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# Appeal Decision

Site visit made on 2 January 2024

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 January 2024

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**Appeal Ref: APP/D0840/W/23/3322166**

**Glenview, Chapel Hill, Bolingey, Cornwall TR6 0DQ**

- 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 Mrs Maureen Walker against the decision of Cornwall Council. The application Ref PA22/06335, dated 30 September 2021, was refused by notice dated 13 December 2022.
  - The development proposed is new 2 storey, 3 bedroom detached house.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. During the course of the appeal the revised National Planning Policy Framework (the Framework) was published. The main parties have had the opportunity to comment on the implications of this change and where comments have been received, I have taken them into account.
3. I have taken the description of development in the banner heading above from the application form. However as '*on land to rear of Glenview, Bolingey*' is not an act of development, I have removed this element.

## Main Issues

4. The main issues are:
  - the effect of the proposal on the character and appearance of the area; and
  - the effect of the proposal on the living conditions of the occupiers of 'Glenview' and 'D'Accord', with particular regard to noise and disturbance.

## Reasons

### *Character and appearance*

5. The appeal site is an area of land to the rear of a semi-detached dwelling known as 'Glenview' within the village of Bollingey. The site is currently untended and features some modest dilapidated single storey buildings.
6. There is a variety of design, appearance and scale of dwelling in the vicinity including some contemporary design features. However, the character of the area is generally formed by single storey and two storey properties of largely traditional appearance, incorporating traditional roof forms and materials.

Furthermore, although I observed examples of dwellings to the rear of properties including those highlighted by the appellant, these are largely well related to the existing pattern of development and tandem development is not a prominent prevailing characteristic of the wider area.

7. The proposal utilises a complex design solution involving clerestory roof forms, substantial areas of glazing, and balconies uncharacteristic of the area. Built form would extend over the full width of the appeal site, and despite the roof form and mix of facing materials, the proposal would be seen as a property of a significant scale and massing. Although due to the sloping topography of the site, the proposal would be lower than Glenview, it would nevertheless, due to its scale, massing and uncharacteristic appearance, draw the eye when viewed from surrounding areas.
8. Furthermore, due to the distance from Glenview and overall spatial relationship with other neighbouring development, the proposal would appear harmfully out of context with the overall prevailing pattern of development and surrounding built form.
9. Consequently, I conclude that the proposal would harm the character and appearance of the area. Accordingly, the proposal would be contrary to policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (LP). Amongst other things, these policies seek to ensure development is of high-quality design which respects and enhances the quality of place. Furthermore, the proposal would also be contrary with the provisions of the Framework which seek to enhance the built environment and achieve well designed places.

#### *Living conditions*

10. Access to the proposal and its parking area would be via the existing driveway to the side of Glenview, with parking for the host dwelling being provided within its existing front garden. The neighbouring property 'D'Accord' is sited adjacent and above Glenview and is separated by a wide bank featuring mature planting. However, given the spatial relationship of Glenview and the boundary of D'Accord, the existing driveway is narrow.
11. The number of movements associated with a single dwelling would be modest, and in combination with the separation distance to the built form of D'Accord, the intervening bank and topography, the proposal would not result in any significant disturbance to the occupiers of this property. However, vehicles accessing the parking area associated with the proposed dwelling would have to pass within close proximity to the side of Glenview, which I observed features two ground floor windows.
12. Even allowing for a potential modest amount of vehicular movements, these could be through the day or night, and, particularly given the ground floor windows and proximity, would significantly disturb and detract from the living conditions of these occupiers.
13. Therefore, although I find the proposal would not harm the living conditions of the occupiers of D'Accord, the proposal would result in harm to the living conditions of occupiers of Glenview due to noise and disturbance. The proposal would therefore conflict with LP policies 1, 12 and 27. These policies seek, amongst other things, to ensure development provides suitable access and protects and improves living conditions of occupiers in the area. The proposal

would also conflict with the provisions of the Framework which seeks for development to provide a high standard of amenity for existing and future users.

### **Other Matters**

14. A further refusal reason relates to the absence of mitigation to address the effect of the proposal on the integrity of the River Fal and Helford River Special Area of Conservation and the Penhale Dunes Special Area of Conservation (the sites). The main issues provide a clear reason for dismissing the appeal. Therefore, there is no need for me to consider the implications of the development on the integrity of the sites or the provisions of the Conservation and Habitats and Species Regulations 2017 (as amended), since my findings on that issue would not change the appeal outcome.
15. I acknowledge that the proposal would provide benefits in terms of the contribution of a single dwelling to the local housing supply and economic benefits, both short term during the construction phase and longer term through future occupiers spend within local services and facilities.
16. Notwithstanding, I find that the benefits of the proposed scheme would be limited in scope and scale. In my view, such matters either individually or in combination do not outweigh the identified harm and the associated development plan conflict described above.
17. I note the appellant's comments about the Council's handling of the application including relating to consultation timeframes and responses, and delegation of decision making. This has little to do with the planning merits of the case, which I have considered on the basis of the evidence before me.
18. An interested party has raised matters of land ownership. However, this is a civil matter that falls outside of the planning regime.

### **Conclusion**

19. The proposal would conflict with the development plan, read as a whole and there are no other material considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal is dismissed.

*S Harrington*

INSPECTOR