



Appeal Decision

Site visit made on 8 November 2023

by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 November 2023

Appeal Ref: APP/D0840/D/23/3315127

**Carrick Court, Road from Marble Head Cottage to The Old Barn,
Restronguet Point, Feock, Cornwall, 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 and Mrs Murphy against the decision of Cornwall Council.
 - The application Ref PA22/03205, dated 31 March 2022, was refused by notice dated 16 December 2022.
 - The development proposed is demolition of existing garage and alterations and extensions to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and alterations and extensions to dwelling at Carrick Court, Road from Marble Head Cottage to The Old Barn, Restronguet Point, Feock, Cornwall, TR3 6RB, in accordance with the terms of the application Ref PA22/03205, dated 31 March 2022, 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: location plan 001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011A, 012A, 013A, 014A, 015A, 016 and 017 and TPP V2.
 - 3) Within one year of the felling of the tree marked as T1293 on plan number TPP V2, one fastigate variety of English Oak shall be planted within 2m of the stump of the felled tree. The replacement tree shall be retained and if it is removed, becomes seriously damaged or diseased or dies within 5 years of planting, it shall be replaced with a tree of the same species and stock size, at the same location.
 - 4) The tree protection fencing as shown on plan number TPP V2 shall 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.

Main issue

2. I consider that the main issue in this case is its effect on the character and appearance of the area.

Reasons

3. Carrick Court is a substantial two storey house set in a very large plot on the east side of Restrouguet Point. It has a somewhat rambling form as a result of having been extended a number of times. It is set down from the road behind a high wall and trees which screen it from the road and has a long wide and well landscaped rear garden which slopes down to the Carrick Roads.
4. Restrouguet Point is a narrow peninsula extending south into the Carrick Roads with a 'spine road' running north to south along the centre. It lies within the South Coast Central section of the Cornwall Area of Outstanding Natural Beauty (AONB). It is extensively developed in a ribbon along the road with many very substantial detached dwellings on either side set in large, landscaped plots which slope down to the water. The predominant character of the Point as a whole is one of a built up, almost suburban environment in contrast to the rural agricultural countryside to the north and the surrounding expanses of water (the Carrick Roads), with individually designed dwellings of a wide variety of sizes and forms set in landscaped gardens. Many of the houses are of strikingly modern design and there is no unifying architectural style or regular building line along the road, with the properties set at different distances from the road.
5. The relevant policies in this case include 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (the local plan) which relate to design and the protection of the natural environment. Policies D1, LS1 and LS2 of the Feock Neighbourhood Development Plan (the NDP), which relate to design quality and seek to minimise the impact on landscape and to protect the natural beauty of the AONB, the seascape and the creek-side landscape, are also relevant.
6. The Council also refers to policy SCC09.1 of the Cornwall AONB Management Plan but this is not before me, and I have not taken it into account.
7. The National Planning Policy Framework 2021 (the Framework) seeks to protect designated landscapes such as AONBs and attaches great weight to conserving and enhancing their landscape character and scenic beauty.
8. The proposal includes the demolition of the existing detached garage, and the construction of extensions to the house with an increase in the overall height of the roof. The garage and an existing store would be replaced by a new two storey element more closely aligned with the northwest elevation facing the road, incorporating a new garage, with its gable facing the road and creating a parking forecourt and more convenient access to the entrance into the house.
9. The existing building does not have an obvious existing 'front' entrance in the principal northwest elevation facing the road and the proposal includes extending towards the road to improve the internal layout and remodelling the elevation to include a full height front entrance with glazing. This would provide an entry to the house more appropriate to the style and scale of the property.

10. The proposal has been revised from the original submission such that the original increase in the roof height has been reduced and is now proposed to be less than one metre higher than the existing main roof and approximately 300mm higher than the height of the existing master bedroom wing. The building would remain largely screened from public viewpoints, with only a small part of the roof being visible from the road above the wall. I consider that this overall increase would not have an adverse impact on the street scene.
11. The largest part of the proposal is the two-storey wing at the northeast end, incorporating the new garage with games room/cinema above. This would add mass to this end of the building but would result in an overall reduction in the width of the building across the site. This would be noticeable in some very limited views from the road close to the site when approaching from the north. I consider that it would not be out of scale in the context of the surrounding built environment, where there are several nearby properties prominently visible close to the road.
12. The extensions and alterations to the southwest and southeast elevations would consolidate and rationalise the internal accommodation and I consider that they would have no adverse impact on the character and appearance of the area. The building is set well back from the water and the alterations would not be visible from the water's edge because of the change in levels over the site between the water and the house. Although the building is visible from some distance out on the water, I consider that the alterations would not result in a built form discernibly larger or higher than the existing.
13. The house already has extensive areas of glazing at ground and first floor levels. There would be little change in this at first floor level, apart from the change to the master bedroom from a window and double door onto the roof terrace to folding glazed doors. The main change at ground floor level is the bringing forward of existing glazing to enclose the enlarged dining/kitchen area. I consider that these changes would not result in a significant increase in light pollution at night either in themselves or in the wider context of being visible from the water. The glazing in the proposed office and bedroom 5 would similarly have little impact partly because it would be obscured by the projecting master bedroom and living room.
14. I consider that the character and local distinctiveness of the site and its surroundings are of a clearly residential environment with its natural beauty arising more from the extensive cultivated mature landscaping of most of the properties and its wider river setting than from a traditional rural countryside setting. I consider that the proposal would have less impact on the street scene than many of the properties along the road which are highly visible and have a greater presence on the street. Its scale and massing would not be out of keeping with these surroundings.
15. I conclude that the proposal would not adversely affect the natural beauty and special qualities of the AONB and its setting and that it would conserve its landscape. It would not result in a cumulative erosion of the tranquillity of the shoreline or the street scene or harm the character and appearance of the area in general. It would not be in conflict with local plan policies 12 and 23 and NDP policies D1, LS1 and LS2 or the Framework.

16. Concerns have been raised regarding the potential overlooking and overshadowing of Arbennek, to the north, from the proposed north wing. This property has a first-floor bedroom at its southern end and a first-floor terrace. There is some degree of overlooking from the existing first floor master bedroom and I consider that the proposal would not result in a significant increase in this. The full height windows and Juliet balcony on the first floor would serve a bedroom, would be at an oblique angle to Arbennik and would not increase overlooking of its garden. I consider that the relative siting of Carrick Court and Arbennek and the separation between their respective flank walls are such that there would be no significant increase in overshadowing or loss of residential amenities.
17. For the reasons given above, the appeal is allowed.

Conditions

18. I have considered the conditions put forward by the Council, having regard to the tests set out in the Framework. A condition detailing the plans is necessary to ensure the development is carried out in accordance with the approved plans and for the avoidance of doubt.
19. Several of the trees on the site are subject to Tree Preservation Orders, including the maple adjacent to the boundary wall identified on the Objective Tree Consultancy's Tree Constraints Plan as T1293. The Council's Tree Officer has stated that the removal and replacement of this tree would be acceptable and recommends its replacement with a fastigate variety of English Oak. I have modified the wording of the Council's condition slightly to secure this and imposed it in the interests of public amenity. A condition requiring root protection measures in accordance with plan TPP V2 is necessary to ensure the protection of trees on the site during construction, in the interests of visual and residential amenity.

PAG Metcalfe

INSPECTOR