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## Appeal Decision

Site visit made on 5 August 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 12 August 2025**

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**Appeal Ref: APP/D0840/W/25/3364702**

**15 Glenfeadon Terrace, Portreath, Redruth, Cornwall, TR16 4JX**

- 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 Mrs Sandra Bawden against the decision of Cornwall Council.
  - The application Ref is PA24/05868.
  - The development proposed is subdivision and extension of existing dwelling to provide an additional dwelling.
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### Decision

1. The appeal is allowed and planning permission is granted for subdivision and extension of existing dwelling to provide an additional dwelling at 15 Glenfeadon Terrace, Portreath, Redruth, Cornwall, TR16 4JX, in accordance with the terms of the application Ref PA24/05868, and the plans submitted with it, subject to the conditions listed in the Annex to this decision.

### Preliminary Matters

2. The Appellant has raised a number of concerns in relation to the Council's handling of the planning application, its alleged failure to enter into any discussions and refusal to consider amended plans. These are not matters that I can comment on within the context of an appeal submitted under section 78 of the Town and Country Planning Act 1990. It remains open to the Appellant, if they have not done so already, to take up their concerns with the Council through the normal complaint procedures.
3. Included with the appeal and referred to in the Appellants Statement of Case (ASOC) were a set of revised plans. These differ from the plans considered by the Council in showing a larger internal area to the new additional dwelling (referred to as 'Archway Lodge' (AL)) to meet the requirements of the nationally described space standards (NDSS). Based on the submissions, this is the main change shown other than the realignment of the rear garden boundary.
4. Paragraphs 16.1 – 16.2 of the 'Procedural Guide: Planning Appeals – England' (September 2024) state that it is important that what is considered by the Inspector is essentially the same as that considered by the Local Planning Authority, as well as interested parties, at the application stage. Paragraph 16.3 refers to the 'tests' that will be considered when amended plans or design changes are proposed, 'tests' which since the *Wheatcroft Principles* have evolved through the judgement of *Holborn Studios Ltd v The Council of the London Borough of Hackney* [2017] EWHC 2823 (Admin).

5. The Council's Statement of Case (CSOC) has raised an objection to the revised plans on the basis that these have not been properly assessed and interested parties have not been given an opportunity to comment. Even so, the revised plans show that the rear part of the dividing wall between AL and the host property would be realigned to secure a larger gross internal area (GIA) for AL. I understand that a similar revised plan was submitted to the Council prior to the determination of the application and that they indicated that even if AL met the NDSS requirements their objections, in relation to its alleged impact on the character and appearance of the area and size of the proposed rear garden, would remain. In addition to this, the main changes are internal and modest, and the Council have, in my view, had a reasonable opportunity to consider the revised plans not least in responding to the ASOC but also in preparing its own Statement of Case.
6. In view of the above, I am satisfied that the substitution of the revised plans would be appropriate and acceptable at this stage and would not cause any unlawful procedural unfairness to the Council.
7. One objection to the application was received from a neighbouring occupier which raised concerns in relation to highway safety, flood risk, residential amenity and visual impact. No concerns were raised in relation to the layout and size of AL and its garden. As such, I am not convinced that had these revised plans been accepted by the Council at the application stage that there would have been any need to reconsult neighbouring occupiers as the changes were internal and did not relate to any of the concerns raised. For these reasons, I am also, therefore, satisfied that the substitution of the revised plans would not cause any unlawful procedural unfairness to interested parties. I have, therefore, determined the appeal on the basis of the revised plans.

## **Main Issues**

8. The main issues are the effect of the proposed development on: (a) the character and appearance of the area, and (b) whether the proposed development would provide a satisfactory standard of accommodation and living environment for future occupiers.

## **Reasons**

### *Character and appearance*

9. The appeal site is located on Glenfeadon Terrace and comprises a two storey property that forms the end of a small terrace. It has a single storey flat roofed extension to its side, a landscaped frontage that is used for off-street parking and a rear garden, which backs onto a stream. To the west and in an elevated position is a former tram road, part of the early 19<sup>th</sup> Century Portreath Incline. The remainder of the road comprises a mixture of old and new terrace properties, detached bungalows and chalet style bungalows, flats, converted outbuildings and modern infill developments. The scale, form, layout, density and design of these properties vary and there is no uniform character.
10. The appeal proposal involves extending the host property on the first floor at the rear so that it remains a 4 bedroom house. The single storey side extension would be subdivided from the host to create an additional 1 bedroom dwelling on a single level, referred to as AL. A rear utility room would be rebuilt and a new porch added to the side extension. The porch to the host would be replaced by a similar sized

porch to that on the new dwelling. The rear garden would also be subdivided to provide separate amenity space for the two dwellings and the frontage would also be subdivided to provide off-street parking for both. The Council have not raised any objection to the rear extension to the host, a finding that I concur with.

11. The Council refer to policies 1, 2, 12 and 13 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP), policy C1 of the Climate Emergency Development Plan Document (DPD), policies 1 and 4 of the Portreath Neighbourhood Development Plan (NDP) and advice within the Cornwall Design Guide (CDG). Combined, these seek, amongst other requirements, to ensure that new development: promotes the effective use of previously developed land; is sustainable; maintains and respects the special characteristics of Cornwall through a high quality design; promotes local distinctiveness and continuity of built form without preventing or discouraging innovation; and is appropriate in terms of its scale, mass, density, layout and height.
12. A broadly similar approach is set out in paragraphs 8, 124, 129 and 135 of the National Planning Policy Framework (NPPF). Paragraph 135, consistent with CLP and NDP policies, states that being sympathetic to local character should not prevent or discourage appropriate innovation or change. The latter is reinforced in the National Design Guide (NDG), for example, paragraph 44, where it emphasises that well designed places do not need to copy their surroundings in every way, that it is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.
13. Within that context, the appeal proposal would optimise the use of the site and the existing building in an area which has no uniform character with properties varying in terms of their form, scale, design, layout and density. The Appellant points out that the site falls within “*P3 Modern Core*” of the Portreath Village Character Assessment, an area where development is regarded as being mixed in terms of its form and density. The Council have not challenged that statement.
14. The proposed works to facilitate the subdivision would be modest. The new porch and the replacement porch on the host would be of the same scale and design, and would also reflect that on 16 Glenfeadon Terrace, to the east. The use of a pallet of materials that includes white render and timber cladding would further ensure that AL represents a sympathetic addition that integrates well with the streetscene. Indeed, viewed from the road, the proposed works would improve the appearance of the side extension but still appear subservient to the host property. As such, I am satisfied that the proposed design would not appear contrived or cramped.
15. I accept that AL would be different to its neighbours but that does not equate to the proposal being visually discordant. I also fail to see how it would result in an uncomfortable juxtaposition with nearby properties. The proposal seeks to remodel the side extension to provide a new dwelling within an innovative layout that would have no visual impact on the character or appearance of the area. In terms of density and form, as I found earlier the area has no uniform character or density. Overall, the proposal would be small scale with a density that would not be out of keeping with the character of the area or result in any harm to the built grain.

16. Accordingly, I find that the appeal proposal would be compliant with policies 1, 2, 12 and 13 of the CLP, policy C1 of the DPD, policies 1 and 4 of the NDP, the CDG and corresponding policies of the NPPF and NDG.

*Living conditions – future occupiers*

17. AL was shown on the refused plans to have an internal GIA of some 32.4 square metres. On the revised plans the dwelling is shown to have an internal GIA of some 39.1 square metres. The revised internal layout also shows provision for a 1 bedroom 1 person dwelling. As such, the proposal would meet the minimum space requirement of the NDSS for a 1 bed 1 person 1 unit of 37 square metres. In addition, there is nothing to suggest that the room sizes or the internal layout is otherwise deficient or substandard.
18. The new dwelling (AL) has been designed to enable the Appellant to downsize from the host property. The Appellant is a long standing resident and the proposal will allow her to remain as part of the local community, to live independently and within a single level unit to assist with mobility issues and accessibility. These personal circumstances are material considerations that add further support to my findings.
19. Turning to the proposed rear garden space, Part 1 b. of policy 12 to the CLP states that new developments should include “*high quality safe private and public spaces*”. The supporting text refers to a supplementary planning document (SPD) on residential amenity standards but my attention has not been drawn to an adopted SPD or any approved amenity space standards for new dwellings. The Council’s reason for refusal also refers to policy C1 of the DPD but this does not deal with internal and external space standards. Part 8) of policy G1 does and states that new homes should have access to well-proportioned and orientated gardens, generally equal in proportion to the footprint of the new dwelling. The latter is reflected in paragraph 9.5.7 of the CDG and adds that gardens should allow space for clothes drying, relaxation, play and food growing.
20. The revised plans show that the rear garden would comprise some 26.7 square metres. For a 1 person dwelling this area would, in my view, be private, usable and secure. There would be sufficient space for a clothes dryer, table and chairs and margins for planting. As I observed on my site visit, the garden falls away to the stream, whose embankments are well landscaped providing an attractive outlook and setting for the garden. The rear garden would be functional, usable and of a reasonable quality. I accept it would be less than the 39.1 square metre footprint of the new dwelling, but the difference would not be sufficient on its own to justify the refusal of planning permission. Even so, regard should be had to the quality and setting of the proposed garden and the fact it would serve a 1 person unit, and not simply the application of a general rule of thumb that does not include any specific standard to correlate with the amount and type of accommodation proposed.
21. The Appellant refers to examples of other developments in the area that have been approved with smaller amenity areas to that proposed, even where they were to serve larger flats or dwellings, evidence that has not been challenged by the Council. They also refer to the areas of public open space that are accessible in the immediate area including Portreath beach and Illogan woods. In response, the Council suggest that the route to these is not straightforward and involves crossing a busy road. I am not convinced that such concerns are material in that it is not

uncommon to have to cross a road to access open spaces and as I observed on site the walk to the beach appears easy and safe.

22. Accordingly, I find that the appeal proposal would secure a good standard of internal and external amenity space for future occupiers and would accord with policies 1, 2, 12 and 13 of the CLP, policy G1 of the DPD, the CDG and the corresponding policies of the NPPF.

### **Other matters**

23. The appeal site lies within the setting of a Grade II Listed Building, the Portreath Incline. It is also located within a World Heritage Site (WHS). Section 66 of the Planning (Listed Buildings and Conservation Area) Act 1990 requires that special regard must be had to the desirability of preserving the setting of the listed building. Similar advice is to be found in the NPPF, which also recognises the importance of protecting assets such as WHS. The Council found that any impact on the heritage asset would be neutral and that there would also be no impact on the Outstanding Universal Value of the WHS. I concur with those findings.

### **Conditions**

24. The Council has suggested various conditions that I have considered against the advice in the NPPF and the Planning Practice Guidance (PPG) chapter on the 'Use of planning conditions'. I have also had regard to the Appellants Final Comments.
25. Conditions relating to compliance with the approved plans and for the submission and approval of an assessment, with remediation and verification, of all risks from land contamination, are necessary and reasonable in the interests of the proper planning of the area and to minimise the risks from contamination to construction workers, future occupiers, water quality, ecology and neighbouring occupiers. I have amended the plans condition to refer to the revised plans. I also agree with the Appellant that a condition requiring the submission and approval of external materials is unnecessary as these are shown on the approved plans. I have, therefore, replaced this with a condition that requires the external surfaces to be constructed in accord with the materials shown on the approved plans.
26. The PPG states that permitted development rights should only be removed in exceptional circumstances. Due to the nature of the proposed development and layout of AL, I am satisfied that those exceptional circumstances exist here and that the removal of permitted development rights would enable the Council to assess the impact of any further development. I also consider that a condition that restricts the occupation of the permitted development, AL and 15 Glenfeadon Terrace, to a person as his or her only or Principal Home, is necessary and reasonable in order to safeguard the sustainability of settlements within the Portreath NDP area and ensure compliance with policy 3 of the NDP.

### **Planning balance and conclusions**

27. The appeal proposal would be located within a sustainable location, make more effective use of land and would respond to the recognised housing crisis within Cornwall. Whilst it would only secure one new dwelling it could potentially release No.15 back onto the housing market. The proposal would also provide the option for the Appellant, whom I understand suffers from mobility issues, to downsize into a smaller dwelling on one level. The new dwelling would assist the Government's

objective of significantly boosting the supply of homes as set out in paragraph 61 of the NPPF. It would also secure short term employment during construction and deliver an accessible and adaptable dwelling. Combined, I attach significant weight to these benefits.

28. The CSOC confirms that following the publication of the NPPF they can no longer demonstrate a five year supply of housing land supply. Paragraph 11 d) ii of the NPPF is, therefore, engaged and requires planning permission to be granted unless *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well-designed places and providing affordable homes, individually or in combination.”*
29. As the appeal proposal would not result in any adverse impacts, the presumption in favour of sustainable development applies and planning permission should be granted.
30. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be allowed.

*G Roberts*

INSPECTOR

### **Annex – Conditions**

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A102 Rev.P02; A103 Rev.P02; A107 Rev.P02; A106 Rev.P02.
- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on the approved plans.
- 4) No development, other than demolition of any buildings or structures, shall commence until an assessment of the risks posed by any contamination shall have been submitted to and approved in writing by the Local Planning Authority. This risk assessment must be undertaken by a suitably qualified contaminated land practitioner, in accordance with British Standard BS 10175: Investigation of potentially contaminated sites - Code of Practice and the Environment Agency's Land Contamination Risk Management (or equivalent British Standard and Land Contamination Risk Management, if replaced), and shall assess any contamination on the site, whether or not it originates on the site. The risk assessment shall include: a) A survey of the extent, scale and nature of contamination; b) The potential risks to: human health; property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes; adjoining land; ground waters and surface waters; ecological systems; and archaeological sites and ancient monuments.

- 5) No development shall take place where (following the risk assessment) land affected by contamination is found which poses risks identified as unacceptable in the risk assessment, until a detailed remediation scheme shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an appraisal of remediation options, identification of the preferred option(s), the proposed remediation objectives and remediation criteria, and a description and programme of the works to be undertaken including the verification plan. The remediation scheme shall be sufficiently detailed and thorough to ensure that upon completion the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 in relation to its intended use.
- 6) The approved remediation scheme in condition 5 shall be carried out and upon completion a verification report by a suitably qualified contaminated land practitioner that demonstrates the effectiveness of the remediation shall be submitted to and approved in writing by the Local Planning Authority before the development is occupied.
- 7) Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported in writing immediately to the Local Planning Authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the Local Planning Authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the Local Planning Authority. These approved schemes shall be carried out before the development is resumed or continued.
- 8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within Classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission, namely: The enlargement, improvement or other alteration of the dwellinghouse; The enlargement of the dwellinghouse consisting of an addition or alteration to its roof; Any other alterations to the roof of the dwellinghouse; The erection or construction of a porch outside any external door of the dwelling; The provision within the curtilage of the dwellinghouse of any building or enclosure, swimming or other pool required for a purpose incidental to the enjoyment of the dwelling house as such, or the maintenance, improvement or other alteration of such a building or enclosure.
- 9) The dwellings indicated as Archway Lodge and 15 Glenfeadon Terrace hereby permitted shall not be occupied otherwise than by a person as his or her only or Principal Home. For the avoidance of doubt the dwellings shall not be occupied as a second home or holiday letting accommodation. The occupants 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 Authority may reasonably require in order to determine whether this condition is being complied with.

**End of Annex.**