



Appeal Decision

Site visit made on 2 August 2022

by G Roberts BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022.

Appeal Ref: APP/D0840/D/22/3291868

Westholme, A30 between Whitecross and The Lamb & Flag, Canonstown, TR27 6ND

- 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 Allister Norris against the decision of Cornwall Council.
 - The application Ref. PA21/10519, dated 20 October 2021, was refused by notice dated 8 December 2021.
 - The development is proposed summer house replacing existing timber shed.
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Decision

1. The appeal is allowed and planning permission is granted for proposed summer house replacing existing timber shed at Westholme, A30 between Whitecross and The Lamb & Flag, Canonstown, TR27 6ND, in accordance with the terms of the application, Ref. PA21/10519, dated 20 October 2021, and subject to the conditions listed below.
 - 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling known as Westholme.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 001; 003; 004; 005; and 006
 - 4) The construction of the building hereby permitted shall not commence until there has been submitted to and approved in writing by the Local Planning Authority (in consultation with National Highways) a Construction Management Plan. The plan shall include, as a minimum, the following details: parking arrangements for contractor's vehicles; the provision of storage for all plant and materials; a method of delivery for all plant and materials and steps to be taken to provide unrestricted use of the public footpath. During construction all vehicle movements, parking, deliveries, materials and plant storage shall be implemented in accordance with the approved plan.

Main Issue

2. The main issue is the effect of the proposed development on the visual and residential amenities of the host property and surrounding area, with particular regard to size of the site and ratio of built form to garden area.

Reasons

3. The appeal site is located on the western side of the A30 trunk road (A30) within a small village. The host property is two storeys and forms the end of a short terrace of properties. The property benefits from a garden to the side, whose front boundary comprises a stone wall and timber fence, beyond which is a public footpath (pavement), grass verge and dedicated cycle lane that forms part of the A30 road layout.
4. The northern boundary of the appeal site is formed by a mature hedge, beyond which is a large parking area serving Clan Roy Cottage, a similar end of terrace two storey property. The western boundary of the appeal site comprises a timber fence beyond which is a paddock containing two single storey buildings, one of which provides a backdrop to the host properties garden. The backdrop to the appeal site also includes the timber roof frames of the new houses that are currently being constructed further to the north.
5. The surrounding properties comprise a mixture of old and new, and as well as small terraces, there are some detached and semi-detached properties, as well as backland development. There is no uniform character, form, design or layout. A number of properties have been extended and altered, and there are also examples of replacement dwellings. Some of the properties are sited at the back edge of the pavement, whereas others, including the host property, are set back from the pavement. Some properties also have, as with the appeal site, side gardens, whereas others benefit from rear gardens. There are also numerous examples of single storey outbuildings and garages.
6. Within this context, the appeal proposal would involve the construction of a single storey summerhouse within the rearmost part of the side garden. Whilst it's stated that this would replace an existing shed, the latter has now been demolished. The proposed gabled roof design would have a ridge height of approximately 5.3 metres, with its main aspect fronting onto the retained garden area. The submitted street elevation shows that the ridge of the proposed building would sit below that of the host property, and that its eaves would be sited just above the existing stone wall and timber boundary fence. As such, a large part of the new building would be screened from public views, with only the upper part, mainly its gable end, visible to passers-by.
7. Based on the above and my observations of site, I am satisfied that the proposed building would be both proportional and subservient to the host property. Whilst the upper half of the new building would be visible from the A30, those views would be limited by the fact that the proposal would be set back a considerable distance from the road and separated from it by the retained garden area and existing stone wall and timber fence. Consequently, I am not convinced that views of the new building, from the A30, would be so significant as to result in any visual harm to the host or to the streetscene.
8. The proposed building would not be unduly intrusive or prominent within the streetscene. The established character of this part of the road, which, as I confirmed above, is varied and exhibits a mixed pallet of materials, would not be harmed by the proposed building. Given the above, I do not consider that the proposal would be contrived or cramped, and it would not have any significant impact on the appearance of the surrounding area. Similarly, the proposed building would not lead to any harmful impact on the living conditions of neighbouring occupiers, particularly, as the most immediate property, Clan

Roy Cottage, would be separated from the new building by a large parking area and mature boundary hedge.

9. In terms of amenity space, a reasonable proportion of the existing side garden would be retained. The submitted plans show that, even with the existing shed, the most usable and functional part of the side garden was the area at the front. The retained garden would be well screened and thus private and more than sufficient in size to be used as a play area, for drying clothes, for planting and for sitting out. Even so, bearing in mind the high background noise levels generated by the busy A30, the proposed summerhouse would in itself provide an added and pleasant amenity space, albeit enclosed, with its large glazed bi-folding doors providing direct access to the retained garden.
10. The Appellant highlights that the replacement of the shed with the proposed summerhouse results in a reduction of around 31% in the size of the existing garden, which they argue is not significant. They also point to the Cornwall Design Guide's advice that houses should have access to a well-proportioned (generally defined as an area equal to the footprint of the main house) and well orientated garden. Whilst I have only been provided with a quote from this Guide, the retained garden would be well proportioned and functional, and in the absence of any adopted amenity space standards it would be entirely appropriate and sufficient to meet the needs of the host property.
11. For the reasons set out above, I find that the proposed building would not be at variance with policy LUD6 of the Ludgvan Neighbourhood Development Plan or policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030, and would thus also be compliant with paragraphs 8 and 130 of the National Planning Policy Framework (Framework).

Conditions

12. I have considered the suggested conditions against the advice in the Framework and the Planning Practice Guidance chapter on the use of planning conditions. A condition that requires compliance with the approved plans is necessary and reasonable to secure a high-quality development and to reflect the details included in the application. I have, however, added a list of approved plans for clarity. I am also satisfied that conditions seeking to restrict the use of the proposed building so that it is ancillary to the host property and which requires the submission and approval of a Construction Management Plan, are necessary and reasonable. These would reflect the purpose for which planning permission has been sought, prevent the new building being occupied as a separate dwelling and, as National Highways have advised, be in the interests of the safe and efficient operation of the A30.

Conclusions

13. For the reasons given above and having taken all the matters raised into account, I conclude that the appeal should be allowed.

G Roberts

INSPECTOR