



Appeal Decision

Site visit made on 1 November 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2022

Appeal Ref: APP/D0840/W/21/3289710

Aurigny, Trewartha, Veryan TR2 5QJ

- 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 & Mrs Lark against the decision of Cornwall Council.
 - The application Ref PA21/02052, dated 25 February 2021, was refused by notice dated 29 September 2021.
 - The development proposed is replacement dwelling and replacement garage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the application was refused, the Cornwall Design Guide 2013, which was referenced in the reason for refusal, has been superseded by the Cornwall Design Guide 2021. The latest Design Guide has been submitted with the Council's statement and the appellant has had the opportunity to comment on these details at the final comments stage. Consequently, no party would be prejudiced by the consideration of the scheme against the latest Design Guide.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area with particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty(AONB); and
 - The effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to outlook from Antigua.

Reasons

Character and appearance

4. The appeal site is situated within Trewartha, a small grouping of buildings within a rural setting. Within the vicinity there is a mixture of scale of properties including both bungalows and two storey properties, encompassing a variety of designs and adaptations. The site contains a modest bungalow and garage and is situated to the southern edge of the group of buildings.
5. The wider surrounding area is relatively flat although there is a notable fall in topography from the northern edge of the group of dwellings, to the southern edge. Given a combination of the location of the site at the edge of the group

of buildings, close proximity to a public right of way which runs past the site and the public highway a short distance away, the site is visible from both nearby and wider viewpoints in the landscape. From those viewpoints, I observed on my site visit that the existing dwelling has an unassuming appearance with limited presence, which relates to its context, following the general stepping down of buildings with the contours of the land and does not read as a prominent or negative feature in the surrounding landscape.

6. The site is within the Roseland area of the South Coast Central section of the AONB. The AONB Management Plan 2016 (MP) notes, like the Landscape Character Study for the area CA40, that settlement is still sparse and consists of mainly small rural hamlets and farmsteads linked by narrow winding lanes. The site also lies within the 'intermediate sloping land' character type which key characteristics as defined in the Roseland Local Landscape Character Assessment for Veryan include gentle rolling uplands, open unspoilt landscape, undeveloped, timeless nature and a longstanding farming area of pasture land with hedgerows, rich in wildlife leading down to more wooded valleys. Furthermore, settlement character attributes include buildings that are traditional, incorporating local stone, render, slate roofs, multiple elevations, with some Edwardian, also some recent contemporary dwellings. These characteristics largely accord with the wider landscape setting of the appeal site that I observed at my site visit.
7. As the appeal proposal is located within the AONB, 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), the National Planning Policy Framework (Framework) and the Cornwall Area of Outstanding Beauty Management Plan 2016-2021 (MP) 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.
8. I am aware that the proposed replacement dwelling would be a scheme reduced in scale compared to a previously submitted proposal. I also acknowledge that the asymmetric roof form of the new dwelling would assist in breaking up its overall massing and given the variety of roof forms in the locality, including notably Jasmine Cottage, would not be appreciably at odds with surrounding development and that the existing bungalow and garage has minimal architectural merit.
9. Notwithstanding, both the proposed dwelling and garage would be reasonably sizeable buildings and with a greater height and bulk than present. While there are larger scale dwellings in the vicinity, such as Ty Menhay to the north, due to the location of the site to the south of the grouping of dwellings, the proposed development would be a prominent feature in views from the public footpath and highway. I appreciate the efforts of the appellants in evolving a modern design solution which would, amongst other aspects, take design cues from the broad mix of designs locally and reflect natural materials from surrounding built form, which would assist in some extent to reduce the visual effect of the building. However, the overall appearance, due to a combination of the additional height and massing together with expanses of glazing, particularly within the southern elevation would nonetheless draw the eye

within this sensitive landscape location and would not integrate well within the rural surroundings.

10. Furthermore, while the proposed development is of a similar height to that of the neighbouring property, it would not respect the broad tapering of ridge heights following the natural contours of the land, particularly when viewed from more distant views from the highway to the west (such as Viewpoint 7 within the appellants Viewpoints Appraisal), and also in near views from the public footpath to the south. The loss of this tapering ridge height would further contribute to the proposed development appearing incongruous given the location at the edge of the grouping of buildings and would detract from, and thus neither conserve nor enhance the landscape character. The setting of other nearby built form and the treescape behind and above the appeal development do not lead me to a different conclusion.
11. I have had regard to other appeal decisions and a recently granted planning permission in the area cited by the appellant. The appeal cases and the planning permission appear to differ from the current proposal in several ways, not least due to the appeal proposal's location to the southern edge of the grouping of buildings, and its particular scale and appearance. Given the particular circumstances of the current appeal, I have determined it on its own merits.
12. I therefore conclude that the proposed development would harm the character and appearance of the area and the landscape and scenic beauty of the AONB would not be conserved or enhanced. It follows that the scheme would not comply with LP policies 2, 7, 12, 23 and policies LA1, CV1, GP1, GP2 and HO8 of the Roseland Neighbourhood Development Plan 2015-2030(NP) which, amongst other things, seek development to be high quality and conserve and enhance the landscape character and scenic beauty of the AONB. There would also be conflict with the aims and intentions of MP Policy MD16 and the overarching aims of the Framework, which seek, amongst other things, good design that does not compromise the special qualities and characteristics of the AONB as well as the protection and enhancement of the natural and built environment.

Living conditions

13. The proposed development would be in close proximity to the neighbouring property, Antigua, which is located to the north and, due to the sloping topography, slightly above the appeal property, with the next nearest neighbouring property being Jasmine Cottage further to the south east. The proposed replacement dwelling would be located in broadly the same location within the site as the existing dwelling and therefore share a similar spatial relationship with its neighbouring properties as existing.
14. Antigua features a single storey extension to the south, which is the closest part of this neighbouring property to the appeal site. While I note third party comments in terms of the existing boundary treatment, due to the limited degree of separation between Antigua and the existing property on the site, the outlook is already restricted from ground floor windows within this extension. Given the existing restricted outlook, and notwithstanding the boundary treatment, the proposed development and associated increase in both eaves and ridge height would not significantly compromise the existing outlook over and above the existing arrangement from these ground floor windows. For

similar reasons, while the Council have cited concerns in their Statement in relation to the impact on the accessway to the door on the southern elevation of Antigua, I find that the proposed development would not significantly change the existing effect on the accessway.

15. Furthermore, while a single storey element of the proposed development will be located directly to the south of Antigua, the two storey element would be to the south east, with the proposed asymmetrical roof design resulting in the ridge moving further south away from Antigua. This would result in the upper floor windows within Antigua retaining an open outlook and further limit any overbearing visual impact of the proposal on the occupiers of Antigua.
16. While not forming a part of the Council's reasons for refusal, a third party has raised concerns regarding the impact on the living conditions of the occupiers of Antigua due to loss of light. I have had regard to the appellants' sun path analysis which indicates that the proposal would not unduly prejudice light or overshadow Antigua. Given the proposed spatial relationship, asymmetrical roof design and conclusions of the analysis, I find, on the evidence before me, there would be no significant impact on light.
17. Consequently, the proposed development would not harm the living conditions of neighbouring occupiers with particular regard to outlook from Antigua. The proposal therefore accords with LP Policy 12 and NP Policy CV1 which seek, amongst other things, to ensure development protects individuals from overbearing impacts. It would also be consistent with the provisions of the Framework and Cornwall Design Guide 2021 which seek to provide high standards of living conditions for existing and future users.

Other Matters

18. The appellant has highlighted the Inspectors comments within an appeal decision¹ in respect of Policy HO8 of the Roseland Neighbourhood Development Plan 2015-2030 (NP) and in particular the reduced weight that was afforded to this Policy. Notwithstanding, even if reduced weight were to be afforded to this Policy, I have in any case found that the proposal would harm the character and appearance of the area, and therefore conflict with the development plan, when read as a whole.
19. My attention has been drawn to Para 11 of the Framework. It is not alleged that the policies which are most important for determining the application are out of date and I have no evidence to the contrary, therefore the requirements of Para 11(d) are not applicable.
20. I note the appellant's comments about attempting to work with the Council and frustrations with the Council's general handling of the application. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.
21. I also note the appellants reference to a lack of comments from the Cornwall AONB unit during the planning application consultation period. However, such a lack of comment is not determinative as to the acceptability of the appeal proposal. I have therefore considered it on its merits, based on the evidence before me.

¹ APP/D0840/W/16/3158470

Conclusion

22. While I have found that there would be no harm to the living conditions of neighbouring occupiers, such a lack of harm would be neutral in the planning balance.
23. The principle of a replacement dwelling is not disputed. Furthermore, the proposal would result in enhanced living conditions for occupants in a more sustainable energy efficient development than the existing dwelling and also result in some minor biodiversity benefits. However, given the scale and nature of the proposed development, I find the benefits would be relatively limited and do not outweigh the identified harm.
24. For the reasons given above, I find that the proposal would conflict with the development plan, read as a whole. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise than in accordance with it. Therefore, the appeal is dismissed.

S Harrington

INSPECTOR