



Appeal Decision

Site visit made on 20 March 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th April 2023

Appeal Ref: APP/D0840/W/22/3301322

Penlowen, Road From Trebean To Parc Minys, Restronguet Point, Feock TR3 6RB

- 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 K Bailey against the decision of Cornwall Council.
 - The application Ref PA21/08946, dated 3 September 2021, was refused by notice dated 17 January 2022.
 - The development proposed is a summerhouse.
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Decision

1. The appeal is allowed and planning permission is granted for a summerhouse at Penlowen, Road From Trebean To Parc Minys, Restronguet Point, Feock TR3 6RB in accordance with the terms of the application, Ref PA21/08946, dated 3 September 2021, and the plans submitted with it, 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: 3257 001 B - Location Plan; 3257 005 D - Topographical Survey; 3257 010 L - Proposed Site Plan; 3257 025 - Summerhouse Drawings; 3257 030 J - Proposed Sections.

Main Issue

2. The main issue is the effect of the development on the landscape character and scenic beauty of the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

3. The appeal site occupies a waterside location, and comprises a recently constructed house and its steeply sloping rear garden. The area is characterised by detached houses of varying scale and design, which are built on the hillside overlooking the estuary. The buildings are set amongst mature trees, and many have large, landscaped plots. The houses nearest to the water nestle into the hillside, but many of those higher up the slope break the ridgeline when viewed from the opposite side of the estuary. The overall character of the area is of low-density housing, interspersed with trees and garden greenery, set within a spectacular estuarine landscape.
4. The site lies within the AONB, which covers approximately a third of Cornwall, and comprises 12 separate geographical sections. The site is within the Fal Ria part of the South Coast Central section, which is an extensive submerged

valley system with large sinuous creeks. The Statement of Significance in the Cornwall AONB Management Plan 2022-2027 (the AONB MP) notes that within this part of the AONB there has been a noticeable increase in the built environment, and that some areas of suburban character occupy the settings of traditional fishing and industrial villages. The appeal site falls within such an area, and comprises a domestic garden, with other gardens on three sides. It therefore makes a limited contribution to the landscape character and scenic beauty of the wider AONB.

5. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. This national advice is broadly reflected in Policy 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan), and Policy LS2 of the Feock Neighbourhood Development Plan 2017-2030 (the Neighbourhood Plan).
6. The proposed summerhouse would be located in the north-eastern corner of the rear garden. Due to the steep slope of the land, its floor level would be higher than the ridge of the house. As a result, I saw that it would be visible from various viewpoints on the opposite side of the creek, including the public footpath, Quay Road, and the jetty at the Pandora Inn. It would, however, be of modest proportions in comparison with many of the much larger, and equally prominent, buildings on this hillside. It would also occupy an existing terrace that has been cut into the slope, so it would be seen against the backdrop of a near vertical escarpment that is almost as high as the proposed building. As the land continues to rise to the east, the summerhouse would be seen in the context of much larger buildings further up the slope, which break the skyline. In view of these factors, it would appear as a relatively inconsequential addition to the landscape.
7. It is contended that the plot is not as large as others in the vicinity, and that the increase in built form would result in a disproportionate density of development. However, whilst some plots are more spacious, those on the higher land to the south are considerably smaller. The modest summerhouse would be set in a large garden, well away from other buildings. The topography is such that, when viewed from the opposite side of the creek, green space would be visible between the proposed building and the existing dwellings at the lower and higher levels. There would also be expansive areas of open gardens to either side of the building. Consequently, the summerhouse would not coalesce, visually, with any other buildings, and would not significantly alter the balance of buildings to greenery on the hillside. Thus, the verdant, low density residential character of the slope would be conserved.
8. It has been put to me that the summerhouse would intrude into the open space between the lines of houses at the upper and lower levels. However, I saw that there is no rigid alignment of buildings. Those at the lower level have varying floor and roof levels, whilst those at the higher level gradually drop down towards the waterline to the south. The buildings are also of varying shapes and sizes, so there is no real visual pattern to their arrangement, and no sense that they enclose a central open space that is devoid of buildings. The summerhouse would not, therefore, appear to be incongruously located in this relatively informal group of disparate buildings, and would not, therefore, be an intrusive feature.

9. My attention has been drawn to that part of the AONB MP that considers the landscape condition of this part of the AONB. It is stated that replacement dwellings on creek sides have had harmful impacts due to increased scale, poor design, and use of non-vernacular materials. In this case, however, the proposal is for a modest outbuilding within the garden of an existing dwelling. The walls of the summerhouse would be covered externally in vertical timber cladding. Whilst this may not be considered a vernacular material, it would, nevertheless, match the materials used on the external surfaces of the recently completed host dwelling. It would also assist in giving the building a recessive appearance, and a subservient character commensurate with its function. The flat-roofed form of the building would also successfully minimise its apparent scale. Consequently, I find that the design and materials of the building would be appropriate for its context and purpose, and that they would not be harmful to the appearance of the AONB.
10. Policy 23 of the Local Plan seeks, amongst other things, to maintain dark skies and tranquillity in areas that are relatively undisturbed. In this regard, it is contended that the building appears to be designed for entertaining, and has windows that would allow light to escape at night. However, the building is of limited size, so would not be capable of hosting such a large number of people that the tranquillity of the area would be jeopardised to any great extent. Whilst the residents may choose to use the building during the hours of darkness, and therefore it may be lit, this would probably involve a concomitant reduction in lighting in the house. In any event, this coastal slope is already host to a range of large houses with extensive areas of glazing that take advantage of the estuary views. The provision of a small summerhouse, with only one room containing windows, would result in a negligible increase in light emission above that which already exists.
11. The site lies within Landscape Character Area 13 (Fal Ria, Truro and Falmouth)¹. My attention has been drawn to the "Condition" section of the description, which explains that this landscape is sensitive to urban sprawl, and housing creep along transport corridors. However, in this case, the proposal is for an outbuilding within the confines of an existing garden surrounded by other residential uses. The proposal would not, therefore, result in these harmful impacts.
12. I am mindful that an Article 4 direction is in place, which requires planning permission to be sought for outbuildings that would usually be permitted development. This has the effect of allowing control to be exercised over such proposals, but it does not place a blanket ban on them. In circumstances, such as the current case, where the proposal would not result in harm to the landscape, the presence of the Article 4 direction would not, of itself, be a reason to withhold permission.
13. Paragraph 176 of the Framework advises that the scale and extent of development within AONBs should be limited. The proposal would be of a modest size, and, for the reasons given above, I have found that it would not harm the character and appearance of the area. Therefore, although it would not be a positive enhancement, it would conserve the landscape and scenic beauty of the AONB. Consequently, I conclude that the development would be in broad accordance with the Framework advice, and with Policies 2, 12 and 23

¹ As designated by the Cornwall and Isles of Scilly Landscape Character Study (2008)

of the Local Plan, and Policies LS2 and D1 of the Neighbourhood Plan. Taken together these Policies seek to ensure that development is appropriately designed, and protects the landscape character of the AONB. Although Policy 7 of the Local Plan and Policies BIO1 and LS1 of the Neighbourhood Plan are referred to in the reason for refusal, they cover issues that are not relevant to the appeal proposal.

Conditions

14. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. Neither party has suggested that any other conditions should be imposed.

Conclusion

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

Nick Davies

INSPECTOR