



Appeal Decision

Site visit made on 13 January 2022

by T Gethin BA (Hons), MSc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal Ref: APP/D0840/D/21/3284856

Nilgiris, 6 Carrick Way, St Mawes TR2 5BB

- 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 Mark Philip-Sorensen against the decision of Cornwall Council.
 - The application Ref PA20/09877, dated 11 November 2020, was refused by notice dated 5 August 2021.
 - The development proposed is described as extensions and alterations to main house to provide an additional guest bedroom and a larger master bedroom, a new kitchen and a new entertainment room with a new stepped deck area to the front on the house facing South. New landscaping to form a parking area separate from the house. New landscaping including an outbuilding the rear of the property within the enclosed garden.
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Decision

1. The appeal is allowed and planning permission is granted for Extensions and alterations to main house to provide an additional guest bedroom and a larger master bedroom to include a balcony, a new kitchen and a new entertainment room with a new stepped deck area to the front of the house facing south, new landscaping to form a parking area separate from the house, and new landscaping including an outbuilding at the rear of the property within the enclosed garden at Nilgiris, 6 Carrick Way, St Mawes TR2 5BB in accordance with the terms of the application, Ref PA20/09877, dated 11 November 2020 and subject to the conditions set out in the schedule to this decision.

Application for costs

2. An application for costs was made by Mr Mark Philip-Sorensen against Cornwall Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As the appeal proposal is located within an area of outstanding natural beauty (AONB), I have had regard to the purpose of conserving and enhancing the natural beauty of the area as set out in section 85 of the Countryside and Rights of Way Act 2000 (as amended). The development plan and the National Planning Policy Framework also seek to protect such designated landscapes, recognise the intrinsic character and beauty of the countryside, and attach great weight to conserving and enhancing the landscape character and scenic beauty of AONBs, which have the highest status of protection in relation to these issues.
4. In my decision above, I have used the description of development in the Council's decision notice and the appellant's appeal form as that description more accurately describes the appeal proposal than the application form.

Main Issue

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

Reasons

6. The appeal site contains a chalet bungalow which has been extended in the past. Situated in a relatively large plot and behind some extensive soft landscaping, the property is set above and well back – and is thus not particularly visible from – Carrick Way. The surrounding residential area contains a mixture of properties with a variety of designs. This includes chalet bungalows with roof accommodation provided by dormer windows and some larger two-storey buildings. Although some have a relatively large footprint, spacing between properties provides the area with a spacious character and verdant appearance. The site reflects this context and, as I observed on my site visit, is seen within the built-up residential area that it is situated within and does not appear as a prominent feature within the surrounding built environment or the wider AONB landscape.
7. The proposed extensions to the front, rear, side and roof would increase the mass of the property and result in a considerable increase in floorspace. However, the extensions are not particularly significant or bulky of themselves and the main form and height of the existing building would remain. The proposed extensions, subsidiary in size to the property, would therefore read as well-designed, sympathetic, subservient additions, and the extended building would neither become notably more prominent in the locality nor appear out of character or scale with surrounding properties. Furthermore, while the dwelling would extend across much of the plot, it would be set away from the sides of the site and would continue to be well set back from Carrick Way. Although projecting beyond the side of the dwelling, the relatively modest outbuilding would be situated towards the rear of the plot, behind the dwelling, and would not read as a significant or particularly bulky feature.
8. The proposed development, which for the above reasons would not be particularly visible in public views and would not unacceptably dominate the site given the significant areas of remaining green space/garden, would therefore preserve the spacious character and verdant appearance of the site and surrounding area. On this basis, the appeal proposal can also be construed as both preserving and enhancing the AONB. In coming to this view, I have taken into account that the existing dwelling has been extended in the past.
9. For the above reasons, I conclude that the proposed development would not harm the character and appearance of the surrounding area and the Cornwall AONB. I therefore find that it accords with Policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policies LA1, CV1 and HO9 of the Roseland Neighbourhood Development Plan 2015 - 2030. Amongst other aspects, these: require development to ensure Cornwall's enduring distinctiveness, sustain local character, conserve and enhance the landscape character and natural beauty of the AONB; support development that meets the objectives of the Cornwall AONB Management Plan, and integrates with and contributes to and enhances the character of the settlement; and support extensions and annexes which are in keeping with the setting, retain proportionate garden space/landscaping, are sympathetic to the character of the existing dwelling and are designed as subsidiary in size.

Other matters

10. It has been put to me that the appeal proposal would negatively impact on the properties behind the site by affecting views and amenity. However, given the scale of the proposed development, the degree of separation to the properties behind the site and their elevated situation above it, I am satisfied that the appeal proposal would not harm the living conditions of adjoining occupiers.

Conclusion and Conditions

11. For the above reasons, the appeal is allowed.
12. In addition to the standard time limit condition, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans in the interests of certainty. A condition requiring the submission of details of proposed external materials is necessary in the interests of the character and appearance of the area. However, as such details are not needed in advance of all works taking place, I have amended the condition accordingly. On the basis of this condition, the Council's suggested conditions requiring matching material to be used is unnecessary, so I have declined to impose it.
13. A new automated gate and retaining wall at the front of the site facing Carrick Way are shown on the proposed floorplan and site plan and are also briefly described in the Design and Access Statement. While such features would not necessarily appear out of character given the presence of similar boundary treatment in the locality, such as on the adjoining plot, the gate and wall are not shown on the submitted proposed elevations. The limited details relating to the size and appearance of the proposed gate and front retaining wall mean that a condition securing such details is therefore necessary in the interests of the character and appearance of the surrounding area.
14. The Planning Practice Guidance indicates that conditions removing permitted development rights should only be used in exceptional circumstances. However, given the proximity of surrounding residential uses, the extent of the works proposed and previous extensions to the property, such a condition restricting certain such rights is necessary and reasonable in order to protect the living conditions of adjoining occupiers and the visual amenity of the surrounding area. However, Class C (other alterations to the roof of a dwellinghouse) allows only relatively minor alterations and I have little substantive evidence that such elements would result in any significant harm were they to be provided on the site under permitted development rights in the future. Accordingly, I have removed this restriction from the Council's suggested condition.
15. I note that a condition requiring a construction management plan was suggested at the committee meeting. However, given the limited scale of the development, such a condition would neither be necessary nor reasonable. I have therefore declined to impose it.

T Gethin

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 hereby permitted shall be carried out in accordance with the following approved plans: Site location and Block Plan (Drawing No 2002 PL1A); Existing Plans (Drawing No 2002 PL2); Existing Elevations (Drawing No 2002 PL3); Proposed Site Plan (Drawing No 2002 PL4); Proposed Plans (Drawing No 2002 PL5); and Proposed Elevations (Drawing No 2002 PL6A).
- 3) No development shall commence above slab level until details of the materials to be used in the construction of the external surfaces including exterior walls, window and door frames and roofing of the extensions and outbuilding 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.
- 4) The proposed automated gate and retaining wall fronting Carrick Drive shall not be constructed until details relating to their size and appearance 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) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B and E(a) of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwellinghouse as such, or the maintenance, improvement or other alteration of such a building or enclosure.

END OF SCHEDULE