



Appeal Decision

Site visit made on 28 January 2025

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2025

Appeal Ref: APP/D0840/W/24/3344693

Kenyn Peder, 5 Bounder Treath, Coverack, Cornwall TR12 6TP

- 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 Mr Stuart and Ms Elaine Measham against the decision of Cornwall Council.
 - The application Ref is PA23/10271.
 - The development proposed is construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area including the Cornwall National Landscape; and
 - Whether the proposed development would be overbearing and effect the living conditions of neighbouring occupiers by virtue of overlooking.

Reasons

Character and appearance

3. The existing properties on Bounder Treath are bungalows located in spacious plots with a uniform design and pallet of materials. Located in the bottom corner of the cul-de-sac, the existing property is also visible from the B3294 to the south which leads to Coverack. Dwellings along this road vary in terms of design, age and size. There is a contemporary development of housing to the west of the dwelling known as 'Widegates'. In summary, there is no prevalent form or style of housing in the surrounding area although there is a predominance of single storey dwellings on Bounder Treath and the B3294 where it continues north from the appeal site.
4. The appeal site is occupied by a single storey property with hipped roofs. Its modest size, location within the plot and materials of construction all mean that it sits comfortably in the street scene and is recessive.
5. By contrast, the proposed dwelling would have a significantly larger footprint and would be two storeys. This would result in a dwelling which would be considerably larger both in height and mass. Whilst the use of contemporary materials and a modern design would not be out of place when viewed in the context of surrounding development, the extensive floor to ceiling glazing on the south elevation, would result in a conspicuous addition to the street scene.

6. Located on a sloping site which sits above road level, this would result in a highly prominent and imposing building. Rather than positively contributing to the diverse collection of existing development which makes up Coverack's distinctive character, the proposal would be overbearing, dominant and harmfully detract from the character and appearance of the street scene.
7. The appellants state that the ridge of the proposed dwelling would be lower than the ridge of 6 Bounder Treath, the existing bungalow to the north. Whilst this may be the case, the ridge of number 6 is not visible above the current ridgeline of the appeal bungalow when viewed from the B3294 and therefore it would not mitigate the harmful effect of the appeal proposal.
8. The appeal site is located within the Cornwall Character Area CCA13 South Lizard Peninsula of the Cornwall Character Areas 2022 which sits wholly within the Cornwall National Landscape (NL). CCA13 comprises a wild and open plateaux with a strong sense of exposure and isolation. Narrow incised valleys lead to small coves such as Coverack, flanked by tall cliffs. However, the appeal site is located on the slopes above the cove and visually separate from the open plateaux beyond. Surrounded by existing residential development, the appeal site makes very little contribution to the landscape or scenic beauty of the NL.
9. Nevertheless, one of the valued landscape attributes of CCA13 are the dark night skies. Given the extensive glazing to the south elevation, the appeal development is likely to give rise to light spill at night. Its elevated location towards the northern edge of the village would mean that this would be visible in the landscape, particularly when viewed from areas towards the southern end of Coverack Cove. There is no substantive evidence before me that measures have been designed into the build to limit the impact of light pollution as required by Paragraph 198 of the National Planning Policy Framework (the Framework).
10. I am required by Section 245 of the Levelling Up and Regeneration Act 2023 to further the purpose of conserving and enhancing the natural beauty of the area. I have also given great weight to conserving and enhancing landscape and scenic beauty in the NL¹. In this respect, I have found that the appeal proposal would be likely to result in light spill which would not conserve the dark skies of the NL. This would have a harmful effect on a valued attribute of CCA13 and would not conserve the landscape character and natural beauty of the NL.
11. To conclude, the appeal proposal would have a harmful effect on the character and appearance of the area, including the NL. The proposal would therefore conflict with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, adopted November 2016 (LP) which seek to conserve and enhance the landscape character and natural beauty of the NL and respect the special character of Cornwall by ensuring that development is of an appropriate scale, height and mass which responds appropriately to its landscape and townscape setting.

Living conditions

12. The rear elevations of both the appeal property and the neighbouring property, 4 Bounder Treath, are orientated towards the south east. With relatively low boundary planting between the two properties there is currently some overlooking of the neighbouring garden from the appeal site.

¹ Paragraph 189 of the Framework

13. The proposed dwelling would be re-orientated to face southwards in the plot but the two storey form with a balcony along the southern elevation would mean that views into the rear garden of number 4 would be possible. The submitted plans indicate that a translucent glass panel would be provided to the eastern end of the balcony. Nevertheless, its graduated height means that it would still be possible for users of the balcony to see eastwards across the neighbouring garden. This could be overcome by a condition securing revised details ensuring that the panel exceeded 1.8m in height to protect the privacy of the occupiers of 4 Bounder Treath.
14. The proposed windows at first floor level on the east elevation are high level serving a study and wc. Whilst views towards the neighbouring property would be possible from occupiers in a standing position, those views would be largely of the roof of number 4. The only window on the side elevation of number 4 is a small obscure glazed window. Given that there is already some overlooking possible from the appeal property, the proposed windows would not give rise to an unacceptable level of overlooking for the occupiers of number 4.
15. The reorientation of the property to face south results in the east elevation being positioned parallel to and close to the boundary. With much of this elevation being two storey it would have an imposing presence on number 4. However, the two closest windows on the side and front elevation of number 4 are obscured glazed which limits the existing outlook from these windows. It would also have a considerable presence from the garden area to the south west of number 4. Number 4 is located in a good sized plot with the majority of the garden located to the south east of the property. Therefore, on balance, I find that the proposed dwelling would not be overbearing to a harmful extent.
16. The proposal would not be overbearing or lead to overlooking to a harmful extent. Therefore, no conflict with Policies 1 and 12 of the LP would occur which seek to protect individuals and property from overlooking and overbearing impacts.

Other considerations

17. My attention has been drawn to other contemporary dwellings which have been permitted in the locality. In respect of the development to the west of 'Widegates'², the proposed dwellings are set well back from the road and therefore not comparable to the proposal before me. The two properties permitted to the south east of the appeal site³ and the alterations to Fairwinds⁴ all incorporate large areas of glazing but there is a greater solid wall to glazing ratio than in respect of the appeal site. In those cases, the properties are also located on lower ground and set against rising land. The circumstances in those case are different to those before me in this appeal.
18. My attention has also been drawn to an appeal decision for a site elsewhere in Coverack⁵. However, in that case the Inspector found that the proposed dwelling would be considerably lower than the ridge of the existing dwelling and would be hidden behind far larger buildings in front of it. The circumstances surrounding that appeal are therefore entirely different to the one before me.

² LPA Ref: PA18/08152 and PA20/10854

³ LPA Ref: PA17/09339

⁴ LPA Ref: PA22/07631

⁵ Appeal Ref: APP/D0840/W/22/3301190 Mayfield, Chymbloth Way, Coverack TR12 6TB

19. The proposed dwelling would incorporate renewable energy technologies such as solar panels and a ground source heat pump with heat waste recovery. Cement based construction materials would be used to reduce carbon emissions, and the design of the building incorporates solar gain as a passive heating source with overhangs to prevent overheating. However, the submitted Energy Statement indicates that the proposed building would fail to meet the required standard as set out in Policy SEC1 of the Climate Emergency Development Plan Document adopted February 2023 in respect of the required space heating demand. As a result, I attach limited weight to the design and build of the dwelling as a benefit of the proposal.
20. The appellants describe the existing building as being of 'substandard construction'. However, I saw that it was occupied at the time of my visit and that it was part of a wider development of bungalows of the same age and design. In the absence of substantive evidence in this respect, I give this very limited weight.
21. There would be benefits to the local economy during the construction of the dwelling but these would be temporary. Given that this would be a replacement dwelling there would be a neutral effect from the occupation of the dwelling in terms of the economic benefit to local services and facilities.
22. Sufficient amenity space and views southwards from the neighbouring summerhouse would be retained, but rather than being a benefit, this is neutral in my assessment.
23. I have considered other matters raised by interested parties including, but not limited to, the proposed pedestrian access but given that I have identified harm in respect of the main issues, these are not matters on which my decision turns.

Planning Balance and Conclusion.

24. Whilst I have found that the proposal would not result in a harmful impact on the living conditions of the neighbouring occupiers, the appeal proposal would have a harmful effect on the street scene and the NL. The benefits of the scheme do not outweigh this harm.
25. The proposed development is contrary to the development plan as a whole and there are no material considerations that outweigh this conflict. Consequently, with reference to Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal is dismissed.

Alison Fish

INSPECTOR