



Appeal Decision

Site visit made on 6 September 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 October 2022

Appeal Ref: APP/D0840/W/22/3293178

Pengersick House, Pengersick Lane, Praa Sands TR20 9SJ

- 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 I Milne against the decision of Cornwall Council.
 - The application Ref PA21/01133, dated 31 January 2021, was refused by notice dated 3 November 2021.
 - The development proposed is a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for a proposed dwelling at Pengersick House, Pengersick Lane, Praa Sands TR20 9SJ in accordance with the terms of the application, Ref PA21/01133, dated 31 January 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 20, 31C, and 32E.
 - 3) The development hereby permitted shall not be occupied until the installation of a system for the disposal of sewage to serve the development has been completed in accordance with details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system if required. The system shall be retained and maintained thereafter in accordance with the approved details.
 - 4) The development hereby permitted shall not proceed beyond the construction of the ground floor slab until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.

Preliminary Matter

2. The appellant has requested that amended plans that did not form part of the Council's decision be taken into consideration within this appeal. The appeal process should not be used to evolve a scheme. However, I have considered the breadth of the changes between the plans and in accordance with the

'Wheatcroft Principles'¹ I find that the amended plans materially alter the nature of the application, and as such I have accessed this appeal on the plans that formed the basis of the Council's decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area, having particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty (CAONB).

Reasons

4. The appeal site forms part of the garden associated with a property known as Pengersick House located within the coastal settlement of Praa Sands and within the CAONB. It is in a location that is prominent from public viewpoints such as the public bridleway to the north and east and footpaths and common land leading to the beach of Praa Sands to the south. The site is within the established boundaries of the settlement of Praa Sands which is identified in Policy 3 of the Cornwall Local Plan as being a suitable location for appropriate residential development.
5. Residential development surrounding the site features a wide range of architectural styles including single storey and two storey buildings of both traditional and more contemporary appearance. Whilst existing development in the area tends to run parallel to, and face the coast, there is a broad mixture of plot sizes, with no consistent scale of built form. This leads to an overall irregular pattern of development, which combined with the mix of architectural styles and ridge heights contribute to the organic character of the area.
6. As the appeal proposal is located within the CAONB, 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 Cornwall Local Plan Strategic Policies 2010-2030 (LP) and the National Planning Policy Framework (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.
7. The Cornwall and Isles of Scilly Landscape Character Study 2008 identifies that the coastal strip that the site lies within consists of extensive exposed linear cliffs, ungrazed and wild on the slopes, contrasting with sandy bays. Key characteristics identified include the very strong topography of high cliffs, semi natural vegetation on coastal strips and long narrow sandy beaches. The site is within the St Michaels's Mount to Halzephron Cliff area of the CAONB as described within the CAONB Management Plan 2022-2027. The landscape in this section is described overall as a coastal landscape with a soft profile with south facing sandy beaches between rocky granite outcropping headland. The site, which is to the northeast corner of an existing garden, is seen within the context, and as part of, the surrounding residential development. Given the relationship with the existing surrounding built form and taking account the site does not share or contribute to the key landscape characteristics as identified

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

above, I find that the site does not positively contribute to the wider landscape or scenic beauty of the CAONB.

8. The appeal scheme would introduce a two-storey dwelling with a dual pitched roof, significant areas of glazing and a balcony to the south elevation and further areas of glazing to the north and east elevations, with an overall contemporary appearance. The appeal site is relatively flat, although terraced above the ground level of Pengersick House to the south, with the surrounding topography rising to neighbouring dwellings to the north. The site would be partially excavated, resulting in the dwelling siting within the hillside.
9. While there is variety in the appearance of surrounding dwellings, large areas of glazing and balconies are common. Therefore, the proposed contemporary appearance, and the linear form of the proposal would not appear out of place with the surrounding built form. Furthermore, the proposal would respect the general stepping of ridge heights from south to north, and whilst the proposed garden area is smaller than those of the immediate surrounding properties, would not appear to be cramped within its site given its spatial relationship with neighbouring buildings and would not be uncharacteristic of this location. Overall, I find that the proposal would integrate well into its environment, appearing as a well-designed building which, given my findings on the contribution of the site to the designated landscape above, would conserve the scenic beauty of the CAONB.
10. Consequently, I conclude that the proposed development would not adversely affect the character and appearance of the area. As such, it would accord with Policies 1, 2, 12 and 23 of the LP which, amongst other things, seek development to be high quality and conserve and enhance the landscape character and scenic beauty of the CAONB. There would also be no conflict with the overarching aims of the Framework or Policy MD9 the Cornwall AONB Management Plan 2016 -2021 which both require, amongst other things good design the does not compromise the special qualities and characteristics of the CAONB as well as the protection and enhancement of the natural and built environment.

Other Matters

11. I have been made aware that the Breage Parish Neighbourhood Development Plan 2017 -2030 (NP) is currently at examination, with further information being sought by the examiner and therefore I am unable to give full weight to the NP. However, I have taken into account Policies S1 and H6 of the NP in my decision which do not alter my findings on the main issue stated above.
12. I have also taken into account representations regarding the impacts of the proposal on highway safety, living conditions of neighbouring occupiers, conflict with a Public Right of Way (PROW), drainage, light pollution and precedent.
13. In terms of highway safety, the proposed development would utilise the existing access, and whilst a PROW, the character of the highway is such that vehicular speeds are low and given the modest movements produced by a single dwelling, there would not be an unacceptable impact on highway safety. Moving onto neighbouring occupiers living conditions, separation distances and window locations are such that the proposed development would not be overbearing or give rise to any significant impacts on privacy.

14. Concerns are raised regarding ensuring an adequate drainage system to cope with the proposal. The Council has not raised any concerns and subject to a condition requiring final details of the drainage system, I find no reason to disagree.
15. Notwithstanding the significant amount of glazing within the proposed development, given the context of the appeal site adjacent existing residential dwellings, I find that any light pollution emanating from the development would be seen in context with that of surrounding buildings, thereby not resulting in harm.
16. This appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above. This appeal decision would not set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

Conditions

17. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance (PPG). A condition regarding the approved plans is required to provide certainty. Conditions are necessary in order to ensure adequate provision is in place for the disposal of foul and surface water on the site, including the maintenance of such provision if required and I am satisfied such conditions are reasonable, necessary and enforceable.

Conclusion

18. For the reasons given above, I find that the proposal is in accordance with the development plan, considered as a whole. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR