



Appeal Decision

Site visit made on 5 September 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2023

Appeal Ref: APP/D0840/W/23/3319419

Kelsey, West Pentire Road, Crantock, Cornwall TR8 5SD

- 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 J Rogers against the decision of Cornwall Council.
 - The application Ref PA22/05266, dated 7 June 2022, was refused by notice dated 29 September 2022.
 - The development proposed is the construction of a single replacement dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single replacement dwellinghouse at Kelsey, West Pentire Road, Crantock, Cornwall TR8 5SD in accordance with the terms of the application, Ref PA22/05266, dated 7 June 2022, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issues

2. The main issues are:
 - a) The effect of the development on the character and appearance of the area; and,
 - b) The effect of the development on the living conditions of the occupants of Seascape, with regard to outlook.

Reasons

Character and appearance

3. Kelsey lies in a row of detached dwellings that line one side of the road leading into the settlement of West Pentire. On the opposite side of the road is open countryside that slopes down towards the spectacular coastal scenery to the north. It is the westernmost of seven properties that are roughly in alignment, and set well back from the road frontage at a higher level. The layout of the buildings on long plots with open frontages gives the group a degree of coherence. However, they are a mixture of houses and bungalows, of varying size and design. Furthermore, the dwellings immediately to the west are much closer to the road and display further variety in scale and appearance. Consequently, the appeal site lies in an area characterised by disparate buildings, which display little local distinctiveness, but occupy an attractive coastal landscape setting.
4. The front of the appeal building has the appearance of being a bungalow, but it has a large roof that contains living accommodation, lit by windows in the half-hipped gable ends. It has single storey flat-roofed additions to both sides, and

a small flat-roofed dormer in the rear roof slope. It is of render and concrete tile construction, with a rather mundane appearance, and is of no great architectural merit. Being on the same alignment, and of comparable form, it sits comfortably alongside the other dwellings in the row, but it is not a particularly positive feature in the street scene. It is not disputed that its replacement would be acceptable in principle.

5. The proposal would be larger in footprint and mass, but, as it is within a settlement, the restrictions imposed on replacement dwellings by Policy 7 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) are not applicable. Indeed, whilst bigger than the existing dwelling, it would still be comparable in scale to some others in the immediate vicinity that occupy similar sized plots. Much of its enlarged footprint would comprise single storey elements to the front and rear. That to the rear would not be readily apparent from public viewpoints, and the projection to the front would be seen against the backdrop of the new two-storey building. Consequently, neither would significantly add to the visual mass of the building when viewed from the road, or from longer distance viewpoints to the north.
6. The proposal would allow for a much greater level of first floor accommodation. However, this increased volume would be topped with shallow-pitched zinc roofs, so would be achieved without a material increase in height. Furthermore, the apparent mass of the building would be reduced by its articulated form, and the use of different materials. Therefore, despite occupying a slightly higher ground level than the dwellings to the east, it would not take on an unduly dominant appearance.
7. The increased breadth of the two-storey element of the building, to cover the area that currently accommodates the single storey garage, would reduce the apparent gap between the roofs of the buildings. However, the three bungalows to the east all have fully gabled roofs, and occupy most of the width of their plots. Consequently, wide gaps at roof level are not a characteristic feature of this group of buildings, so the increased mass here would not disrupt the existing street scene. In terms of footprint, mass, and siting, therefore, the proposal would accord with its surroundings.
8. The proposed architectural style is a departure from the other dwellings in the row, which are of traditional ridged roof form. Policy 12 of the Local Plan seeks to achieve high quality design in all developments. It promotes local distinctiveness, while not preventing or discouraging appropriate innovation. My attention has also been drawn to the Cornwall Design Guide (December 2021) (the Design Guide), which provides comprehensive guidance to support the Local Plan. Paragraph 3.1.4 says that the Council promotes innovation in development and a “new Cornish vernacular” that establishes development of modern construction that fits the local climatic, natural, social, and cultural landscapes.
9. It is contended that the contemporary form of the proposal fails to blend into its surroundings. However, I see nothing in Section 4.2 of the Design Guide that requires new development to do so. Indeed, the opening paragraph of the section says that existing insensitive buildings should not set a precedent for what is acceptable. As the surrounding dwellings are of no particular historic or architectural character, I see nothing within the guidance that indicates that a replacement should be constrained to mimicking them. In accordance with

paragraph 4.2.5, the proposed replacement would respect the character of the surrounding area in terms of street pattern, massing of buildings and building lines. Furthermore, in accordance with paragraph 4.2.2, the creation of a dwelling of modern sustainable construction, using natural materials, and with living accommodation designed to benefit from the northerly views, would be a more appropriate response to the local landscape, that would be more robust, comfortable to live in, and easier to maintain than the existing dwelling.

10. It has been put to me that the contrasting scale and appearance of the proposal would result in an incoherence in the street scene that would be contrary to guidance in the National Model Design Code – Part 2 Guidance Notes. The dwellings surrounding the appeal site are of varying designs, so any coherence in the existing street scene results from the scale, height, and alignment of the buildings, rather than their architectural similarity. I have already found that the scale and siting of the dwelling would be consistent with surrounding development. The proposal would not result in a significant increase in height. Consequently, despite the contrasting design approach, the overall coherence of the street scene would not be greatly affected.
11. The site, and the whole of West Pentire, lies within an extensive area of land that is designated as the Perranporth and Holywell Area of Great Landscape Value (the AGLV). Policy 23 of the Local Plan seeks to maintain the character and distinctive landscape qualities of the AGLV, whilst saved Policy 14 of the Restormel Borough Council Local Plan 2001 – 2011 (the RBCLP) says that developments will not be permitted that would cause harm to its landscape, features and characteristics. Policy PV1 of the Crantock Neighbourhood Development Plan (the Neighbourhood Development Plan) says development should not compromise identified panoramas, vistas, and views within the AGLV. The particular view that has been drawn to my attention is Viewpoint 6, from the coastal path on the dunes above Crantock Beach.
12. Viewed from the dunes, the roof of Kelsey is visible on the skyline, along with the others in the row. It is, however, less prominent than the full two-storey properties to the east. From here, the row of dwellings is also seen in juxtaposition with a group of much larger buildings to the west, which also break the skyline. The replacement dwelling would be no higher than the existing, and its increased two-storey mass would be no more noticeable at this distance than the large roof of the current building. The existing vista of a row of detached dwellings of varying designs and heights on the skyline, set atop a coastal slope, above sheer cliffs leading down to the beach and sea would remain unchanged. There would, therefore, be no harm to the features or character of the AGLV, and the view from the dunes would not be compromised.
13. It has also been put to me that the development would be prominent from Pentire Headland. From this more distant, and more elevated viewpoint, Kelsey is seen below the ridgeline, and is therefore less prominent. The proposed replacement, being no higher, would similarly be viewed against the rising land beyond. The altered design and mass of the building would be effectively imperceptible from here. Consequently, there would be no harm to the extensive AGLV landscape.
14. Paragraph 130 of the National Planning Policy Framework (the Framework) says planning decisions should ensure that developments are sympathetic to

local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change. In this case, there is little locally distinctive character in the surrounding built development, so a contrasting design approach is justified. The proposal would maintain the prevalent layout and massing of the street scene, whilst providing a more sustainable dwelling with a higher quality living environment. This would be achieved without harm to the spectacular surrounding coastal landscape.

15. For these reasons, I conclude that the development would not harm the character and appearance of the area. The proposal would, therefore, comply with Policies 12 and 23 of the Local Plan, saved Policy 14 of the RBCLP, and Policy PV1 of the Neighbourhood Plan. Taken together, these policies seek to achieve high quality design that protects the character and appearance of the AGLV. Furthermore, the proposal would meet the aims of the Framework to achieve well-designed places.

Living conditions

16. Seascape is a detached bungalow that lies immediately to the east of Kelsey on a similar front building line and at a slightly lower floor level. Its eaves line is a little lower, but due to its narrower plan form, and lower pitch, the ridge of its roof is more than two metres below that of Kelsey. Its side gable is about a metre away from the property boundary, which is marked by a low wall dividing the front gardens, but a solid block wall to approximately two metres in height to the rear gardens. It has extensive front and rear gardens, and open views to the coast from the ground floor windows in the north elevation.
17. At present, Kelsey has a single storey flat-roofed garage and rear extension on the side nearest Seascape, so that the two-storey part is some distance from the boundary. The proposal would result in full two-storey construction on the line of the existing single storey extensions. This would result in a more abrupt step up between the rooflines of the buildings. However, as the dwellings would be on a similar building line, the new two-storey side wall would not be readily apparent from the ground floor windows to the front of Seascape. Furthermore, there are no windows in the gable of Seascape facing the site. To the rear, the two-storey element would project about two metres beyond the rear building line of Seascape, but it would be set behind a high garden boundary wall. Consequently, the enlarged building would not be readily evident to the occupants from within the accommodation at Seascape, so would not have an unduly overbearing or overshadowing impact.
18. The front garden of Seascape is largely open, and slopes down towards the road, with panoramic views of the coast to the north. The enlarged first floor of Kelsey would be closer to the property boundary, but would not project forward of the building line. Consequently, there would be no loss of this open outlook. The south-eastern corner of the new building would be about 1.5 metres from the property boundary. Projecting beyond the rear building line of Seascape, it would be visible from the closest part of its rear garden, despite the presence of the high boundary wall. However, Seascape has a very extensive rear garden with an open outlook to the south that would be almost entirely unaffected by the proposal.
19. Overall, therefore, the development would not have a harmful impact on the living conditions of the occupants of Seascape through overshadowing or

overbearing effects. The proposal would, therefore, accord with Policy 12 of the Local Plan which seeks, amongst other things, to protect the residential amenity of existing residential occupants.

Conditions

20. 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. The Council has submitted a schedule of suggested conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). Where I have agreed that the conditions are necessary, I have altered them, in the interests of clarity and precision, to better reflect the guidance.
21. To protect the character and appearance of the area a condition requiring the submission and approval of external materials is reasonable. Whilst the appellant has questioned the necessity of the condition, the notation on the drawings is not sufficiently detailed or comprehensive for me to agree it is unnecessary.
22. A condition requiring the provision of balcony screens is both reasonable and necessary to protect the privacy of the occupants of Seascape. Similarly obscure glazing is necessary in the side-facing first floor windows to protect neighbouring privacy, but the condition that I have imposed allows for high level elements to be openable.
23. The Council has suggested conditions removing permitted development rights for additional windows/doors, enlargement, improvement, roof alterations, porches, and outbuildings. However, I have not been provided with any justification for such restrictions, or evidence of why the limitations imposed by the legislation on the exercise of these permitted development rights would not be sufficient to avoid any significant harm. The PPG advises that blanket removal of freedoms to carry out small scale domestic and non-domestic alterations that would otherwise not require an application for planning permission are unlikely to meet the tests of reasonableness and necessity¹. For these reasons, I have found the proposed conditions would fail the tests, so I have not imposed them.

Conclusion

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

Nick Davies

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

¹ Paragraph: 017 Reference ID: 21a-017-20190723

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: KL1 01 - Location Plan; KL1 02 - Existing Plans and Elevations; KL1 03 E RevA – Scheme E Plans, Sections and Elevations.
- 3) Development shall not proceed above damp-proof course level until details/samples of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details/samples.
- 4) The dwelling hereby approved shall not be occupied until privacy screens have been erected to the proposed roof terrace on the front elevation and the sundeck at the rear, as shown on Drawing No KL1 03 E RevA, in accordance with further details that have been submitted to and approved in writing by the local planning authority. The screens shall be erected in accordance with the approved details and permanently retained thereafter.
- 5) The dwelling hereby permitted shall not be occupied until the windows in the east and west elevations at first floor level have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to, and approved in writing by, the local planning authority before the windows are installed, and once installed the obscured glazing shall be permanently retained thereafter.