



Appeal Decision

Site visit made on 4 February 2025

by **S Harrington MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 February 2025

Appeal Ref: APP/D0840/W/24/3352687

Land Adj To Cliff Cottage, Porthrepta Road, Carbis Bay TR26 2NN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr P Buchanan against the decision of Cornwall Council.
 - The application Ref is PA24/04024.
 - The application sought planning permission for the erection of a detached dwelling without complying with a condition attached to planning permission Ref PA20/01326, dated 15 March 2021.
 - The condition in dispute is No 2 which states that: The development hereby approved shall in all respects accord strictly with drawing numbers: Plan 00 Site/Location, Plan 00 Site/Location showing PROW, Topographic Survey Plan, Plan 01C Site and Block Plan Proposed, Plan 02D Top Floor Level, Plan 03C Middle Floor Level, Plan 04C Lowest Floor Level, Plan 05C Site Section, Plan 06C Site Section, Plan 07 North Elevation, Plan 08 South Elevation, Plan 09 West Elevation and Plan 10 East Elevation received by the Local Planning Authority on 11 February 2020.
 - The reason given for the condition is: in the interest of certainty and precision.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land Adj To Cliff Cottage, Porthrepta Road, Carbis Bay TR26 2NN in accordance with the application Ref PA24/04024, without compliance with conditions number 1 & 2 previously imposed on planning permission Ref PA20/01326 dated 15 March 2021 and subject to the conditions in the attached schedule.

Background and Main Issue

2. Planning permission was granted on appeal, for the erection of a detached dwelling. The planning permission included condition 2 which specified the approved plans. The proposal seeks removal of condition 2 and its replacement with a condition specifying plans that reflect a revised design to that approved. The main issue is the effect of the revised design on the character and appearance of the area.

Reasons

3. The appeal site is an area of sloping land on the cliff side located adjacent to Beach Road and Cliff Cottage. The South West Coast Path (SWCP) wraps around the appeal site on its western and northern boundaries, with Carbis Bay beach beyond.
4. The surrounding area is characterised by development of mixed appearance which includes both contemporary flat roof design and traditional pitch roofs, as well as a

number of properties which feature large areas of glazing, particularly on sea facing elevations. Scale and height of properties as well as facing material also vary, further adding to the eclectic appearance of built form in the area.

5. Although the proposed revised design would be of an overall lower height than that previously approved, it would nevertheless be more eye catching from certain viewpoints to the north due to the lack of the extensive mono pitch green roof and a more prominent third floor level including large areas of glazing.
6. However, the articulation of the north elevation stepping back along the cliff slope as the building increases in height, in combination with a mix of materials would successfully break up the visual bulking of the building. Additionally, the proposal would achieve adequate separation distances between neighbouring properties, whilst respecting the general stepping up of properties along the cliff side, and an appropriately sized useable garden area. It would therefore not appear to be cramped within its site or a form of overdevelopment out of context with the prevailing pattern of development.
7. Moreover, whilst utilising a number of differing facing materials, these materials, whilst not all being traditional, are ubiquitous in the area and would not appear out of keeping with the surrounding local palette.
8. The proposal would project further from the hill side than the approved design. However, due to the reduction in overall height, and the use of a flat green roof, the proposal would not obstruct or harm public views from Beach Road across the bay or appear as a dominant or incongruous feature.
9. Furthermore, the proposal would, as in the case of the approved design, be seen in the context and backdrop of existing residential built form from the beach and SWCP. It would not lead to an overriding sense of confinement of the SWCP, or compromise the panoramas, vistas and views of the coastal landscape at Carbis Bay identified within the St Ives Neighbourhood Development Plan (2015-2030) (NP).
10. 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 Policies 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, Policy C1 of the Climate Emergency Development Plan Document 2023, and NP policies GD1, OS7 and OS9. These policies, amongst other things, seek development to be of high-quality design that sustains local distinctiveness and respects landscape character and do not directly or indirectly affect the attractiveness of existing rights of way.

Conditions

11. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also restate the conditions imposed on earlier permissions that continue to have effect.
12. I have removed the commencement condition as it is no longer necessary given that works have commenced. I have varied the plans condition to include the plans showing the amended design the subject of this appeal in the interest of certainty and precision, .

13. Previously imposed conditions remain relevant and necessary in respect of facing materials and landscaping in the interests of the character and appearance of the area, and a Construction Method Statement in the interests of highway safety and neighbouring occupiers living conditions. However, as the development has commenced, I have amended the wording of these conditions accordingly. Furthermore, to address the housing requirements within Carbis Bay, pursuant to the provisions of the Neighbourhood Plan, it remains necessary to restrict the dwelling to use as a principal residence.

Conclusion

14. For the reasons given above I conclude that the appeal should be allowed and grant a new planning permission.

S Harrington

INSPECTOR

Schedule

Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following plans: 001 P1; 002 P1; 004 P1; 005 P1.
- 2) No development above slab level shall take place until details and samples of the materials to be used in the construction of the external surfaces (doors/windows/lintels/sills/stonework/render), of the building 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.

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.
- 3) No development above slab level shall proceed until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - (i) the parking of vehicles of site operatives and visitors;
 - (ii) loading and unloading of plant and materials;
 - (iii) storage of plant and materials used in constructing the development;
 - (iv) the erection and maintenance of security hoarding, including decorative displays and facilities for public viewing, where appropriate;
 - (v) wheel washing facilities;
 - (vi) measures to control the emission of dust and dirt during construction;
 - (vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - (viii) hours of working.
- 4) The scheme of landscaping as shown on approved plan 002 P1 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.
- 5) The dwelling hereby permitted shall not be occupied other than by a person as his or her Only or Principal Home. For the avoidance of doubt, the dwelling shall not be occupied as a second home or holiday letting accommodation. The Occupant will supply to the local planning authority (within 14 days of the local planning authority's written request to do so) such information as the local planning authority may reasonably require in order to determine whether this condition is being complied with.

End of Conditions