



Appeal Decision

Site visit made on 28 February 2023

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2023

Appeal Ref: APP/D0840/W/22/3305531

The Old Carhouse, Trebarvah Lane, Trebarvah, Perranuthnoe TR20 9NG

- 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 S Firth against the decision of Cornwall Council.
 - The application Ref PA21/12651, dated 21 December 2021, was refused by notice dated 4 April 2022.
 - The development proposed is construction of Dwelling House, Landscaping and Associated Works.
-

Decision

1. The appeal is allowed and planning permission is granted for construction of Dwelling House, Landscaping and Associated Works at The Old Carhouse, Trebarvah Lane, Trebarvah, Perranuthnoe TR20 9NG in accordance with the terms of the application, Ref PA21/12651, dated 21 December 2021, subject to the following 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 plans: 001C; 002B; 003C; 004B; 005; 006C; 008F.
 - 3) Prior to the first occupation of the dwelling hereby permitted, details of the proposed height, siting, appearance and construction of all boundary treatments (means of enclosure) shall be submitted to, and approved in writing by, the local planning authority. The approved boundary treatments (means of enclosure) shall be completed in accordance with the approved details prior to the first occupation of the dwelling hereby permitted, and shall not thereafter be altered or removed, other than by necessary replacement.
 - 4) Prior to their use in the development hereby permitted, details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/timber boarding/roof slates) of the dwelling hereby permitted shall be 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.

Preliminary Matters

2. The site has been subject to a previous appeal decision¹ (the previous appeal), which was dismissed, for a similar development to that currently proposed. The previous scheme also proposed the introduction of a dwelling, albeit of a differing design to the current proposal. I have taken the previous Inspector's findings into account in my decision. Nonetheless I have reached my own findings based on the circumstances of the present case.

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 of The Old Potato Barn, with particular regard to any overbearing effects.

Reasons

Character and appearance

4. The appeal site is located within a small cluster of buildings within a rural location within the AONB. The area contains both single and two storey buildings of traditional appearance with a range of roof forms including examples of hipped roofs. An adjacent property 'Seascape', introduces a more contemporary appearance within the cluster of buildings.
5. The Inspector in the previous appeal concluded in that instance, the development would not harm the character and appearance of the area, or the landscape and scenic beauty of the AONB. However, although of a similar scale, the design of the proposed development within this scheme differs from the previous appeal scheme in order to seek to overcome the previous Inspector's concerns in terms of living conditions.
6. The proposed development is a two storey dwelling, with the front elevation on a similar building line to the neighbouring Seascape, and a 'L' shaped footprint broadly following the western boundary. The scale of the proposed development would be similar to that of Seascape, although with a reduced ridge height resulting in a small stepping down of ridge heights providing visual transition from Seascape to traditional buildings to the west.
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 National Planning Policy Framework (Framework) also seeks 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.

¹ APP/D0840/W/21/3266309

8. The appeal site lies between Seascape and The Old Potato Barn within a small cluster of buildings surrounded by open land on a cliff top plateau. The site accommodates a former agricultural building of utilitarian appearance as well as a caravan. The previous Inspector found that the site does not currently make a positive contribution to the landscape character and scenic beauty of the AONB and from my observations, noting the existing building on the site, I find no reason to disagree.
9. While I note concerns that the plan form is uncharacteristically bulky and the footprint has increased from the previous appeal proposal, the massing of the proposed development would not appear dissimilar to Seascape despite a greater depth, while the area contains a number of buildings with L shaped plan forms, albeit of a smaller scale. Furthermore, given the hipped roofs elsewhere notably to the west and east of the appeal site, the use of hipped roof on the proposed development would not appear out of context with surrounding built form and combined with a modern appearance of the central fenestration, would successfully provide transition from the more contemporary appearance of Seascape, to the vernacular buildings to the west.
10. The materials proposed would further assimilate the proposed development into the immediate cluster of buildings, and although the proposed development would be clearly seen from surrounding viewpoints and having noted the comments from the AONB Officer, I find it would be read as being within the existing cluster of buildings, not extending built form into the surrounding countryside landscape. Furthermore, while accepting the contemporary elements of the design, this would not appear out of place adjacent to Seascape, and would not give rise to any harmful cumulative effects, consequently not harming the landscape and scenic beauty of the AONB.
11. I conclude on this main issue, that the proposed development would not harm the character and appearance of the area, or the landscape and scenic beauty of the AONB. The proposal would accord with policies 1, 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) in so far as they relate to the provision of high-quality design respecting its context, and conserving the landscape and natural beauty of the AONB. The proposal would also accord with the provisions of the Framework in relation to achieving sustainable development that is well-designed and conserves the natural environment.

Living conditions

12. The Old Potato Barn is located to the north-west of the appeal site, and features a garden to the south-west of the dwelling consisting of an area of grass, walled courtyard, and balcony above. A former agricultural building runs alongside the south-east boundary, with its north-eastern elevation directly abutting the courtyard. I observed this building to be a dominant feature when within the garden space of The Old Potato Barn given its location directly on the boundary and length running along the entirety of the garden area.
13. Although the full details of the previous appeal scheme are not before me, the appellant states that the north-west elevation has been pulled back from the same elevation within the previous appeal scheme, and is sited some 3.3 metres from the boundary with the Old Potato Barn at its nearest point. Furthermore, the roof design removes a previous gable and the eaves height has been reduced.

14. The previous Inspector noted that outlook from the garden and courtyard of The Old Potato Barn is already affected by the existing building on the site given its location on the boundary. Furthermore, in that case, the Inspector found that the proposed development would be set away from the boundary and features a roof that slopes away from the garden resulting in a net impact on outlook from the garden being balanced by the removal of the existing building. Given the development proposed the subject of this appeal is sited further from the boundary, has a reduced eaves height, and removes the gable roof form, I find that the effect of the proposed development on outlook is acceptable.
15. Notwithstanding, the proposed development would result in a 2-storey elevation of increased length running alongside a substantial amount of the grassed garden area of The Old Potato Barn. While it may be the case that the eaves height is reduced from the previous appeal scheme, and it is sited further away from the boundary, due to the length of the north-west elevation adjacent the boundary, it would still present a dominant feature to occupiers of The Old Potato Barn utilising the garden area.
16. The appellant has provided various plans and models to demonstrate the impact of the proposed development, in comparative terms with the existing building on the site. I note interested parties' concerns relating to the accuracy of the appellant's models, supporting material and plans although no substantiated evidence has been put to me and combined with my observations on site, nothing leads me to believe that these are not an accurate representation.
17. The 'Anstey Horne 3D models' provide a representation of the relationship of the proposed development with both Seascape, and The Old Potato Barn. It is noted that the hipped roof form of the proposed development, would be on a similar plane to the roof of the existing building. The 'Comparison of designs' plan seeks to demonstrate the effect of the proposed development given proximity to the boundary. However, the lack of indication of proximity of the A & B point to the boundary within the plan reduces the weight I can afford to it, and noting this is only a representation from a single point, a further 'fisheye' diagram does provide some indication of the overall effect of the expanse of wall.
18. It has been put to me that the percentage of the Old Potato Barn garden enclosed by the proposed development would increase by 25% over the previous appeal scheme due to the proposed length, while the surface area of the proposed development has also increased. Even if it is the case that the surface area has increased, the quantum of surface area does not dictate that a development would necessarily be overbearing, as this is dependent on a range of factors including spatial relationships, overall height, materials and distance from boundaries.
19. Although the length of the proposed development closest to the grassed garden area of the Old Potato Barn may be longer than that in the previous appeal, the evidence before me including the 'fisheye' diagram indicate that the effect of the siting of the development further away from the boundary, eaves height and hipped roof would not result in a significant overbearing effect, over and above that created by the existing building, which whilst lower, has a greater length along the boundary and is situated directly on the boundary.

20. Consequently, I conclude that the proposed development would not result in additional harmful overbearing effects to the living conditions of occupiers of The Old Potato Barn. The proposed development would therefore accord with LP Policy 12 which seeks, amongst other things, to ensure development protects individuals and property from overbearing impacts. The proposal would also accord with the provisions of the Framework in relation to providing a high standard of amenity for existing and future users.

Other Matters

21. Interested parties have raised concern in relation to hedge removal. However, no hedge removal is proposed, with an area of stone walling removed to the rear of the site to allow for a vehicular access which given similar accesses along this road, would not impact on the rural character of the area.
22. The Council have not raised any concerns in relation to overlooking, impacts on daylight and overshadowing, highway impacts or flooding and drainage. Given the substantive evidence before me, and noting the site location outside of any area at risk of flooding and the proposed use of soakaways and the location of a package treatment plant, I see no reason to disagree.
23. While on a marginally differing orientation to the adjacent property 'Seascape', the proposed development would not appear to be in front of this adjacent property, but share a similar building line. Although the proposed development has an increased depth to that of Seascape, the utilisation of a single storey lean-to element to the rear, reduces the effect of this additional depth. The submitted scale plans provide accurate detail of the relationship between the proposed development and surrounding properties. The Council has not raised any concerns in relation to the relationship of the proposed development with Seascape including from any overbearing effects, and given the comparative heights and spatial relationship, I see no reason to disagree.
24. Matters including the use of any the surrounding land during the construction period and those relating to the Party Wall Act would be a civil matter, outside the remit of this appeal.

Conditions

25. A number of conditions have been suggested by the Council in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance. A plans condition would be required to provide certainty. Further conditions would be necessary to ensure that boundary treatments and external surface materials are appropriate in the interests of the visual appearance of the development and surrounding area.

Conclusion

26. For the reasons given above I conclude that the appeal should be allowed.

S Harrington

INSPECTOR