



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/21/3275394

Creek Bank, Road from Marble Head Cottage to The Old Barn, Restronguet Point, Feock TR3 6RB

- 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 Shepherd against the decision of Cornwall Council.
 - The application Ref PA20/10849, dated 7 December 2020, was refused by notice dated 26 April 2021.
 - The development proposed is Proposed First Floor Extension, External Alterations and Formation of a Vehicular Access.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed First Floor Extension, External Alterations and Formation of a Vehicular Access at Creek Bank, Road from Marble Head Cottage to The Old Barn, Restronguet Point, Feock TR3 6RB in accordance with the terms of the application, Ref PA20/10849, dated 7 December 2020, and subject to the following 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: Location Map (Drawing No 001); Block Plan as Existing (Drawing No 002); Plans & Elevations as Existing (Drawing No 003); Block Plan as Proposed (Drawing No 004); Plans & Elevations as Proposed (Drawing No 005, Rev C); and Cross Section Through the Site (Drawing No 006).
 - 3) Prior to the installation of any cladding, stonework, fascias, timber, louvres, render, roofing, balustrading and fenestrations, details of the materials, including sizing, method of construction or laying, method of opening (where relevant), and final finish and colour, to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved samples/details, provided prior to the first use of the approved first-floor extension and retained as such thereafter.

Application for costs

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

Preliminary Matters

3. A revised version of the National Planning Policy Framework (the Framework) was published in July 2021. However, as its provisions that are most relevant to the appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
4. 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 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.

Main Issue

5. The main issue is whether the proposed development would conserve and enhance the landscape and natural beauty of the Cornwall AONB.

Reasons

6. Located on the promontory known as Restrouquet Point, the appeal site contains a single-storey bungalow (Creek Bank) set in an elevated position above Restrouquet Creek. The site is situated within a relatively built-up area of residential properties which extend along the highway in both directions from the site. Built form in the locality includes a mixture of properties, such as bungalows, cottages and some larger houses with traditional designs, and some more contemporary buildings, including for example the recently constructed property (Lower Creek Bank) positioned below the bungalow. Although many of the surrounding properties are relatively large, the generally sizeable plots in the locality ensure that the suburban area has a spacious character and verdant appearance and built form does not read as overly dominating the creek-side landscape. The site is situated within the Roseland area of the South Coast Central section of the Cornwall AONB. This area includes, amongst other aspects, various scattered settlements and, as described by the AONB Management Plan, a tranquil and well-managed farmed landscape with a globally renowned, stunning coastline.
7. The proposed development would involve, amongst other aspects, external alterations, a roof extension to create a new first-floor, and re-building the existing garage and erecting a glazed link structure to connect it to the dwelling. Comprehensively altered, the extended building would have a contemporary design, with a flat roof finish and extensive areas of glazing. Views of it would to some extent be limited due to, for example, the presence of boundary treatment, soft landscaping/trees, and the degree of separation with the other side of the river. The proposed development would also be seen in the context of other built form. Nevertheless, I observed on my site visit that it would be visible from some points in the locality, in particular from the creek.
8. The surrounding area contains some similar contemporary buildings, including for example Lower Creek Bank, and the appeal proposal would not result in a property out of scale with its context. Nevertheless, the proposed development would read as significantly increasing the mass and scale of built form on the

site. The extended property would therefore appear as a more prominent feature than the modest form and scale of the existing bungalow and it would increase the dominance of built form to the detriment of the locality's character and appearance. The rectilinear form of the proposed development and its extensive glazing – including glazed balconies – would also attract the eye and thus increase its presence in the locality, particularly from sun glint and/or light spill from the large areas of glazing. The addition of louvres over parts of the glazing does not lead me to a different conclusion. Furthermore, the flat roofed building would be likely to be seen from some points as sitting directly behind Lower Creek Bank. In such instances, even if fleeting, it would thus appear as forming one large, tiered flat-roof development rising up the bank of the river. In coming to this view, I have taken into account that the first-floor extension would be set-back and positioned centrally and that the extended building would have a similar footprint and width and would only be approximately 750mm higher than the ridge of the pitched roof bungalow. That the existing bungalow has been extended in the past and contains a reasonable level of glazing does also not lead me to a different conclusion.

9. Although the harm I have identified would be relatively limited and localised, the proposed development would, for the reasons above, nevertheless not conserve and enhance the natural beauty of the AONB landscape, which has the highest status of protection and to which I give great weight. I therefore find that it conflicts with Policies 12 and 23 of the Cornwall Local Plan Strategic Policies 2010 - 2030 and Policies LS1, LS2 and D1 of the Feock Neighbourhood Development Plan 2017 - 2030 (NDP). Amongst other aspects, these: seek to protect and enhance the seascape and landscape; and require sensitively designed development which minimises landscape impact and which ensures Cornwall's enduring distinctiveness, sustains local character, and conserves and enhances the landscape character and natural beauty of the AONB. The proposal would also be inconsistent with: the provisions in the Framework in relation to achieving well-designed places and conserving and enhancing the natural environment; and Policies MD9, MD16 and SCC9.01 of the AONB Management Plan 2016 which require development to respond to local character and address and respond to landscape sensitivity and capacity.

Planning Balance

10. I have found that the development would not conserve and enhance the natural beauty and landscape of the Cornwall AONB. However, the harm I have identified would be relatively localised and limited. Notwithstanding the great weight given to conserving and enhancing the landscape and scenic beauty of the AONB, I find that the totality of the harm would therefore not be significant.
11. In this instance, there is an extant planning permission for a replacement dwelling on the site. Although that scheme was permitted under different circumstances to now, including for example prior to the Feock NDP being made, it could nevertheless be built and the submitted evidence indicates that it would involve the erection of a larger property than the proposed altered and extended building. Although the permitted replacement dwelling, with its pitched rather than flat roofs, would have a different design and would therefore be unlikely to be seen from some vantage points as combining with Lower Creek Bank to form one larger mass of rectilinear tiered development, it would nevertheless have a notably greater mass than the appeal proposal and

considerably more glazing. Accordingly, when considered against this fallback scenario, the effect of the proposed development on the AONB would be neutral. In coming to this view, I have taken into account the design of the extant unbuilt scheme is said to be more in keeping with the properties in the locality and that much of its glazing would be recessed.

12. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I place great weight on the purpose of conserving and enhancing the natural beauty of the area. I also attach significant weight to the conflict I have identified with development plan policies and with the provisions in the Framework and the AONB Management Plan. However, in this instance, I find that the above material considerations outweigh the limited harm that I have identified and indicate that the appeal proposal would have a neutral effect on the AONB. This indicates that permission should be granted, notwithstanding that the development does not accord with the above listed development plan policies.

Other matters

13. A number of other matters have been raised by interested parties and I have taken them all into account. This includes matters such as precedent setting, the content of various statements in the Design and Access Statement, overlooking/loss of privacy, access issues, loss of boundary treatment and disturbance from construction works. However, whilst I take these representations seriously, I have not been presented with compelling evidence to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. In addition, the appeal proposal was amended during the Council's determination of the planning application to include, for example, privacy screens and the obscure glazing of some windows. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

Conclusion and Conditions

14. For the above reasons, the appeal is allowed.
15. 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 covering external materials is necessary in the interests of the character and appearance of the area. I have however amended the wording to ensure that the details are submitted to and approved by the Council prior to their installation and are provided prior to the first use of the first-floor extension. Given the scale of the proposed development, I have declined to impose a condition relating to construction management and hours as it would neither be reasonable nor necessary.

T Gethin

INSPECTOR