



Appeal Decision

Site visit made on 1 November 2022

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/D0840/W/22/3294917

Land Adjacent to Bassett Road, Illogan TR16 4SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of planning permission.
 - The appeal is made by Cornovia Homes (Illogan) Limited against the decision of Cornwall Council.
 - The application Ref PA21/09229, dated 2 September 2021, sought approval of details pursuant to condition No 1 of an outline planning permission ref:PA18/04738, granted on 12 March 2019.
 - The application was refused by notice dated 11 February 2022.
 - The development proposed is residential development (up to 9 dwellings).
 - The details for which approval is sought are: access, appearance, landscaping, layout and scale.
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Decision

1. The appeal is allowed and the reserved matters are approved, namely access, appearance, landscaping, layout and scale details submitted in pursuance of condition No 1 attached to planning permission PA18/04738 granted on 12 March 2019, subject to the conditions set out in the Annex attached to this decision.

Preliminary Matters

2. Outline planning permission PA18/04738 was granted on appeal (APP/D0840/W/18/3210910) on the 12 March 2019. In considering the application documentation associated with the outline planning permission, I have noted that Condition 1 does not include 'access' as a reserved matter. However, it is clear from the documentation before me that access was intended to be a reserved matter. The reserved matters application the subject of this appeal, has clearly been submitted and determined on that basis. Therefore, I will also determine the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a parcel of agricultural land to the north of Bassett Road which gently slopes away to the north, with residential properties at Harmony Terrace directly to the west, and open agricultural land to the north and east. The site is centrally located within Illogan, and forms part of a wider undeveloped gap between Harmony Terrace, and the Homecroft Surgery to the

east. To the south of Basset Road is a residential area comprising bungalows and, further to the south, two storey houses. The surrounding area is predominantly residential with a wide mix of dwelling styles, materials and patterns of development evident.

5. The proposal would comprise the development of 9 detached dwellings, over 3 differing house types. The access is proposed towards the western end of the site onto Bassett Road, with the dwellings being further setback, behind a largely retained southern boundary treatment and an access drive which runs along the frontage of the 6 dwellings facing Bassett Road and also serves three dwellings which would be located to the rear of the site.
6. I observed that existing development to the north of Bassett Road is linear, with dwellings directly fronting the highway and gardens and associated outbuildings to the rear. The proposed development would therefore result in a departure from the existing linear development. However, I also observed that within the wider area there is a broad mix of residential layouts not restricted to solely linear development. This broad mix, including traditional estate arrangements and cul-de-sacs contributes to the character of the area.
7. The departure from the existing linear pattern of development at Harmony Terrace would be emphasised by the frontages of the proposed roadside development being set back behind the southern boundary treatment and internal estate road, thus being behind the establish building line of Harmony Terrace.
8. However, the setback of frontages from the highway and behind a boundary treatment isn't uncharacteristic of the area, with such an arrangement in evidence opposite the appeal site. Furthermore, the setback of the building line would have some visual benefits including the inclusion of soft landscaping, and when travelling from a western direction, in providing transition from the existing roadside built form, to the remaining area of open land to the east of the appeal site which is retained, and with which I agree with the previous Inspector¹ provides a notable contribution to the openness and landscape character of the area.
9. I observed that the backdrop of the appeal site, and Harmony Terrace when viewed from the east, is, together with mature trees to the rear of the adjacent property 'Fair View', of the rear of properties along Robertes Terrace, as well as outbuildings to the rear of Harmony Terrace. Therefore, although a linear development, Harmony Terrace is seen within the wider context of development within rear gardens and buildings to the north west.
10. Views of the three proposed dwellings to the rear of the site would be available directly from Bassett Road, and also from viewpoints to the east, including the access drive to Homecroft Surgery. Notwithstanding, given the wider character of the area, and the existing backdrop of Harmony Terrace, the presence of dwellings to the rear of the frontage would not appear at odds with nearby linear development or the built form of the area as a whole. Furthermore, while the dwellings to the rear would be in close proximity to the northern boundary of the appeal site, the positioning of the dwellings provide sufficient private garden areas and would not appear as being cramped within the site.

¹ APP/D0840/18/3210910

11. Concern has been raised regarding the proposed projecting elements to front elevations given there is a largely consistent frontage and ridge line along Harmony Terrace, with the notable exception of 'Chynoweth'. A third party has also raised concern regarding the setting of the adjacent dwelling 'Fair View'. However, due to the set back of the proposed development from the established building line, it would not be seen as a continuation of Harmony Terrace, and the ridge and eaves height would be notably lower, thereby not appearing to dominate or be intrusive to the setting of the adjacent 'Fair View'.
12. The proposed palate of materials, including natural slate roof, render, stone and hanging slate, as well as the proposed boundary treatments of close boarded fence, natural stone walling and rendered block work is characteristic of the wider area. The palate and articulation of design and roof form, including projections, would help to reduce the visual massing. Furthermore, the use of a half hip roof form on the side elevation of the eastern most dwellings will help to assimilate the development with the existing roof forms of neighbouring dwellings. Due to the articulation of the design adding depth to the elevations combined with the proposed landscaping, the proposed development will also add additional visual interest, while respecting the broader palate of materials in the area. Consequently, I find the proposed development would result in a positive architectural addition within the street scene.
13. My attention has been drawn to the previous Inspector having regard to an indicative block plan within the allowed appeal decision. While the indicative block plan did indicate a linear development of 9 dwellings, as the Inspector pointed out, this was indicative. Nothing within the previous appeal decision prevents an alternative layout being put forward such as that proposed within this appeal, which has been the subject of this appeal decision, and assessed on its own merits.
14. I therefore find that the proposed scheme as submitted for reserved matters approval would be appropriate in terms of respecting the character and appearance of the area. There would be no conflict with policies 1, 2, 12, 21 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 and Policy PH3 of the Illogan Parish Neighbourhood Development Plan 2016 -2030 (NP). These policies collectively seek, amongst other things, to achieve high quality design that respects the character and appearance of the surrounding area. The proposal would also accord with the provisions of the National Planning Policy Framework in relation to achieving well-designed places which contribute to and enhance the natural and local environment, are visually attractive as a result of good architecture and layout and add to the overall quality of the area.

Other Matters

15. Given both the distances between, and the spatial relationship of the new buildings and the surrounding dwellings, I do not consider that there would be any material harm to the amenities of surrounding neighbours, including in respect of loss of light and overshadowing as well as overlooking and loss of privacy. The Council also did not raise them as reasons for refusal. While I have noted the preference for a differing scale of development to include smaller more affordable dwellings, for the reasons I have given above, I am satisfied that the scale of buildings within the proposed development would not

conflict with the policies of the Development Plan and the character and appearance of the area in these respects.

16. The appeal site is not located within a high-risk flood zone or an area identified as having critical drainage problems although I do acknowledge third party comments in terms of flooding concerns. I have had due regard to the Drainage Strategy Plan and note the Council's Sustainable Drainage Officer's comments raising no objection. Given the evidence before me, I have no reason to believe that a suitable and effective drainage scheme cannot be implemented, subject to additional details as required by condition 4 of the outline planning permission.
17. Third parties have also raised concern in terms of the impact of the proposed development on the ecology of the area. However, the outline planning permission requires, via condition, that mitigation and enhancement measures pursuant to the Preliminary Ecological Appraisal Report are secured via the submission of a Landscape and Ecological Management Plan (LEMP) prior to the development of the site. I am therefore satisfied that a mechanism is in place for appropriate ecological mitigation despite the removal of a part of the existing roadside hedgerow habitat to form the access.
18. The Council's Highways Officer has raised no objection to the proposed access or visibility splays and I am satisfied that the access and pedestrian links are suitable. I acknowledge that NP Policy TT2 requires the provision of one off-road parking space for each bedroom, unless otherwise justified having regard to site specific circumstances and Cornwall Council parking standards. The proposed development would provide 27 spaces throughout the development. While this provides 3 spaces per dwelling, as the proposed development incorporates seven 4 bedroom properties, the parking is below that sought within NP Policy TT2. It is noteworthy that the Council is satisfied that there is provision of an appropriate amount of off-road parking given the site's central location close to facilities and services and also has concerns that the provision of further off-road parking would have a detrimental effect on the street scene. Given the site's location close to services and facilities, and the effect on the street scene from the provision of additional off road parking, I am satisfied that the proposed off-road parking arrangements are suitable given the particular circumstances of the appeal site.
19. As this appeal relates to reserved matters, matters of the principle of the development, tenure mix, infrastructure provision or the use of grade 2 agricultural land is not before me for consideration. Furthermore, there are no apparent planning reasons why other matters raised by third parties such as property values or developer profit should influence my conclusion on the main issue. In terms of the potential future development of adjacent land, this appeal has been dealt with on its own merits and has been found to be acceptable for the reasons given above. There is no clear reason why this appeal decision would set a precedent for the area, as each proposal must be assessed on its own merits and the particular circumstances of the site.

Conditions

20. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed and, where necessary, amended wording with regard to the advice provided in the Planning Practice Guidance

(PPG). As this appeal relates to reserved matters, I can only impose conditions which directly relate to the matters I am approving.

21. A condition regarding the approved plans is required to provide certainty. A condition requiring details of materials of external surfaces, as well as a condition requiring details of root protection measures in order to protect the adjacent mature tree during construction are reasonable and necessary in the interests of the appearance of the development.
22. The Council's suggested conditions in relation to visibility splays seeks further detail. However, I note that amended plans had been submitted as part of the application process detailing visibility splays to which the Highways Officer raised no objections. Therefore, while a condition requiring further details is unnecessary, conditions to ensure both visibility splays and dropped kerb crossing points are provided as detailed are required to ensure the safety of all highway users.
23. The Council have also suggested conditions are required relating to the provision of additional boundary treatment detail and restricting additional openings to the western elevation of plot 1. I have found above that the boundary treatment proposed within the boundary treatment plan to be characteristic of the area and therefore acceptable. Furthermore, the outline permission requires the submission of a LEMP which will secure the required ecological mitigation and enhancement measures pursuant to a Preliminary Ecological Appraisal Report. Therefore, such a condition is not necessary.
24. In terms of restricting additional openings to the western elevation of Plot 1, It has not been demonstrated that any windows that could be installed without requiring planning permission would lead to harm. Furthermore, given the western boundary treatment would be a 1.8m timber fence, any ground floor openings would not significantly impact on the living conditions of the adjacent property. Therefore, a condition restricting openings is unnecessary.

Conclusion

25. For the reasons set out above, and subject to the conditions listed in the Annex, the appeal should be allowed.

S Harrington

INSPECTOR

Annex

Conditions

- 1) The development hereby approved shall be carried out in accordance with the approved drawings numbered-

1708-C-GA-100-P1;
1708-C-GA-105-P1;
1708-C-GA-200-P2;
1708-C-GA-201-P1;
1708-C-GA-205-P1;
1708-C-GA-210-P1;
1708-C-GA-220-P1;
1708-C-GA-221-P1;
1708-C-GA-250-P1;
1708-C-GA-300-P1;
1708-C-GA-301-P1;
1708-C-GA-303-P1;
2026-4DAS-DR-A-001-P01;
2026-4DAS-DR-A-002-P06;
2026-4DAS-DR-A-003-P01;
2026-4DAS-DR-A-004-P03;
2026-4DAS-DR-A-006-P02;
2026-4DAS-DR-A-007-P01;
2026-4DAS-DR-A-008-P01;
2026-4DAS-DR-A-009-P01;
2026-4DAS-DR-A-010-P01.
- 2) No development involving the use of external materials shall take place until details of the materials to be used in the construction of the external surfaces of the development 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.
- 3) Before any other building or engineering works are carried out on the site, visibility splays shall be provided at the site access in accordance with details shown on the approved plan (1708-C-GA-303-P1). The access shall not be brought into use until all land within the said visibility splays has been reduced to a height not exceeding 600mm above the adjoining carriageway level and thereafter no obstruction shall be permitted within the approved visibility splays.
- 4) Prior to the first occupation of the development hereby permitted, the dropped kerb crossing points shown on drawing number 1708-C-GA-200-P2 shall be constructed in accordance with the details and positioning shown on the approved plans. The dropped kerb crossing points shall be retained thereafter in perpetuity.
- 5) Prior to the commencement of any works associated with the development, a scheme depicting the method by which trees shall be protected during the course of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall identify a Root Protection

Area that will be enclosed by tree protection fencing which will be erected in accordance with the specification given in the British Standard BS 5837. The tree protection fencing will be erected prior to commencement of any works associated with the development and be retained and maintained until the completion of the development. At no time shall any works in connection with the development, including storage, access, cement mixing, bonfires, excavations or other level changes occur within the protected area. The development shall be implemented in strict accordance with the agreed tree protection methods.