permitting more of the same.
11. For the above reasons, the proposal would be harmful to the character and appearance of the area and would therefore conflict with, in particular, Policies 2, 12, 21 and 23 of the Cornwall Local Plan (CLP) (2016). Amongst other things, these Policies seek to achieve high quality, safe, sustainable and inclusive design in all developments, ensuring development is of an appropriate scale, density, layout, height and mass with a clear understanding and response to its setting and continuity of layout with the existing built form.

Other Matters

12. I note that the appellant seeks to discount the Council's points about the sufficiency of its housing supply. Given that the principle of development is otherwise acceptable in line with the CLP, my focus has purely been on the

design credentials of the proposal in line with the policies stated in the Council's decision notice.

13. Though there is mention of permitted development rights for the development of ancillary buildings in the garden, the limited scale and nature of those potentially allowable in conjunction with the host dwelling within an AONB would be likely to result in a preferable type of development in any event.

Planning Balance and Conclusion

14. The harm from the proposal to the character and appearance of the area brings the scheme into conflict with the adopted development plan, when considered as a whole.
15. Though there is a range of neutral factors, in relation to the ability to technically protect the living conditions of neighbouring occupiers, absence of harm in relation to biodiversity and such like, these do not weigh in favour of the proposal.
16. It is clear that any additional contribution to the housing stock would be beneficial, in both social and economic terms, irrespective of the Council's housing land supply position. The National Planning Policy Framework advocates the need to significantly boost the supply of housing and there would be construction phase economic benefits from the same. These are public benefits that weigh in favour of the proposal and I attribute them limited weight commensurate with its modest scale.
17. However, none of the factors outlined above, either individually or cumulatively, form considerations of such materiality that they outweigh the conflict with the development plan or dictate that a decision should be made other than in accordance therewith.
18. Consequently, the appeal is dismissed.

Hollie Nicholls

INSPECTOR