

Appeal Decision

Site visit made on 22 September 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26th October 2022

Appeal Ref: APP/D0840/W/22/3298339

Land East of 'Reflections', Brenton Road, Downderry, Cornwall PL11 3JA

- 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 Trevor Farrell against the decision of Cornwall Council.
 - The application, Ref. PA21/07136, dated 7 July 2021, was refused by notice dated 5 January 2022.
 - The development proposed is a detached dwellinghouse with garaging and parking spaces (Resubmission following refusal).
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Decision

1. The appeal is allowed and planning permission is granted for a detached dwellinghouse with garaging and parking spaces on Land East of 'Reflections', Brenton Road, Downderry, Cornwall PL11 3JA in accordance with the terms of the application, Ref. PA21/07136, dated 7 July 2021, subject to the conditions in the attached Schedule.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of its surroundings designated as an Area of Great Landscape Value ('AGLV').

Reasons

3. The appeal proposal is a resubmission pursuant to the refusal of application reference PA20/09484 in March 2021. The current scheme has amended the previous proposal to address the objections to it. The amendments include a reduction in width of approximately 3.6m to increase the gap between the proposed dwelling and the neighbouring properties to the east comprising The Chalet and the nearby dwelling 'TyMor'.
 4. On my visit to the appeal site and its surroundings I saw that on the north side of Brenton Road there is a linear development of dwellings on a broadly consistent building line but with a wide variety of designs, both traditional and contemporary. Towards the eastern end of the road there is a small group of rearward properties on the higher land and with access from Trerieve Hill to Brenton Road and also northeast to Tregunnick Lane and into the countryside. The appeal dwelling would be on a vacant plot to the east of 'Reflections', a prominent building of contemporary appearance
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5. The position of the plot on Ordnance Survey maps, including as shown at the beginning of the officer's report, clearly shows that a house in this position, with existing houses to either side on the higher part of the cliff and with Sunnyside (Glengariff on the OS Map) and Summercourt (Stormcrest on the OS Map) below, would be a logical infill development consistent with the development pattern. From walking around the area I also consider that this logic would similarly be perceived in both close and more distant views.
6. Having reached this conclusion, I consider that the only remaining consideration within the main issue, as set out in paragraph 2 above, is whether the size and appearance of the dwelling would be in keeping with its surroundings when seen from the various vantage points. These include the aspect from the sea and beach, Brenton Road and the southwest coast path. These views were assessed by a detailed 'Landscape and Visual Appraisal' submitted with the application and combined with my own observations I am able to reach firm conclusions.
7. With its layered or stepped design and terraces partially recessed into the slope, the front edges of the terraces would work with the gradient rather than against it. As a result the dwelling would not significantly project from the cliff face, as can be seen from the submitted Site Section. I am also satisfied that there would only be limited views of the development from Brenton Road between the existing dwellings on its north side. Although because of its substantial scale the appeal building would certainly be seen from the sea and beach, it would have a horizontal rather than vertical emphasis. And with its recess into the slope and in my view adequate distance to boundaries, it would not be so prominent as to be perceived as harmfully dominating the surroundings. Even if the building were to draw the eye from this aspect, I regard it as likely to elicit a positive or at worst neutral, rather than negative, perception.
8. Critically, the building would be sufficiently set down and into the cliff to avoid its upper level breaking the skyline. This would be in marked contrast to the existing 'Reflections' to the west which, as the officer's report says, '*stands tall and proud*' on the hillside. Moreover, I particularly agree with the officer's report as to the development having the beneficial effect of helping to visually tie 'Reflections' into the village. This would be the case in any aspect from which Reflections is currently prominent, but in particular the bend on Trerieve Hill, and I consider this to be an important advantage of the appeal scheme that carries weight in the decision-making process.
9. Accordingly I conclude overall that the development would not have an adverse effect on the character and appearance of the area, including the landscape of the AGLV. There would therefore be no conflict with saved Policy CL9 of the Caradon Local Plan; Policies 12 & 23 of the Cornwall Local Plan Strategic Policies 2010-2030 ('the Local Plan'), and with Government Policy in the National Planning Policy Framework 2021 (in particular Section 12 'Achieving Well-Designed Places' and Section 15: 'Conserving and Enhancing the Natural Environment'). I am aware of the emerging Deviock Neighbourhood Development Plan, but as this is at pre-submission consultation stage I can afford it only limited weight in my Decision.

Other Matters

10. The Deviock Parish Council and several local residents have submitted objections in respect of the main issue as discussed above, but also on other matters including coastal erosion, surface water and foul drainage, ecology and the impact on neighbours' outlook and privacy. However, whilst these are understandable concerns I am satisfied that subject to the implementation of the recommended conditions, a permission would not have the adverse effects that have been suggested.
11. As regards highway safety, the concerns that are raised focus on the increased use of the local roads. I note that the highways authority also recommended against permission for the previously refused scheme on the basis of the inadequacy of Trerieve Hill. However, steep single-width roads are a feature of the Cornwall and Devon countryside and are an inconvenience and hazard for all residents and holiday visitors. I have little doubt that the former learn to live with this and adapt their driving accordingly in the interest of their own safety and that of other road users.
12. I am therefore of the view that whilst such roads might well properly preclude developments of several houses, this is not a sufficient reason in itself for the refusal of permission for a single additional dwelling on this site and in this location. I acknowledge that the junction of Trerieve Hill and Brendon Road is particularly awkward, but consider it reasonable to assume that along with existing residents the future occupiers of the appeal dwelling will either cope with the junction or avoid using it.

Conclusion and Conditions

13. For the reasons set out above and having had regard to all other matters raised I shall allow the appeal. The Council has suggested some conditions to form part of the permission and I consider these to be reasonable and necessary, particularly because, as already indicated, they will address some of the concerns raised as objections to the development.
14. These conditions include some pre-commencement conditions that under Government policy require the applicant's consent. However, as they were listed in the officer's report to committee and have not been the subject of dispute in the appellant's grounds of appeal, I shall assume there is a tacit agreement to their inclusion.
15. A condition stipulating that the development is carried out in accordance with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning. A condition in respect of ensuring a contribution to facilitate the mitigation of recreational impacts on a local European Designated Site is needed to comply with the Conservation of Habitats and Species Regulations 2017 and with the provisions of Local Plan Policy 22. A landscaping and boundary treatment condition will help to ensure that the visual impact of the development on the landscape is acceptable. The same objective will also be assisted by a condition requiring the Council's prior approval of external materials.
16. A condition requiring the approval of a surface water drainage system will avoid drainage problems arising from excessive run off. A foul drainage system will

also be secured by condition to safeguard residential amenity and the avoidance of pollution.

17. Finally, the ecology of the site and its surroundings will be safeguarded by a condition ensuring that the development is carried out in accordance with the recommendations of the submitted Ecological Appraisal and the 'Reptile Survey for Land at Downderry, Cornwall' (both documents dated 7th July 2021).

Martin Andrews

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this Decision;
- 2) The development shall be carried out in accordance with the following approved plans: Drawing No. Series 31227: Plan Nos. SO1; SO2; SK01; SK02A; SK03A; SK04A; SK05A; SK06A; SK07A; SK08A; SK09A; SK10A; SK12A; SK13; SK14;
- 3) The development hereby permitted shall not be commenced until the Local Planning Authority has approved, in writing, a scheme to secure mitigation of the additional recreational pressures to the Plymouth Sound & Estuaries SAC & Tamar Estuaries Complex SPA, together with an appropriate mechanism to secure delivery of the mitigation;
- 4) No development shall commence until a scheme of landscaping and boundary treatments has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall provide planting plans with written specifications including: (i) details of all existing trees and hedgerows on the land, showing any to be retained and measures for their protection to be used in the course of development; (ii) a full schedule of plants; (iii) details of the mix, size, distribution and density of all trees/shrubs/hedges; (iv) cultivation proposals for the maintenance and management of the soft landscaping; (v) details of boundary treatments; (vi) details of measures to hide or screen hard landscaping features, engineering structures and retaining walls;

The protection measures proposed shall be completed in accordance with the approved scheme before the development hereby permitted commences and shall thereafter be retained until it is completed.

All planting, seeding or turfing comprised in the approved scheme 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.

Any trees or plants which within a period of five 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 a similar size and species as those originally planted;

- 5) Prior to the commencement of the development hereby approved, details of a system for the disposal of surface water on the site shall be submitted to and approved in writing by the Local Planning Authority. The details shall include: (i) drainage layout and design calculations (ii) a method statement for managing surface water drainage during construction works; (iii) a programme for maintaining the system. The system shall be installed, retained and thereafter maintained in accordance with the approved details;
- 6) Development above foundation level shall not take place until details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and retained as such thereafter;

- 7) The development hereby permitted shall not be occupied until the installation of a system to serve the development for the disposal of sewage 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 maintenance and the system shall be retained and maintained thereafter in accordance with the approved details;
- 8) The development shall be undertaken in accordance with the recommendations set out at Section 7 of the 'Preliminary Ecological Appraisal for Development of Land at Downderry' report undertaken by Land & Heritage Ltd (dated 7th July 2021) and the recommendations at Section 6 of the 'Reptile Survey for Land at Downderry, Cornwall' (dated 7th July 2021).