



Appeal Decision

Site visit made on 3 June 2024

by S Harrington MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2024

Appeal Ref: APP/D0840/W/24/3337876

Oceanside Bungalow, Tredragon Road, Trenance, Mawgan Porth TR8 4DF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by C Vickery and L Watts against the decision of Cornwall Council.
 - The application Ref is PA22/10128.
 - The development proposed is replacement dwelling with new access, associated landscaping and external works.
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Decision

1. The appeal is allowed, and planning permission is granted for replacement dwelling with new access, associated landscaping and external works at Oceanside Bungalow, Tredragon Road, Trenance, Mawgan Porth TR8 4DF in accordance with the terms of the application, Ref PA22/10128, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is located within the Trenance residential area of the coastal settlement of Mawgan Porth. The appeal site contains a detached dormer bungalow of largely traditional appearance, although features a relatively large amount of glazing, particularly at first floor level facing the coast. Given the hillside location, the appeal site is prominent from a number of public viewpoints, particularly from the coast and coastal footpaths.
4. Although traditional architectural styles including pitch roofs are locally characteristic, residential development surrounding the site also features a range of differing architectural styles including those of unashamedly contemporary appearance. The prevalence of this contemporary architecture, notably utilising flat roof forms and expanses of glazing, in combination with the more traditional architecture results in an overall eclectic residential character within the immediate area.
5. The Cornwall Design Guide and National Design Guide notes that traditional buildings should inform but not dictate new building forms whilst National Planning Policy Framework (Framework) seeks to ensure that developments are sympathetic to the surrounding built environment, while not preventing or discouraging appropriate innovation or change.

6. A planning permission¹ has been granted at the directly adjacent site known as 'Fair Rising' (referred to as 'Fairview' in the Council's decision notice). This permission is in relation to a replacement dwelling which shares a number of contemporary design features with the appeal proposal. Although the appeal proposal is also of contemporary appearance, given the prevalence of contemporary architecture in the area, it would not appear eye-catching or out of place with the surrounding built form.
7. Moreover, although the proposal features significant areas of glazing, it would replace an existing dwelling that also features some large areas of glazing. Given the surrounding existing built form, any additional light emitted through glazing during hours of darkness, or indeed occupiers' movement within the property or on terrace areas would also not appear eye-catching or out of context with the residential character of the area.
8. The proposal would feature a marginally increased roof height. However, the site would be partially excavated, resulting in the dwelling being further back in the site and would still respect the general stepping of roof heights on the hillside. It would also utilise finishing materials including cream bricks and vertical timber cladding. Whilst these may not be a traditional material in the locality, there are nearby examples of timber cladding. The light brickwork, whilst I am informed is similar to that approved at the adjacent planning permission, would nevertheless respond well to light coloured render used elsewhere in the area.
9. Moreover, while of a larger scale and featuring an increase in visual massing over the existing dwelling, the proposal would achieve both adequate separation distances between neighbouring properties, and an appropriately sized useable garden area. It would thereby not appear to be cramped within its site or a form of overdevelopment out of context with the prevailing pattern of development.
10. Both the Council and St Mawgan In Pydar Parish Council refer to the appeal site being within an Area of Special Character (ASC) as outlined within the Restormel Local Plan (RLP). However, the RLP no longer forms part of the development plan, having been replaced with the Cornwall Local Plan Strategic Policies 2010-2030 (LP). Nevertheless, I agree with the Inspector within the appeal decision² highlighted by the Council, that whilst the area is no longer designated an ASC within the current development plan it does not diminish the area's intrinsic qualities. Notwithstanding, I find that the quoted appeal proposal materially differs from the appeal before me.
11. Whilst dismissing that appeal, the Inspector found that design of dwellings in the area varies, and a contemporary approach would not be unacceptable in principle. However, as opposed to the appeal before me which relates to a replacement dwelling, the other appeal relates to an area of undeveloped land, which the Inspector noted contributed to an openness and lack of urbanisation. This limits the equivalence of the other case to the current proposal. Moreover, the current appeal proposal has its own circumstances, and I shall determine it on its own merits.

¹ PA23/01648

² APP/D0840/W/16/3164059

12. Overall, I find that the proposal would appear as a building of appropriate design and scale, which would integrate well into its environment. Consequently, I conclude that the proposal would not adversely affect the character and appearance of the area. As such, it would accord with LP Policies 2, 12 and 21 which, amongst other things, seek development to be of high-quality design that is of an appropriate scale, density, layout, height and mass whilst ensuring the best use of land taking into account the character of the surrounding area. The proposal would also accord with the provisions of the Framework which seek to provide well designed and beautiful places.

Other Matters

13. Within their appeal statement, the Council refer to LP Policy 7. Although I have not been provided with the full text of this policy, the Council also confirm this policy concerns dwellings in the open countryside. As the appeal site is within a settlement and not within open countryside, I find reference to this policy of limited relevance.
14. An interested party has raised concerns in relation to photographs of the site not being representative of the physical location. I have treated photographs and photomontages of the site provided within the appeal documentation as illustrative and have assessed the proposal based on the evidence before me and following a site visit. Further concerns have been raised in relation to neighbouring occupiers living conditions in respect of privacy, overbearing effects, disruption, and the effect of the proposal on the surrounding highway network.
15. There is already some overlooking from the first floor of the existing property. However, the proposal would result in larger areas of windows and terraces. Notwithstanding, planning conditions can be imposed to ensure that first floor windows to the north elevation are obscure glazed, and screening installed to the first-floor terrace area. In combination with the separation distances between neighbouring dwellings, the proposal would not result in a significant increase in overlooking.
16. Likewise, the proposed dwelling, although of greater massing than the existing dwelling is not significantly higher and given the spatial relationship with surrounding properties would not appear unreasonably over-bearing. Furthermore, a Construction Traffic Management Plan can be secure by planning condition to ensure disruption is minimised during the construction period.
17. Finally, although larger than the dwelling it replaces, there is no substantive evidence before me that the proposal would result in any additional movements on the surrounding highway network, or any other additional harmful effects on surrounding infrastructure over and above that from the use of the existing dwelling.

Conditions

18. 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.

19. A condition is necessary to ensure landscaping is appropriate and sufficient in the interests of the character and appearance of the area. Further conditions are necessary to ensure windows are obscure glazed and a privacy screen is installed in order to protect neighbouring occupiers living conditions.
20. Given the residential character of the area and narrow surrounding highway network, a Construction Traffic 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. Finally, a condition is required to ensure that the proposal is constructed in accordance with the Ecological Assessment dated 26th October 2022 (Brookside Ecology) in the interests of biodiversity.

Conclusion

21. For the reasons given above the appeal should be allowed.

S Harrington

INSPECTOR

Schedule

Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawing numbers: 22044-000 P0; 22044-100 P2; 22044-101 P3; 22044-102 P3; 22044-103 P3; 22044-104 P2; 22044-300 P3; 22044-301 P3.
- 3) Prior to the occupation of the dwelling hereby approved a scheme of landscaping shall be 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. Details of Stone faced Cornish Hedgerows.

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.

- 4) Prior to the occupation of the dwelling hereby approved, details of a screen to the northern elevation of the first-floor terrace to the north of the western elevation shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be of obscure glazing, be of no less than 1.7m above the finished floor level of the terrace and extend the full width of the terrace's northern elevation. The approved screen shall be installed prior to the occupation of the dwelling and shall be retained in accordance with the approved details thereafter.
- 5) Prior to the occupation of the dwelling hereby approved, first floor windows to the northern elevation shall be installed with obscure glazing and shall open no greater than 12 degrees in angle. The windows shall be retained as such thereafter.
- 6) 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; and
 - vi. wheel washing facilities and measures to control the emission of dust and dirt during construction.
- 7) The development hereby approved shall be constructed in accordance with mitigation submitted within the Ecological Assessment dated 26th October 2022 (Brookside Ecology). The enhancements outlined within Ecological Assessment shall be installed prior to the occupation of the dwelling and retained as such thereafter.

End of Conditions