

# PADSTOW TOWN COUNCIL

Station House  
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Padstow  
Cornwall  
PL28 8DA

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03 February 2021

**TO: PLANNING COMMITTEE**

Councillors: K Freeman (Chairman), M Evans, R Higman, J O'Keefe,  
Mrs A E Symons and Mrs T Walter

Dear Member

I hereby give you notice that a meeting of the **Planning Committee** will be held **\*remotely on Tuesday 09 February 2021 at 6.30 pm** for the purpose of considering and resolving upon the business to be transacted at the meeting as set out thereunder.

Yours faithfully

*K. Pemberton*  
Kathy Pemberton  
PP Town Clerk

Please note start time for this meeting

*\*Due to the current regulations in response to COVID-19 this will be a virtual meeting. If you wish to view the meeting or speak in the public participation section [NB: this is only on agenda items], please contact the Town Clerk by email to [enquiries@padstow-tc.gov.uk](mailto:enquiries@padstow-tc.gov.uk) or by phone on 01841 532 296, so you may leave a message and be contacted by a member of our team*

## AGENDA

Public & Press are invited to attend.

1. To receive **apologies for absence**
2. **To receive announcements (if any):** For information only
3. To receive **declarations of interest** relating to items on the agenda in accordance with Padstow Town Council's code of conduct.
4. **Public participation:** to receive submissions from members of the public relating to items on the agenda, in accordance with the Council's code of conduct & standing orders.
5. **To agree the minutes** of the meetings held on **Tuesday 12 January 2021.** (pg's 1-3)

## 6. Planning

### i. To advise of Cornwall Council planning decisions:

(pg's 4-5)

- a) **PA20/06450 6 Moyle Road Padstow Cornwall PL28 8DG** - Proposed rear extension, new front porch extension, front balcony and internal alterations.  
**APPROVED**
- b) **PA20/09170 Pentire Dobbin Lane Trevone Padstow PL28 8QP** - Variation of Condition 1 (approved plans) and 3 of Application No. PA20/03949 dated 29 July 2020 - Reserved matters application following outline approval PA17/08592 (access, appearance, landscaping, layout and scale)  
**APPROVED**
- c) **PA20/09496 Trelawney Trevone Road Trevone Padstow PL28 8QY** - Installation of solar panels to existing garage roof to the rear of the site.  
**APPROVED**
- d) **PA20/09974 Westerlies Southway Windmill Padstow PL28 8RN** - Erection of front single storey extension.  
**APPROVED**
- e) **PA20/10562 Trenoder Windmill Padstow Cornwall PL28 8RY** - Proposed extension linking existing outbuilding to house and installing a slate hung dormer in the main roof.  
**APPROVED**
- f) **PA20/10581 Driftwood Southway Windmill Padstow PL28 8QH** - Householder planning application for the remodeling of the appearance with first floor additions and extensions.  
**APPROVED**
- g) **PA20/10822 The Nook Fentonluna Lane Padstow Cornwall PL28 8BA** - Non material amendment (No 2) to application no. PA17/07415 dated 21<sup>st</sup> November 2017 for the demolition of buildings associated with former Tropical Gardens. Erection of new 2-storey 4 bedroom dwelling, widening of opening in northern boundary wall and associated landscaping works namely- amending east elevation from a hipped cantilever to a gable with supported first floor bay. Other amendments noted in PA18/11593 remain extant.  
**APPROVED**

### ii. The Town Council are consulted on planning applications as listed below. The Committee is asked to **consider the applications and agree a response to the Planning Authority (Cornwall Council)**.

(pg's 5-6)

The applications and their plans can be viewed on the Online Planning Register at [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

- a) **PA20/11316 Polventon B3276 Between Treator and Harlyn Bay Road Windmill Padstow** - Construction of extension to dwelling.
- b) **PA20/10976 West View House West View Trevone Padstow** - The proposal is to extend the existing rear single storey kitchen and sunroom with balcony above. Two storey extension to the side of the dwelling. Install two new windows at first floor level on the south west elevation. To replace the windows and bay extension at the front of the house with new windows more in keeping with the period of the house.
- c) **PA20/11325 The Walled Garden Duke Street Padstow Cornwall** - Alterations to an existing, disused concrete structure and the installation of two accessible WCs and storage space with corrugated roof.
- d) **PA20/11326 The Walled Garden Duke Street Padstow Cornwall** - Listed Building Consent for alterations to an existing, disused concrete structure and the installation of two accessible WCs and storage space with corrugated roof.

- e) **PA21/00471 Land NE of Curchey Cottage Padstow PL28 8LE -**  
Proposed conversion of stable building into a single dwelling.
  - f) **PA21/00632 41 Pellow Close Padstow PL28 8EY –** Extension to dwelling
- 7. To note Planning Inspectorate decision on the following application:** (pg's 6-13)
- a) **PA20/01087 Land West of 29 Grenville Road Padstow Cornwall PL28 8EX -** Proposed new house.
- 8. To note date of next meeting:** Tuesday 9 March 2021 at 6.30pm

**PADSTOW TOWN COUNCIL**  
**Minutes of the Planning Committee meeting held remotely on**  
**Tuesday 12 January 2021 commencing at 6.30 pm**

**Present:** Councillors K Freeman (Chairman), M Evans, R Higman, J O'Keefe, Mrs A E Symons and Mrs T Walter (part)

**In Attendance:** Mrs K Pemberton (Town Clerk), Mrs T Trestain (Support Officer and Minute Taker) and 5 members of the public

**P2020/52 Apologies:** There were no apologies for absence.

**P2020/53 Announcements:** Agenda item 6iih) PA20/10796 Hotel Metropole Station Road – Planning Officer has advised that not to consider this application at this time, as the client will be resubmitting new plans and the Town Council will be re-consulted.

Due to internet issues Councillor Mrs T Walter left the meeting and was unable to re-join.

**P2020/54 Declarations of Interest:** Councillor Higman declared an interest in agenda item 6 ii b PA20/09843 Treravel House Padstow

**P2020/55 Public Participation:** There was 5 members of the public that attended the meeting.

The first member of the public spoke in support of agenda item 6ii b) Treravel House. He outlined that:-

- It was a large residence which was a local business headquarters, with the remainder of the property split into bedrooms for staff accommodation.
- Cornwall Council had requested this be regulated as it was classed as a house of multi occupancy (HMO) and mixed use.
- This required both licensing and planning permissions. They had already processed their licensing application.
- Committee asked if fire regulations had been changed inline with a HMO and it was confirmed that this was dealt with under the licensing side and had been actioned.

All other members of public where in attendance to raise objection in respect of agenda item 6 ii a) 6 Moyle Road Padstow. 3 members of the public spoke. The following points were raised:

- There was a covenant on the properties to remain as single storey. It had been mentioned that it was understood this was not a planning issue.
- It was noted and appreciated that the plans had been amended to reduce the size and address some overlooking issues. However, the following concerns were raised:
- It was still a two-storey development in a single storey area.

- The development's size and scale were still overbearing with loss of views to other properties, particular concern raised about impact on gardens of properties close to development. Concerned it would set a precedent for further developments in the area.
- The development (and further applications, if this one is agreed) will change the outlook and spoil of the current bungalow setting.
- Development in this area would change the view from the Estuary and Camel Trail, looking back at this part of the town.

**P2020/56 RESOLVED** that the **minutes** of the meeting held on **Tuesday 8 December 2020** be signed as a true record.

**P2020/57 Planning**

**i. The following Cornwall Council planning decisions were noted:**

**a) PA20/07875 14 Grenville Road Padstow PL28 8EX – Construct new detached garage. APPROVED**

**b) PA20/08584 3 Netherton Road Padstow PL28 8EG – Construction of rear first floor extension, dormer to attic room, rear ground floor entrance extension and alterations to internal/external layout. APPROVED**

**c) PA20/08959 Padstow Touring Park Ltd – Variation of Condition 1 of Planning App No E1/2005/00666 to allow for the siting of 26 no. static caravans. APPROVED**

**d) PA20/08740 32 Egerton Road Padstow PL28 8DL – Proposed new rear extension and new doors to bedroom. APPROVED**

**e) PA20/09200 Sunnyside Beach Road Trevone Padstow PL28 8RA –Loft conversion APPROVED**

**f) PA20/09755 26 Sarahs Lane Padstow PL28 8EN – Proposed extension and alterations to existing dwelling with the inclusion of a Juliet balcony on the south elevation. APPROVED**

**g) PA20/09827 Blenny 1 Bowen Gardens Trevone Road Trevone Padstow – Single Storey extension APPROVED**

**ii. RESOLVED to make the following planning application responses to the Planning Authority (Cornwall Council):**

- a) **PA20/06450 6 Moyle Road Padstow Cornwall PL28 8DG – Amended plans – proposed rear extension, new front porch extension, front balcony and internal alterations. SUPPORTED, subject to no overlooking issues affecting property number 1**
- b) **Councillor R Higman left the meeting**

**PA20/09843 Treravel House Padstow PL28 8LB** – Change of use from a single dwelling house to a mixed use of a house in multiple occupation and office/administration base for business use (house Management Group) **SUPPORTED**

**Councillor R Higman returned to the meeting.**

- c) **PA20/10523 36 Pellow Close Padstow PL28 8EY** – Demolition of existing garage/store. Erection of two-storey extension to form garage/utility/garden room with two-bedroomed annexe over. **SUPPORTED**
- d) **PA20/10544 Land North of Trecerus Farm Trecerus Padstow Cornwall** – Continued use of temporary access (previously for phase 3) to serve phase 4 construction phase only. **SUPPORTED, to reinstate back to original state**
- e) **PA20/10581 Driftwood Southway Windmill Padstow** – Householder planning application for the remodelling of the appearance with first floor additions and extensions. **SUPPORTED**
- f) **PA20/10589 20 High Street Padstow PL28 8BB** – Listed Building Consent for internal renovation at ground floor only. Removal of polycarbonate lean-to porch at rear and re-hanging of front door. **SUPPORTED**
- g) **PA20/10788 28 Boyd Avenue Padstow PL28 8ER** – Replacement of existing precast reinforced concrete cladding with cavity concrete blockwork walls with brick outer leaf construction, demolition of existing garage and rear addition, erection of front and rear single storey extensions, raised decking, a two storey side extension including garage and installation of an air source heat pump. **SUPPORTED subject to noise levels from heat pump being acceptable for neighbouring properties**
- h) **PA20/10796 Hotel Metropole Station Road Padstow PL28 8DB** – Alterations and extensions to hotel to create new spa facility, external terracing, additional bedrooms and reconfigured car parking plus the addition of up to 10 new residential units on existing swimming pool site without compliance of condition 2 of decision notice PA20/06585 dated 25.11.20  
**NOT DISCUSSED AND TO BE RESUBMITTED AS ADVISED BY PLANNING**
- i) **PA20/10958 Poldhu Dobbin Close Trevone Padstow** – Demolish existing double garage. Build new garage with increased floor area. Stairs from garage to bedroom and shower room above. Juliet balcony to gable end in front of double opening doors.  
**SUPPORTED, subject to i) no overlooking issues and ii) remain part of house NOT separate dwelling**

**P2020/58 Date of Next Meeting:** Tuesday 9 February 2021 at 6.30pm

Meeting closed at 7.01pm

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**PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 09 FEBURARY 2021**

**Agenda item 6i: To advise of Cornwall Council planning decisions**

- a) **PA20/06450 6 Moyle Road Padstow Cornwall PL28 8DG** – Proposed rear extension, new front porch extension, front balcony and internal alterations.  
Padstow Town Council = NOT SUPPORTED i) two storey application in a single storey development; ii) over looking issues; and iii) extension out of character with existing bungalow.  
**Then amended plan application was submitted.**  
Padstow Town Council = **SUPPORTED, subject to no overlooking issues affecting property number 1**  
Cornwall Council = **APPROVED**
- b) **PA20/09170 Pentire Dobbin Lane Trevone Padstow PL28 8 QP** – Variation of condition 1 (approved plans) and 3 of application no. PA20/03949 dated 29 July 2020 – Reserved matters application following outline approval PA17/08592 (access, appearance, landscaping, layout and scale)  
Padstow Town Council = **SUPPORTED; provided roof level doesn't go up and noise from heat pump is within acceptable level**  
Cornwall Council = **APPROVED**
- c) **PA20/09496 Trelawney Trevone Road Trevone Padstow PL28 8QY** – Installation of solar panels to existing garage roof to the rear of the site.  
Padstow Town Council = **SUPPORTED**  
Cornwall Council = **APPROVED**
- d) **PA20/09974 Westerlies Southway Windmill Padstow PL28 8RN** – Erection of front single storey extension.  
Padstow Town Council = **SUPPORTED**  
Cornwall Council = **APPROVED**
- e) **PA20/10562 Trenoder Windmill Padstow Cornwall PL28 8RY** – Proposed extension linking existing outbuilding to house and installing a slate hung dormer in the main roof.  
Padstow Town Council = **SUPPORTED**  
Cornwall Council = **APPROVED**
- f) **PA20/10581 Driftwood Southway Windmill Padstow PL28 8QH** – Householder planning application for the remodeling of the appearance with first floor additions and extensions.  
Padstow Town Council = **SUPPORTED**  
Cornwall Council = **APPROVED**
- g) **PA20/10822 The Nook Fentonluna Lane Padstow Cornwall PL28 8BA** – Non material amendment (no.2) to application no PA17/07415 dated 21 November 2017 for the demolition of buildings associated with former Tropical Gardens. Erection of new 2-storey 4 bedroom dwelling, widening of opening in

northern boundary wall and associated landscaping works namely – amending east elevation from hipped cantilever to a gable with supported first floor bay. Other amendments noted in PA18/11593 remain extant.

Padstow Town Council = **Via ESD – SUPPORTED; as only small changes and not likely to drastically change the overall appearance which Cornwall Council approved.**  
Cornwall Council = **APPROVED**

### **Agenda item 6ii: Applications to consider**

A number of the applications being discussed on this occasion are amendments of previous applications or have been discussed in some form before. Therefore, the Support Officer has included information below for the Committee regarding Padstow Town Council's earlier comments, to help them consider the changes.

The Support Officer will send another report to Councillors regarding comments gathered on each application on the day of the meeting. Councillors are reminded that they can check comments that have been submitted to Cornwall Council the Online Planning Register at [www.cornwall.gov.uk](http://www.cornwall.gov.uk)

#### **a) PA20/11316 Polventon B3276 Between Treator and Harlyn Bay Road Windmill Padstow**

Last application which Padstow Town Council was consulted on for this site was PA17/05595 Proposed demolition of existing dwelling and construction to two dwelling. Which Padstow Town Council SUPPORTED and Cornwall Council APPROVED.

Since the PA17/05595 Cornwall Council has also granted PA20/05616 | Proposed Certificate of Lawful Development for Confirmation of lawful commencement in respect of proposed demolition of existing dwelling and construction of two dwellings in respect of planning permission: PA17/05595 – Padstow Town Council are not consulted on these types of applications.

The Planning Officer has confirmed:

'That the site has been split into two ownerships and the applicant for this one is not intending at this time to demolish and rebuild the house – however they could in future do that under the extant PA17 permission.

The other half of the site is in separate ownership, it is possible that the dwelling on that part of the site will be built at some point, as approved on the PA17 application -as they can build as part of that permission.

Essentially the important thing is that this application is dealt with in its own right as a standalone application.'

#### **b) PA20/10976 West View House West View Trevone Padstow**

No further information from Support Officer

#### **c) PA20/11325 The Walled Garden Duke Street Padstow Cornwall**

#### **d) PA20/11326 The Walled Garden Duke Street Padstow Cornwall**

Within the design and statement document for these applications it is mentioned about the previous approved application PA20/02300 – for Committee members reference.



PA20/02300 Workshop Land Rear of 16 Duke Street Padstow Cornwall -  
Repair of Bothy building and reinstatement of previously removed chimney.  
Installation of worktop and free-standing external WC.  
Padstow Town Council comment on PA20/02300 = **SUPPORTED – provided  
Conservation Officer satisfied**

- e) **PA21/00471 Land NE of Curchey Cottage Padstow PL28 8LE**
- f) **PA21/00632 41 Pellow Close Padstow PL28 8EY**

**No further information from Support Officer on application e & f.**

**PADSTOW TOWN COUNCIL - PLANNING COMMITTEE: 09 FEBURARY 2021**

**Agenda item 7. To note Planning Inspectorate decision on the following application:**

- a) **PA20/01087 Land West of 29 Grenville Road Padstow Cornwall  
PL28 8EX - Proposed new house.**

Cornwall Council sent the Council the decision notice for the planning appeal which was allowed (decision notice appendix 1). Cornwall Council also included the decision on the cost claim against Cornwall Council, which was dismissed (decision notice appendix 2).



## Appeal Decision

Site Visit made on 11 December 2020

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

**Appeal Ref: APP/D0840/W/20/3256807**

**Land west of 29 Grenville Road, Padstow PL28 8EX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Oliver Bealing against the decision of Cornwall Council.
- The application Ref PA20/01087, dated 6 February 2020, was refused by notice dated 29 June 2020.
- The development proposed is described as Proposed new house.

### Decision

1. The appeal is allowed and planning permission is granted for the proposed new house at Land west of 29 Grenville Road, Padstow PL28 8EX in accordance with the terms of the application, Ref PA20/01087, dated 6 February 2020, and subject to the conditions set out in the schedule to this decision.

### Application for costs

2. An application for costs was made by Mr Oliver Bealing against Cornwall Council. This application is the subject of a separate Decision.

### Preliminary Matters

3. I observed on my site visit that construction of the proposed house was well underway. I have dealt with the appeal on this basis.

### Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of 29 Grenville Road, with particular regard to outlook and overshadowing.

### Reasons

5. The appeal site forms the end plot of the cul-de-sac of Grenville Road. It is situated between a field to the west, dwellings to the north and east and the highway to the south. The submitted evidence indicates that the site previously formed amenity space for 29 Grenville Road. Prior to the proposed development being built, the site would therefore have been likely to provide No 29 with good levels of afternoon sunlight and an open outlook over the fields to the west.
6. Although the closest parts of the rear garden of No 29 to the proposed house are overshadowed by it, No 29's rear garden is relatively wide and long. I observed on my site visit that the main sitting out area at No 29 is also located roughly in the middle of the rear garden. Both that area and the main section

of lawn – which it seems to me are likely to be the most used parts of the garden – are situated beyond the end of the main rear wall of the proposed house. Accordingly, the occupiers of No 29 would not be significantly affected by the appeal proposal when using their rear garden, with much of it remaining relatively open and receiving good levels of outlook and sunlight.

7. However, the relatively significant depth of the proposed house, as built, means that it projects well beyond the rear wall of No 29, while the gently sloping land emphasises its height. I observed on my site visit that it appears as a relatively significant and imposing feature from the rear elevation of No 29. Combined with the proximity to the shared boundary, the proposed house, as built, therefore reduces outlook and overshadows the rear windows of habitable rooms on the ground- and first-floors of No 29.
8. For the above reasons, I conclude that the proposed development would harm the living conditions of the occupiers of 29 Grenville Road, with particular regard to outlook and overshadowing. I therefore find that it conflicts with Policy 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP) which, amongst other aspects, requires development to protect individuals and property from overshadowing and overbearing impacts.

### **Planning Balance**

9. Planning permission PA18/12050 was granted by the Council in 2019 for a new house on the site with a similar scale and design as the appeal proposal. Although that permission is extant and has been implemented, it has been put to me that the scheme cannot be constructed in the approved position due to the presence of a South West Water (SWW) pipe, which was identified by SWW in their consultation response to that planning application. However, the evidence submitted with the appeal indicates that the pipe is not present in the position shown on the SWW map and does in fact not extend across the site. It seems to me that the approved scheme could therefore be completed in accordance with the approved details. In any event, even if the water main were in the position previously advised, I note that SWW have indicated that it could be diverted at the appellant's expense. Accordingly, I place significant weight on the approved scheme as a realistic and feasible fallback. Despite construction work continuing during the Council's determination of the planning application the subject of the appeal, the evidence before me does also not indicate that the construction of the as built house could reasonably be described as intentional unauthorised development.
10. The submitted evidence, including the site plan and elevation comparison drawings, indicates that the approved scheme and the appeal proposal are broadly similar, including in relation to the distance from the shared boundary. However, the main difference relevant to the main issue is that the appeal proposal is located further to the north and therefore projects further beyond the rear of No 29. Yet, compared with the approved scheme, the additional projection to the rear – at approximately 1.8 metres – is not particularly significant, even taking account of its proximity to the shared boundary, while its ridge height is slightly lower than the approved scheme.
11. I have found that the proposed house, as built, appears as an imposing feature which reduces outlook and results in overshadowing of the rear elevation of No 29. Although few details are included with the appellant's shadow modelling which only covers two dates, it nonetheless provides a useful indication of

overshadowing and shows that the approved scheme would also overshadow No 29 to a not inconsiderable extent. Given its location and scale, the approved scheme would also clearly limit outlook from No 29 and appear as an imposing feature extending along, and in close proximity, to the shared boundary.

12. The proposed development would cause further loss of outlook to the west and more overshadowing, with for example less afternoon/evening sunshine reaching No 29 and particularly its lounge. However, the difference in the levels of outlook and overshadowing between the appeal proposal and the approved scheme would not be significant. The reduction in ridge height also helps to mitigate the change to some extent. Furthermore, I observed on my site visit that No 29 continues to benefit from good levels of outlook across its rear garden towards the rolling landscape to the north and also, albeit to a lesser extent, to the north-west.
13. When consideration is given to the fallback scenario, I find that the change to the living conditions of the occupiers of No 29 between the approved scheme and the proposed, as built house would be limited and the additional harm arising from the appeal proposal in relation to outlook and overshadowing would not be significant. In coming to this view, I have taken account of the provisions relating to achieving well-designed places in the National Planning Policy Framework and the guidance relating to outlook and light within the Council's 'Domestic Alterations and Extensions Guide' and draft 'Design Guide'.
14. The submitted evidence indicates that a single-storey but nevertheless relatively sizeable extension to the approved scheme could be constructed under permitted development rights. It seems to me that such an extension, which could project beyond the main rear wall of the appeal proposal, could result in greater harm to the living conditions of the occupiers of No 29 than the proposed house, as built. While permitted development rights cannot be retrospectively removed from the approved scheme, a planning condition limiting the ability to extend the appeal proposal could be imposed.
15. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I attach significant weight to the conflict I have identified with the CLP. However, in this instance and with the approved scheme representing a viable fallback scenario that would not cause substantially less harm, I find that the above material considerations outweigh the limited additional harm that I have identified would arise as a result of the appeal proposal. This indicates that permission should be granted, notwithstanding that the development does not accord with the above listed CLP policy.

### **Other matters**

16. A number of other matters have been raised by the Council and interested parties and I have taken them all into account. Those related to planning include: the effect of the proposed development on overlooking/the privacy of adjoining dwellings and the levels of daylight reaching No 29; smoke from the chimney; the position of the red line boundary and land ownership issues; the appellant knowing about the constraint related to the SWW pipe at the time of the previous application and when commencing works on site; the lack of enforcement proceedings; the differences between planning permission and building regulations; and setting a precedent. However, whilst I take these representations seriously, I have not been presented with compelling evidence

to demonstrate that the appeal proposal would result in unacceptable effects in relation to any of these matters. Some of the issues raised can also be addressed by conditions. Consequently, they do not lead me to a different overall conclusion that the appeal should be allowed.

**Conclusion and Conditions.**

17. For the above reasons, the appeal is allowed.
18. As the proposed development has begun, it is not necessary to impose the standard time limit condition. However, in the interests of certainty, I have imposed a condition requiring the carrying out of the development in accordance with the approved plans. A condition relating to the proposed hedgerow to the south of the proposed dwelling and garage is necessary in the interests of the visual amenities of the area and with regards to on-site biodiversity. A condition covering the glazing and opening of the first-floor bathroom window is also necessary in order to protect the privacy of adjoining occupiers, and I am satisfied that this would prevent unacceptable levels of overlooking including into existing habitable rooms.
19. The Planning Practice Guidance indicates that conditions removing permitted development rights should only be used in exceptional circumstances. However, the appellant has suggested that such a condition could be imposed in order to avoid future extensions of the proposed new house from resulting in additional overshadowing and overbearing impacts on No 29. On the basis of the submitted evidence, it seems to me that future extensions of the proposed development could indeed harm the living conditions of adjoining occupiers. In this instance, preventing extensions to the proposed new house under permitted development rights is therefore necessary and reasonable in order to protect the living conditions of adjoining occupiers.

*T Gethin*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No 2179[GA]100-02 Rev B; Drawing No 2179[GA]101-02 Rev E; Drawing No Proposed 2179-101-04 REV 04; Drawing No Proposed 2179-101-05 REV 04; Drawing No Proposed 2179-101-03 REV 03; Drawing No Proposed 2179-101-07 Rev 01; Drawing No 2179-100-21; and Drawing No 2179-100-20.
- 2) Prior to occupation of the dwelling hereby approved, details of the hedgerow to the south of the dwelling and garage shall be submitted to and approved in writing by the Local Planning Authority. Details shall include plans and written specifications of the mix, size, distribution and density of the hedgerow as well as cultivation proposals for the maintenance and management. The hedgerow shall be planted and thereafter retained in accordance with details submitted and approved. All planting 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. 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) Prior to occupation of the dwelling hereby approved, the first floor window which serves the bathroom on the east elevation shall be fitted with obscure glazing and restricted to opening 12 degrees out and the window shall be permanently retained in that condition thereafter.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to the dwelling within Class A of Part 1, Schedule 2 of the Order shall be constructed other than those expressly authorised by this permission without planning permission having first been granted on an application made for these purposes.

## **END OF SCHEDULE**



## Costs Decision

Site visit made on 11 December 2020

by **T Gethin BA (Hons), MSc, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 January 2021

### **Costs application in relation to Appeal Ref: APP/D0840/W/20/3256807 Land west of 29 Grenville Road, Padstow PL28 8EX**

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
  - The application is made by Mr Oliver Bealing for a full award of costs against Cornwall Council.
  - The appeal was against the refusal of planning permission for Proposed new house.
- 
1. The Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process. The applicant considers that the Council delayed development that should otherwise have been permitted and made vague and inaccurate assertions about the proposal's impact. The Council is therefore said to have acted unreasonably by failing to give sufficient weight to the valid fallback position and through refusing the application despite the advice of its Officers.
  2. I have noted the recommendation of Council Officers in the Committee Report and the minutes of the East Sub-Area Planning Committee meeting where the planning application was considered by Council Members. However, Members are not required to accept Officers' professional advice so long as a case can be made for the contrary view.
  3. The minutes of the Committee meeting indicate that the merits of the development were discussed and various issues considered and debated. This includes the matters covered by the refusal reason, and I have little substantive evidence which indicates that the Committee's decision was based on vague or inaccurate assertions. I note that the minutes, within the section covering Officers' responses to Members' questions, also refer to the extant planning permission on the appeal site. It is therefore evident to me that Members were cognisant of the fallback position, which was covered in detail in the Committee Report, and the PPG is clear that it is for the decision maker to decide what weight is to be given to the material considerations in each case.
  4. Following the Committee's determination to refuse the planning application, the Council issued its Decision Notice. That sets out the reason for refusal, which is complete, precise, specific and relevant to the development proposed, and details the alleged harm and the local planning policy that Members considered the development conflicts with. The Council's appeal statement subsequently elaborates on the refusal reason and the Council's concerns with the proposed development, and includes sufficient detail to substantiate its position.

5. Although the applicant considers that it accords with planning policy, my assessment of the proposed development – in relation to the main issue – concluded otherwise. However, while I have come to a different overall conclusion to the Council and have allowed the appeal, this does not mean that it acted unreasonably in refusing the planning application. As set out above, Members are also not bound to accept the advice of their Officers and the weight to be given to a particular issue is a matter for the decision maker.
6. For the above reasons, I find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the PPG, has not been demonstrated.

*T Gethin*

INSPECTOR