



Appeal Decision

Site visit made on 15 March 2024

by Elizabeth Lawrence BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/D0840/W/23/3326994

Land south of 55 Turnpike Road, Connor Downs, Hayle, TR27 5DT

- 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 C Uren against the decision of Cornwall Council.
 - The application Ref PA22/08889, dated 30 September 2022, was refused by notice dated 15 May 2023.
 - The development proposed is described as construction of 2 dwellings, formation of new site access to serve No.55 and all associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of 2 dwellings, formation of new site access to serve No.55 and all associated works on Land south of 55 Turnpike Road, Connor Downs, Hayle, TR27 5DT, in accordance with the terms of the application, Ref PA22/08889, dated 30 September 2022 and the plans submitted with it, subject to the conditions set out in the schedule attached to this decision.

Preliminary matter

2. Since the appeal application was refused the National Planning Policy Framework 2021 has been replaced. Within the National Planning Policy Framework December 2023 (Framework), paragraphs 130, 134 & 203 of the Framework 2021 have been renumbered 135, 139 and 209, although their content is unchanged. For the avoidance of any doubt, I confirm that in this decision I have referred to the new numbering.

Main Issues

3. The first main issue is the effect of the proposal on the character and appearance of the immediate area. The second main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings, with particular regard to privacy and visual impact.

Reasons

4. The appeal site is situated in a mixed residential area within the defined development boundary for Connor Downs. Connor Downs is an established village with a broad range of community facilities and services. It is located on a main bus route and is within easy reach of the strategic road network. As such, it is an area where in principle new housing development may be permitted, in accordance with policy 2 of the Cornwall Local Plan Strategic

Policies (CLP) and policy GGPP 1 of the Gwinear-Gwithian Neighbourhood Plan 2016 – 2030 (GGNP).

5. The character of this part of the settlement is diverse and includes a wide range of plot sizes and shapes, along with a diverse range of single and two storey detached, semi-detached and terraced dwellings and other buildings.
6. The appeal site is set back from Turnpike Road and is accessed via a narrow lane/bridleway, which serves a number of dwellings and provides access to the countryside to the north. The appeal site comprises a detached late Victorian/early Edwardian farmhouse which is positioned in the northern part of a large irregular shaped plot. To the rear of the dwelling there is a range of outbuildings between the dwelling and the eastern boundary of the site. The remainder of the plot is used for access, parking and gardens. There are mature hedges along the front and southern boundaries of the site and a tall wall/fence along the eastern boundary.
7. The development opposite the appeal site comprises individually designed and informally sited detached dwellings occupying spacious plots and which back onto the open countryside. The bungalows to the south of the appeal site are more uniform and intensively sited. They are partially screened from the lane by a combination of hedging and walls, which contribute to the semi-rural character of the immediate area. The housing to the northeast and east of the appeal site are similarly more intensive. To the north of the appeal site is a range of former farm buildings which are now primarily in residential use. They are physically separated from the existing dwelling on the appeal site by the western and northern boundary walls and hedges around the appeal site.
8. The existing dwelling on the appeal site is not listed and has modern replacement fenestration. Notwithstanding this, the former farmhouse is of some local historic interest due to its period, form and historic farming links. These factors, together with the former farm buildings to the north, contribute to the significance of the former farmhouse/farmstead.
9. The existing side garden provides a sense of space around the existing dwelling. However, this space is dominated by the long access drive, parking, domestic paraphernalia, the eastern boundary fence and the two modern dwellings beyond. Collectively these features have a suburbanising impact on the front garden and detract from the quality of the space around the farmhouse. As a consequence, the side garden area makes only a modest contribution to the significance of the farmhouse.
10. Due to the alignment of the lane, trees and boundary walls/hedges, views of the existing dwelling from the lane are limited. The existing front and side gardens are similarly screened from the lane, although the two modern dwellings to the east are clearly visible from the site entrance and within the front garden environment. Also, the boundary wall/hedge around the former farmhouse physically separates the farmhouse from the former farm buildings to the north.
11. Together and amongst other things policies CLP Policies 2, 12 & 24 and GGNP Policy GGPP 1, seek to ensure that new developments provide high quality design and layout. They should maintain and sustain local character and enhance Cornwall's distinctive natural and historic character. This includes protecting, conserving and where appropriate enhancing the significance of

- non-designated heritage assets. Proposals should protect individuals and property from an unreasonable loss of privacy, overshadowing and overbearing impacts. Cornwall Design Guide (CDG), is consistent with this.
12. CLP Policy 21 encourages making the best use of land. This includes increasing densities where appropriate, taking account of the character of the surrounding area and accessibility.
 13. Paragraphs 135, 139 & 209 of the Framework similarly require new development to be well designed and sympathetic to local character and history, whilst making best use of the site. It should provide a high standard of amenity for existing and future occupiers. Development that is not well designed should be refused and proposals that affect non-designated heritage assets should be assessed having regard to the scale of any harm or loss and the significance of the heritage asset.
 14. With the proposal the plots would be similar in size to those of the dwellings to the east and south and larger than those to the north. Whilst the plots would be smaller than those to the west, those plots are separated from the appeal site by the lane and their lower density provides a gentle transition between the settlement and the adjacent open countryside.
 15. The proposed dwellings would be informally sited and appropriately sized gaps would be retained between the dwellings and the former farmhouse. An open gap would also be retained between the two houses, which would afford views of and from the former farmhouse. The spatial relationship between the proposed and adjacent dwellings would respect the overall character and appearance of the immediate and wider area.
 16. Whilst two storeys in height the proposed dwellings would have shallow pitched roofs, wall dormers and would sit at a lower level to the former farmhouse and the existing dwellings to the south and east. The drawings submitted with the appeal application clearly demonstrate that the ridge levels of the proposed dwellings would be lower than that of the former farmhouse and the existing dwellings to the west, southeast and east.
 17. The proposed shallow pitched slate roofs and rendered walls would reflect that of the dwellings to the south and north. Subject to the use of an appropriate colour there is no reason why the fibre cement cladding would not blend in with and add to the visual interest of the dwellings. This is something that could be secured through the imposition of a materials condition. The use of uPVC fenestration and rainwater goods would be consistent with other dwellings in the immediate area.
 18. The proposed gardens to both of the new dwellings would be comparable in size to those of the adjacent gardens to the north, south and west and would benefit from favourable southerly aspects. The resultant gardens to the former farmhouse would be larger and would similarly have favourable southerly and westerly aspects.
 19. The proposed new entrance to serve the former farmhouse would open-up views of this building from the lane and would create a closer visual link between the farmhouse and the former farm buildings to the north. This would reinforce the historic identity of the former farmstead and the individual buildings within it. Overall, I find that this benefit would appropriately counter

the modest level of harm to the character, appearance and significance of the former farmhouse that would be caused by the reduction in the size of the existing side garden. The proposal would therefore have a neutral impact on the significance of the farmhouse and would enhance the setting of the former farm buildings.

20. Finally, the existing trees and hedges make a valuable contribution to the semi-rural character and appearance of the lane and add to biodiversity. The submitted tree report advises that several trees would be removed. Whilst these trees fall within category "C" I agree with the Council's tree officer that provision should be made for their replacement with a minimum of three trees. I also consider that adequate measures should be in place to protect the retained trees during the construction of the development and for a period of five years after the first occupation of the dwellings. I am satisfied that these are matters that could be adequately dealt with by conditions.
21. I conclude that the proposal would respect and be readily assimilated into the immediate and wider area. It would comply with CLP Policies 2, 12, 21 & 24, GGNP Policy GGPP 1 and paragraphs 135, 139 and 209 of the Framework

Living conditions

22. The proposed gap between the proposed dwelling on plot 2 and the dwelling at No.1 Greenbank (No.1), would be in excess of 12 metres and would be comparable to the gap between No.2 Greenbank and the existing dwelling on the appeal site. The dwelling at No.1 sits at a higher level to the appeal site and the proposed eaves line of the dwelling on plot 2 would be comparable to the ground floor eaves line of No.1. Also, the proposed dwelling would have a shallow pitched roof which would be hipped away from No.1.
23. For these reasons, the proposed dwelling on plot 2 would be partially screened from No.1 by the existing boundary wall, which could reasonably be raised to two metres in height. Due to the distance between the two dwellings the amount of wall/roof that would be visible above the existing wall would not have an unreasonable overbearing impact on the outlook from No.1.
24. The only window on the eastern side of the dwelling on plot 2 comprises a roof light within the shallow pitched roof, which would have a sill height of 1.8 metres above floor level and would serve a bathroom. The adjacent garden area to plot 2 is already used as a private garden and sits at a lower level to No.1. The proposed dwelling on plot 1 would be sited an even greater distance from No.1 and would be orientated away from that dwelling. For these reasons the proposal would not result in an unacceptable loss of privacy for the occupiers of No.1.
25. The existing dwellings at Nos. 8 and 9 Greenbank (No.8 & 9), similarly sit at a higher level to the proposed dwellings and are separated from them by a tall mature hedge and trees. The closest window in the southern elevation of the proposed dwelling on plot 2 comprises a roof-light which would be set into the shallow hipped roof. The proposed dwelling on plot 2 would be orientated towards the gap between No.8 and the adjacent dwelling to the west. Its only south facing window would be recessed behind the proposed parking area and would comprise a wall dormer, which would serve a bedroom. In addition to its siting and orientation this window would benefit from the existing site screening.

26. For these reasons the proposal would not be visually overbearing or otherwise result in an unacceptable loss of privacy, daylight, or sunlight for the occupiers of No.8 or No.9.
27. The only proposed window facing the existing dwelling on the appeal site comprises a high-level bathroom rooflight. The proposed dwelling on plot 1 is sited and orientated so that it sits at an oblique angle to the front and side windows of the former farmhouse. The proposed dwelling on plot two would be sited slightly to one side and is "L" shaped, with a narrow projecting wing facing the existing dwelling. A wide gap would be retained between the proposed dwellings to the front of the southern elevation of the existing dwelling. Also, the existing dwelling would continue to benefit from an open and spacious outlook to the west. The proposal would not therefore have an overbearing visual impact or result in a material loss of privacy, daylight, or sunlight for the occupiers of the former farmhouse.
28. I have found that the proposal would not result in a material loss of privacy for the occupiers of the adjacent properties. However, I consider that a condition would be necessary to prevent the future insertion of additional upper floor windows that would result in a material loss of privacy.
29. I conclude on the second main issue that the proposal would not have an unreasonable impact on the living conditions of the occupiers of the adjacent dwellings with regard to outlook, overshadowing or privacy. Accordingly, the proposal would comply with CLP Policy 12, the CDG and paragraph 135 of the Framework.

Other matters

30. I acknowledge that the proposal would increase traffic along the lane which is narrow, without pavements and is also a public bridleway. However, there are several informal passing places along the lane and the proposed new crossover would provide a further passing opportunity. I note that the highway department and countryside access officer have raised no concerns regarding the additional traffic, parking provision, or access by emergency vehicles and I have no reason to come to a different conclusion. As stated in paragraph 115 of the Framework development should only be refused on highway grounds if there would be an unacceptable impact on highway safety. Notwithstanding this, to ensure that adequate on-site parking is retained for the life of the development a condition which requires the provision and retention of the identified parking places would be necessary.
31. Whilst I note the comments made concerning need, the site is within the development boundary of the settlement, where the development plan policies allow for new housing. Whilst the CLP sets minimum housing targets it does not set out any maximum targets.
32. Finally, in addition to the conditions referred to above, the council has suggested the imposition of conditions relating to the construction of the new crossover, boundary treatments and adherence to the submitted drawings. These conditions are all necessary to ensure the development respects the character and appearance of the site and its surroundings, to protect the living conditions of local residents and in the interests of certainty. I have however amended the wording of some of the suggested conditions in the interests of precision and enforceability. Both the Council and the appellant have been

invited to comment on the suggested and amended conditions and have raised not concerns.

Conclusion

33. Having regard to my conclusions on both main issues and having regard to all other matters raised the appeal is allowed.

Elizabeth Lawrence

INSPECTOR

Conditions schedule

- 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: Site/location Plan MJ-149-106, block plan - MJ-149-103 rev C, Plot 1-MJ 149-104 rev B, Plot 2 - MJ 149-105 rev C and tree protection plan – 001 Rev.A.
- 3) No development shall commence until full details of the materials to be used in the construction of the external surfaces of the dwellings 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) Before the development hereby permitted is commenced, details of the proposed height, siting, appearance, and construction of all boundary treatments (means of enclosure) and the location, height, species, and planting plan for the planting of three replacement trees shall be submitted to and approved in writing by the local planning authority. The approved boundary treatment (means of enclosure) and tree planting shall be completed in accordance with the approved details prior to the first occupation of the development hereby permitted and notice shall be given to the local planning authority when the approved scheme has been completed. The boundary treatment (means of enclosure) shall not thereafter be altered or removed, other than by necessary replacement and any trees or boundary shrubs which within a period of 5 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 similar size and species and in the same location.
- 5) The development hereby permitted shall be carried out in accordance with the tree protection recommendations and plan set out within the Tree survey, Constraints and Tree Protection Plan prepared by Mark Nankervis Tree Services Ltd, dated 06.07.2022, unless otherwise agreed in writing by the local planning authority.
- 6) Before any building or engineering works are carried out on the site in connection with the construction of the dwellings hereby permitted, the new access for the retained dwelling shall be laid out and constructed in accordance with Drawing No. MJ-149-103 rev C; with its gradient, surfacing, drainage and

sight lines having first been approved in writing by the Local Planning Authority. The access shall be retained as approved thereafter.

- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows/roof-lights other than those expressly authorised by this permission shall be constructed above ground floor level in the dwellings hereby permitted, without the prior written consent of the local planning authority.
- 8) The dwellings hereby permitted shall not be first occupied until the proposed garages and parking spaces shown on drawing Nos. MJ-149-103 rev C, MJ 149-104 rev B and MJ 149-105 rev C have been provided and that space shall thereafter be kept available at all times of for the parking of vehicles.