



Appeal Decision

Site visit made on 6 June 2023

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2023

Appeal Ref: APP/D0840/W/22/3312524

Polgear Villa, Well Lane, Perran Downs, Golsithney, Cornwall TR20 9HH

- 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 G Allen against the decision of Cornwall Council.
 - The application Ref PA22/05338, dated 20 May 2022, was refused by notice dated 16 September 2022.
 - The development proposed is erection of a dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for erection of a dwelling at Polgear Villa, Well Lane, Perran Downs, Golsithney, Cornwall TR20 9HH in accordance with the terms of the application, Ref PA22/05338, dated 20 May 2022, subject to the conditions set out in the Annex attached to this decision.

Preliminary Matters

2. The Perranuthnoe Parish Neighbourhood Development Plan 2020-2030 (NP) has been examined and the Independent Examiners report has been received concluding that the NP, with a number of recommended modifications, can proceed to a referendum. As such, it remains as a draft document. It is, nevertheless, a material consideration in this case. Given the stage that it has now reached, it carries at least some weight in the decision making process.

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 forms part of the garden associated with a property known as Polgear Villa and currently contains a flat roof garden building in close proximity to the roadside boundary. The site is located within an established residential area of Perran Downs and is within a development boundary as defined within the draft NP.
5. Residential development surrounding the site features predominantly single storey and room-in-roof dormer dwellings set back from the highway. Although the site location is to the edge of the settlement and there are open fields to the south of Well Lane as well as mature hedge boundaries, I observed that the overall character of the area, given existing residential built form, domestic

boundary treatments and domesticated gardens is urban and clearly distinctive from the character of the surrounding open countryside.

6. Although a number of surrounding dwellings are set within larger garden areas and are of a range of differing scale, there is a variety of orientations of dwellings within their plots, and there is no common uniformity of spread of built form across the frontage of their particular plots or plot to building ratio.
7. However, the positioning of dwellings within their gardens to either side of the appeal site does form a consistent build line from the highway. Furthermore, while there is a variety of scale of dwelling in the wider area, Polgear Villa, which is prominent when travelling along the highway to the east, has a modest appearance due to a low eaves heights and spatial relationship with the highway.
8. Although there is a garden building within the appeal site, the proposal would inevitably lead to the loss of a perceivable gap between built form. Both the resulting garden area of the appeal site and the separation distances between the proposal and neighbouring properties would be smaller than that in the immediately surrounding area.
9. Notwithstanding, even if it is the case that the plot to building ratio differs from that in the immediately surrounding area, the appearance of the proposal would reflect that of the surrounding dwellings being of low eaves height, and provide transition between the Polgear Villa, and the chalet bungalow appearance of dwellings to the west.
10. Furthermore, while the separation distance between the neighbouring dwellings may not be as great as elsewhere, the proposal will clearly be read as a detached dwelling within an urban context, with the front elevation of the proposal respecting the established building line, providing sufficient setback from the highway and not appearing incongruous or overly cramped in the street scene. While diminishing an existing gap between built form, the proposal for a modest dwelling would not erode the prevailing existing character of the area.
11. Moreover, the proposal would provide an additional unit towards housing supply in a location which the Council agrees is within walking distance of a limited range of facilities. Short-term economic benefits would arise during the construction phase, and longer-term benefits due to the spend of future occupiers within the local area. Given the proposal relates to a single dwelling, these benefits would be limited in scale, but nevertheless would be a positive benefit.
12. Consequently, I conclude the proposal would not harm the character and appearance of the area. There would be no conflict with Policies 1, 2, 12 and 21 of the Cornwall Local Plan Strategic Policies 2010-2030. These policies, amongst other things, seek to provide a sustainable approach to accommodating growth, ensure efficient use of land and that local distinctiveness and the character and appearance of the area is protected. The proposal would also accord with the provisions of the National Planning Policy Framework (Framework) which concern achieving sustainable development and well-designed places.

Other Matters

13. Noting the Examiners recommended modifications, I have taken into account Policies BDL1 and HTA1 of the NP in my decision. However, these do not alter my findings on the main issue stated above.
14. The appeal site is within the Tregonning and Gwinear section of the Cornwall and West Devon Mining Landscape World Heritage Site (WHS). The Framework states that WHS are a designated heritage asset which are an irreplaceable resource, and which should be conserved in a manner appropriate to their significance. Both the Council and The Cornish Mining World Heritage Site Office do not consider that the proposal would impact on the Outstanding Universal Value of the WHS. On the evidence before me, I see no reason to disagree with this conclusion.
15. I have taken into account the representation made by the Perranuthnoe Parish Council which is largely dealt with in the main issue. With regards neighbouring occupiers living conditions, the Council has not raised any concerns in this regard. Given the spatial relationship and window locations are such that the proposed development would not be overbearing or give rise to any significant impacts on privacy, I see no reason to disagree with the Council on this matter.

Conditions

16. The Council has provided a list of suggested conditions in the event of the appeal being allowed, which I have assessed with regard to the advice provided in the Planning Practice Guidance. A condition regarding the approved plans is required to provide certainty.
17. Conditions are necessary in order to ensure both materials and landscaping are appropriate in the interests of the character and appearance of the area. Given the residential character of the area and surrounding highway network, a Construction Management Plan and programme of works are required to protect neighbouring occupiers living conditions and in the interests of highway safety during the construction phase. I am satisfied such conditions are reasonable, necessary and enforceable.

Conclusion

18. For the reasons given above, I find that the proposal is in accordance with the development plan, considered as a whole. Therefore, I conclude that the appeal should be allowed.

S Harrington

INSPECTOR

Annex

Conditions

- 1) The development hereby permitted shall begin before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the plans listed below:
1296.01A;
1296.03A;
1296.04;
1296.05;
1296.06.
- 3) No development shall commence until details of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/roof slates and method of fixing) 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.
- 4) No development shall commence until a scheme of landscaping 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) 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; and
 - v) Boundary treatments (Walls, fences, hedges).

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. Notice shall be given to the local planning authority when the approved scheme has been 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. Notice shall be given to the local planning authority when the approved scheme has been completed. 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) No development shall take place until a Construction Traffic Management Plan and programme of works has been submitted to and approved in writing by the local planning authority. The approved Plan shall be adhered to throughout the construction period.

The Plan shall provide for:

- i) construction vehicle details (number, size and type);
- ii) vehicular routes and delivery hours;
- iii) the parking of vehicles of site operatives and visitors
- iv) loading and unloading of plant and materials
- v) storage of plant and materials used in constructing of the development;
- vi) wheel washing facilities; and
- vii) measures to control the emission of dust and dirt during construction.

End of Conditions