

Appeal Decision

Site visit made on 23 August 2022

by Mr C J Tivey BSc (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd September 2022

Appeal Ref: APP/D0840/W/22/3292069

**Land adjacent to Piskey Laden, Gwallon Lane, Marazion, Penzance
TR17 0HJ**

- 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 P Else against the decision of Cornwall Council.
 - The application Ref PA21/04784, dated 5 May 2021, was refused by notice dated 6 August 2021.
 - The development proposed is for the construction of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is located within a rural area comprising a collection of dwellings of a low density nature known as Gwallon, to the north of an elevated section of the A394.
4. The land slopes quite steeply up in a north easterly direction such that it is clearly visible from the Public Highway at close range. I note that planning permission has previously been granted (pursuant to Reference PA18/00268) for the erection of a detached dwelling which in itself will erode the spacious character of the area to some degree once built.
5. Consequently the principle of new residential development within the immediate locality has previously been agreed by the Council. However, whilst there may not be a clearly defined architectural character to houses in the settlement, existing boundary vegetation only screens the site to a certain degree. I do however consider that the visual impacts of the scheme are relatively localised and in themselves would have a limited effect upon the Mount's Bay East Landscape Character Area as a whole.
6. Notwithstanding this, the proposed dwelling would be built close to each of its respective side boundaries with a restricted parking and turning area provided to its frontage. This, in turn, would be in close proximity to the previously

approved dwelling, in addition to that of the donor dwelling, Piskey Laden. Indeed, by virtue of the significant change in ground levels the cramped nature of the scheme would be accentuated and would fail to retain the existing spacious semi-rural character of the local area.

7. I note that reference is made to the Chief Planning Officer's Advice Note on Infill/Rounding Off dated December 2017 (CPOAN). The Advice Note stipulates that infill development is that which would fill a gap in an otherwise continuous frontage, and the layout and density of such should in character with and similar to others within it, further development should not diminish a large gap that is considered important to the setting of the settlement. The CPOAN also states that the development of land which does not entirely fit the definition of infilling would be within the form and shape of that settlement where there is no significant harm arising to social, environmental or economic considerations. Therefore it does automatically stipulate that any gaps between dwellings should be developed *cart blanche*.
8. I accept that there is no uniformity to the size and shape of plots within the locality and whilst I acknowledge that the proposal would not cause a loss of any significant landscape features such as mature trees or boundary hedges, nonetheless it would intensify the development of the land in question.
9. In spite of the engineering operations that have taken place on site, such as ground excavations and the erection of fencing, I consider that presently it is not of an overly domestic appearance. Combined with the extant planning permission, the scheme would have a significant localised effect upon the visual characteristics of Gwallon, I say this bearing in mind that there was no objection raised by the Council to the architectural design of the proposed dwelling *per se*.
10. The appellant's view appears to be that because one dwelling has previously been approved that two would not have a clearly discernible greater visual impact. Whilst it may well be that two new dwellings would read as one development, nonetheless as accepted by the appellant, they would sit close together and notwithstanding the advice set out within the CPOAN which essentially reflects Policy 3 of the Cornwall Local Plan Strategic Policies 2010 – 2030 adopted November 2016 (CLP) where concerning infill developments, I consider that the proposal would not constitute the filling of a small gap in an otherwise continuous built frontage.
11. I accept that the living conditions of the occupants of surrounding residential properties, both existing and future, would not be unduly harmed by the scheme, and that the future occupants of the proposed development would be provided with adequate private amenity space and parking facilities. There would be some limited economic benefits flowing from the proposal, both during the construction phase and through the creation of an additional household in the longer term, and there would be some social benefits in terms of providing an additional dwelling to be available on the open market. However I consider that these benefits would not outweigh the harm that would ensue from the proposal, by virtue of its cramped siting that would fail to attain the spacious semi-rural character of the area, to the detriment of its appearance.

12. I find the proposal conflicts with CLP Policies 1, 2, 12 and 23 which together require development proposed to be considered within the framework of the presumption in favour of sustainable development contained within the National Planning Policy Framework and set out by policies of the Local Plan having regard to, amongst other things, environmental protection and improvement, requiring that the design of development is high quality and demonstrates the cultural, physical and aesthetic understanding of its location; whilst needing to sustain local distinctiveness and character.

Conclusion

13. Having regard to the above and all other matters raised, I conclude that the appeal be dismissed.

C J Tivey

INSPECTOR