



Appeal Decision

Site visit made on 7 September 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2022

Appeal Ref: APP/D0840/W/22/3291464

9 Upton Towans, Hayle TR27 5BJ

- 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 and Mrs R. Benwell against the decision of Cornwall Council.
 - The application Ref PA21/03970, dated 13 April 2021, was refused by notice dated 29 September 2021.
 - The development proposed is new single detached eco-bungalow.
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Decision

1. The appeal is allowed and planning permission is granted for new single detached eco-bungalow at 9 Upton Towans, Hayle TR27 5BJ in accordance with the terms of the application Ref PA21/03970, dated 26 October 2020, subject to the conditions in the attached schedule.

Main Issue

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

Reasons

3. The site comprises part of the rear garden of the dwelling 9 Upton Towans. Upton Towans is a small settlement which has grown up around the former National Explosive Works and has a largely linear pattern of built form, following the northwest side of the public highway which shares its name.
4. The houses to the southwest of the site are in a clear row and have fairly long and open gardens which stretch down to the roadside. The row contains the original 19th Century dwellings which housed senior staff of the works, and the open garden spaces allow these properties to remain legible, interspersed with modern, deferential bungalows. This row of dwellings therefore makes a strong contribution to the character of the settlement.
5. However, as one progresses northwest beyond the appeal site the gardens reduce in size and newer dwellings have been placed more indiscriminately. No 9's rear garden is also well screened by trees, vegetation and a fairly tall boundary fence and gate. For these reasons, the siting of the proposed dwelling would not harm the patten of development within Upton Towans.
6. Whilst it would have a flat roof instead of the pitched roofs which otherwise predominate the settlement, the dwelling presents 'eco' credentials as sought within the local community's Character Area Appraisal document. Its low profile and lower siting relative to the highway would also adhere to the restrained scale of the modern bungalows that have augmented and expanded the settlement and will allow the building to be largely unseen from the highway.

7. Consequently, the proposal would have an acceptable effect on the character and appearance of the area. It would accord with the landscape and design aims of Policies 1, 2 and 12 of the Cornwall Local Plan: Strategic Policies Document 2010–2030 (adopted 2016) (CLP), Policy GGPP7 of the Gwinear-Gwithian Neighbourhood Plan 2016-2030 (made 2017) and the guidance contained within the Chief Planning Officer’s Advice Note – Good Design in Cornwall, the Cornwall Design Guide (2021) and the National Design Guide.

Conditions

8. In addition to the standard time condition, it is necessary for a condition to list the approved plans in the interest of certainty. In order to ensure that the proposal assimilates into its context, a landscaping condition is required. However, this can be addressed prior to the commencement of development above slab level, not prior to the commencement development itself. In order to provide safe access and egress, a condition shall ensure the laying out of the parking space and associated turning space prior to occupation of the dwelling.

Conclusion

9. For the reasons outlined above, and taking all matters raised into account, I conclude that the appeal should be allowed.

Matthew Jones
INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SLP/1/1098, P/1/1098, P/2/1098, P/3/1098, P/4/1098, P/5/1098, P/6/1098, P/7/1098, SLP/1P/1098.
- 3) No development above slab level shall commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping. The scheme shall include indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- 4) The dwelling hereby permitted shall not be occupied until space has been laid out within the site for the parking and turning of vehicles so that they may enter and leave the site in forward gear and that space shall thereafter be kept available at all times for the parking and turning of vehicles.