



Appeal Decision

Site visit made on 23 September 2025

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

an Inspector appointed by the Secretary of State

Decision date: 01 October 2025

Appeal Ref: APP/D0840/W/25/3367339

Land Adj to Rose Cottage, Godolphin Cross, Helston, Cornwall, TR13 9RA

- 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 I Park against the decision of Cornwall Council.
 - The application Ref is PA24/07145.
 - The development proposed is erection of a single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are; (a) the effect of the development of the living conditions of neighbouring occupiers; (b) whether the proposed development would secure an appropriate standard of amenity space for existing occupiers; and (c) the effect of the proposed development on the character and appearance of the area.

Reasons

Living conditions – neighbours

3. The appeal site forms part of the garden to Rose Cottage and lies to the south of the host property. The site is located within the defined settlement boundary for Godolphin Cross, and thus there is no objection in principle to a new dwelling on the site, subject to compliance with other development plan policies. The appeal proposal involves the construction of a new detached two storey dwelling with front and rear gardens, and a new vehicular access to provide for parking and turning.
4. The Council contend that the proposal, by virtue of its siting and scale, would have an unacceptable impact on the living conditions of the neighbouring occupiers at 1-3 The Old Village Stores (No's 1-3). The latter are located to the south east of the appeal site and comprise a row of two storey properties that back onto the appeal site, with small rear gardens leading to a stone wall on the common boundary with the appeal site. The submitted plans show that the side elevation of the two storey gable end to the new dwelling would be located some 1.5 metres from this common boundary and would have a height of some 6.47 metres to its ridge.
5. The introduction of a large new two storey gable wall, in such close proximity to the short rear gardens of No's 1-3 and to their rear elevation windows, would have an unacceptable impact on the living conditions that those occupiers currently enjoy.

Whilst the common boundary wall is reasonably high, the side elevation of the new dwelling would extend much higher over the wall and would be highly visible to the occupiers of No's 1-3 from their gardens and rear windows. The upper part of the new gable end would also be sited where there is no current development, and the prominence of this part of the development is evident from the section in paragraph 3.3.8 of the Appellants Statement of Case (ASOC).

6. The proposed side elevation would have an imposing presence and result in an overbearing impact on the outlook from the gardens and windows of No's 1-3. It would result in a cramped and enclosed feeling for those occupiers and replace the benefit of their current relatively green and pleasant outlook. The parties indicate that the proposed side elevation would be some 8 or 10 metres from the windows to No's 1-3. The resulting building relationships would, in my view, be extremely poor, and well below the standard that existing residents could expect to enjoy.
7. The Appellant refers to the new dwelling having a low profile on the common boundary. For the above reasons, I disagree. That statement is not supported by the details shown on the submitted plans or the section within the ASOC. The Appellant also refers to the potential to retain and add new landscaping to mitigate any affect on neighbours. However, the proposed block plan shows that all of the existing trees and well established planting on this part of the appeal site would be removed (this planting is shown on the existing block plan and covers an extensive area along the common boundary).
8. In addition, no landscaping scheme has been submitted, and the proposed block plan does not show how any new planting could be accommodated between the new dwelling and the common boundary wall. Even so, the gap between the new dwelling and wall is only some 1.5 metres, and I am not convinced that it would be anywhere near sufficient to provide a suitable margin for any meaningful planting of the scale required to mitigate the impact of the development. It's also unlikely that any planting could grow in this small gap, given that it would effectively be enclosed on two sides by high walls, and any margin could potentially be further constrained by any foundations for the new dwelling.
9. Accordingly, I find that the appeal proposal would result in significant harm to the living conditions of the occupiers of No's 1-3 and would thus be contrary to policies 1 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), paragraphs 8 and 135 of the National Planning Policy Framework (NPPF), and paragraphs 9.3.1 and 9.3.5 of the Cornwall Design Guide (CDG). Combined, these require new development, amongst other matters, to protect individuals and properties from overbearing and overshadowing impacts, ensure the development layout provides adequate levels of privacy and outlook for both new and existing residents, and promotes a high standard of amenity for existing and future users.
10. The Council have referred to policy C1 of the Climate Emergency Development Plan Document (DPD), albeit it's unclear as to which part of this policy they consider the proposal might conflict with. In my view, this policy is not directly relevant to this issue.

Standard of amenity space – existing occupiers

11. Part 1 b. of policy 12 to the CLP relates to the layout of new developments and states that these should include "*high quality safe private and public spaces*". I note that the supporting text refers to a supplementary planning document on

residential amenity standards, but my attention has not been drawn to any approved document or approved amenity space standards for either new or existing retained dwellings. Part 8) of policy G1 of the DPD also states that new homes should have access to well-proportioned and orientated gardens, generally equal in proportion to the footprint of the new dwelling. It continues by advising that the space should be usable for a range of activities, and for nature. A similar approach is set out in the CDG. Whilst these apply to new developments, I see no reason as to why they should not be applied to garden areas that are being retained for host properties to facilitate new development, as in this case.

12. Based on the above and the retained garden areas for the host property, in my view, these are more than sufficient to meet the above requirements. Whilst some parts of the retained garden would be in shade, a sunny sitting out space would be retained to the south of the host property. The garden areas would be functional, useable, and of a good quality. They would provide existing occupiers with space for clothes drying, relaxation, play, planting, and food growing. The garden areas would also be well screened, or if the space was considered less private, then there is no reason as to why additional screening could not be introduced.
13. Accordingly, I find that the appeal proposal would retain a high quality of private amenity space for the occupiers of the host property and would accord in this respect with policies 1 and 12 of the CLP, policy G1 of the DPD, the CDG and the corresponding policies of the NPPF.

Character and appearance

14. The roadside (north eastern) boundary of the appeal site comprises a mature hedge which sits on top of a stone wall. Whilst I accept that its design does not fully reflect that of traditional Cornish Hedging, that latter can take various forms, and in this case, it is not dissimilar to Cornish Hedging found elsewhere. I also note that on the proposed block plan it is in fact referred to as "*Cornish Hedgerow*". Even so, and as I observed on site, the hedgerow makes a positive contribution to the character of the area, and to the verdant and semi-rural character of this part of Godolphin Cross, which lies within an Area of Great Landscape Value. The hedgerow integrates well with the roadside grass verge and other similar hedging that is to be found in the area.
15. Policies 1, 2, 12 and 23 of the CLP, policies E12 and E13 of the Breage Neighbourhood Development Plan 2017-2030 (NDP), and the guidance in the CDG, highlight the importance of retaining existing hedging within new developments and in protecting and enhancing the natural environment. The emphasis is on retaining and incorporating hedgerows within new developments, so as to sustain, protect, and enhance local distinctiveness, and maintain the special character and rural landscapes of Cornwall, both designated and undesignated. As well as being an important part of the landscape, hedgerows also have an important wildlife role and value.
16. The policies of the NDP and CDG recognise that hedgerows are not protected by law, but they seek to retain them within new developments, and to mitigate for any loss where there is an overriding need to remove the hedgerow. The proposed layout shows that some 3.5 metres of the existing wall and hedgerow would be removed to accommodate a new access to the appeal site. The impact that the loss of this wall/hedgerow would have on the area is already evident on site. As I

observed on my visit, the hedgerow above the wall has already been removed, I am assuming, in the exact location of the new access. There is no reference in the ASOC or in the Final Comments as to why and when this was removed. I also note from the ASOC the suggestion that irrespective of the outcome of this appeal the hedgerow would be removed, but again no reasoning for this is provided.

17. The removal of just part of the hedgerow has already had a negative impact on the verdant character of the area and the positive contribution this boundary makes to the character and appearance of the area. As I confirmed, the stone wall is still in place on this section, and it could therefore be replanted. Even so, the submitted layout does not show how this loss of hedgerow could be mitigated by any new planting. There is also no evidence before me to indicate whether alternative access arrangements have been considered that would allow the hedgerow to be retained and enhanced. For example, whether there is the potential to use the existing gated access as a shared access to the host property and new dwelling.
18. Accordingly, I find that this aspect of the appeal proposal would result in significant harm to the character and appearance of the area, contrary to the requirements, aims, and objectives of policies 1, 2, 12 and 23 of the CLP, policies E12 and E13 of the NDP and the corresponding policies of the NPPF.

Other Matters

19. The Council indicate that the appeal site falls within the zone of influence for the Fal and Helford Special Areas of Conservation (SAC), where a financial contribution is sought from all new housing to fund agreed mitigation measures. I understand that the Appellant has already signed an undertaking pursuant to section 111 of the Local Government Act 1972 and paid its contribution. Even so, in view of my findings on the main issues, I have not considered the implications of the appeal proposal on the SAC further.
20. The appeal site is located within the Tregonning & Gwinear Mining District World Heritage Site (WHS). Paragraph 202 of the NPPF states that there are a range of heritage assets, from those of local value to those of the highest significance, such as WHS, which are internationally recognised to be of Outstanding Universal Value (OUV). It continues by stating that these assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In considering the potential impact on the significance of designated heritage assets, paragraph 212 of the NPPF states that great weight should be given to the asset's conservation, and the more important the asset, the greater the weight should be.
21. A similar approach is set out in the policies of the CLP and DPD, and within the WHS Management Plan.
22. The advice received by the Council from the Cornish Mining World Heritage Site Office was that the proposal would have a neutral impact on the OUV. There is no evidence before me that would lead me to a different finding, and I therefore concur with the Council, and find that the appeal proposal would not have an impact on the WHS.

Planning balance and conclusions

23. The NPPF states that existing development plan policies should not be considered out of date simply because they were adopted prior to its publication. Each policy

should be assessed and due weight given to it based on its general conformity with the NPPF. In this respect policies 1, 2, 12 and 23 of the CLP and policies E12 and E13 of the NDP are, insofar as they refer to the main issues raised, consistent with, and remain in general conformity with, the NPPF policies. These include protecting and, where possible, enhancing local character and distinctiveness, promoting a high standard of amenity for existing and future users, enhancing the natural and local built environment, and being sympathetic to local character.

24. Even so, the Council have confirmed that, following the publication of the NPPF, they can no longer demonstrate a five year housing land supply. As such, paragraph 11 d) ii of the NPPF is 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.”*
25. The appeal proposal would boost housing supply, involve self-build, and generate employment during construction. Whilst these benefits are supported by other policies in the development plan and NPPF, and notwithstanding the findings of the appeal decision referred to in the ASOC, I would only accord them moderate weight. The contribution to housing supply is small, and the proposal is not seeking to address an identified affordable need. On the other hand, as I have found, the appeal proposal would have an unacceptable and harmful impact on the living conditions enjoyed by neighbouring occupiers and would have a harmful impact on the character and appearance of the area. These adverse impacts lead to conflict with a number of development plan policies, which remain up to date as they are consistent with those in the NPPF and thus should be accorded significant weight.
26. In my view, the harm I have identified would significantly and demonstrably outweigh the moderate benefits of the appeal scheme when assessed against the policies in the NPPF, taken as a whole. Consequently, the presumption in favour of sustainable development envisaged in the NPPF does not apply in this instance. The NPPF is not a material consideration in this instance that indicates a decision other than in accordance with the development plan.
27. For the reasons given above, and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR