

Montagu Town Planning Limited

PLANNING POLICY ASSESSMENT AND EXPLANATORY STATEMENT

PUDDING ROCK, TRENANCE,
MAWGAN PORTH, NEWQUAY

APPLICATION FOR PLANNING PERMISSION FOR THE PROPOSED
REPLACEMENT OF A SECTION OF THE EXISTING CORNISH HEDGE
BOUNDARY WITH A HIGHER CORNISH HEDGE BOUNDARY ALONG
THE NORTHERN AND WESTERN BOUNDARIES

CLIENTS: MR AND MRS J BROWN

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1. Introduction

- 1.1 This Statement has been prepared by Montagu Town Planning Ltd, on behalf of Mr and Mrs J Brown who own the site.
- 1.2 This statement is submitted in support of a detailed planning application for the proposed replacement of a section of the existing Cornish hedge boundary with a higher Cornish hedge boundary along the northern and western boundaries.
- 1.3 The Applicants are seeking to regain privacy to the site's private amenity space. The proposed replacement boundary treatment has been developed with the full agreement of the owners of the neighbouring property at Boscarne. The proposed increase in the height of the boundary treatment is due an unforeseen loss of privacy to Pudding Rock's amenity space during the development of the replacement dwelling at Boscarne – in particular, windows to Boscarne's southern elevation will look directly into Pudding Rock's garden/private terrace. The Applicants have been in direct contact with the owners of Boscarne who are in agreement with the proposal and are satisfied with the proposed replacement Cornish hedging as a suitable and appropriate solution for both properties and the surrounding landscape
- 1.4 A detailed consideration of the various planning policies is provided below. That said, it is considered that the development complies with the requirements of the Development Plan for the following reasons:
 - The development will result in the provision of a replacement Cornish hedge which will ensure that the privacy of the occupants of the dwelling at Pudding Rock and Boscarne are adequately protected;
 - The proposed Cornish hedge is an appropriate means of boundary treatment, considering what has been previously granted permission as well as considering the coastal context of the site; and
 - As a result of the scale of the proposal, the development will not result in any adverse landscape impacts.

2. Site Description

- 2.1 The application site is developed with a single storey, well design dwelling, known as Pudding Rock. The dwelling is set within an appropriately sized plot, which is surrounded by several other dwellings which differ in scale, mass, and bulk, in comparison to the subject dwelling.
- 2.2 The dwelling is sited such that its western elevation faces the sea. To the west of the dwelling is a private garden/terrace, which is enclosed, by means of the boundary Cornish hedge that extends along the eastern and northern boundaries of the application site.
- 2.3 In April 2020 planning permission was granted, under application reference **PA20/01376**, for the demolition of the dwelling and the construction of the replacement dwelling and detached garage at Boscarne. That development is significantly advanced with the site enclosed by hoardings.
- 2.4 Neither the application site, nor the surrounding properties are located within any national or locally designated important landscape.

3. Application Proposal

- 3.1 As has been mentioned previously planning permission is sought for the proposed replacement of a section of the existing Cornish hedge boundary with a higher Cornish hedge boundary along the northern and western boundaries.
- 3.2 Several images are provided of the replacement dwelling at Boscarne as part of this application. Whilst the site is enclosed by hoardings, it is nevertheless evident from these images than when the hoardings are removed the windows in the elevation facing Pudding Rock will have a direct and unobscured view into the private garden/terrace to the west of Pudding Rock.

- 3.3 In order to address this unfortunate oversight, a replacement Cornish boundary hedge, which is higher than the existing boundary hedge is proposed, which will extend along the northern and western boundaries.
- 3.4 The height of the existing boundary hedge measures between 1.3m and 1.5m in height, when measured from the ground level of the application site. The proposal will increase the height of the hedge to 2.3m in height, which will include the top planted vegetation. This will ensure that views from the windows at Boscarne are obscured and therefore privacy of the private garden to the rear of the dwelling at Pudding Rock will be ensured and maintained.
- 3.5 The proposal will merely increase the height of a section of the boundary hedge, replacing the existing boundary hedge with another boundary hedge, thereby providing a further suitable means of boundary enclosure.
- 3.6 The following plans and documents are submitted as part of the application:
- Drawing No.0011 - The Site Location Plan (scale 1:1250);
 - Drawing No.001 – A Section Plan through the Proposed Replacement Hedge (scale 1:20);
 - Drawing No.002 – The Existing Elevations (scale 1:100);
 - Drawing No.003 – The Proposed Elevations (scale 1:100);
 - Drawing No.0010 – The Proposed Block Plan (scale 1:500);
 - Three Images of the Existing Dwelling Under Construction (NTS); and
 - The Planning Policy Assessment and Explanatory Statement compiled by Montagu Town Planning Ltd.

4. Planning Policy Context

- 4.1 The revised National Planning Policy Framework (NPPF) published in July 2021 provides the Government's framework for delivering sustainable development and facilitating economic growth through the planning process. Planning applications must be determined in accordance with the Development Plan, unless material

considerations indicate otherwise in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004.

4.2 The introduction of the NPPF is a material consideration in planning decisions. The Development Plan for the Council covering this area of Mawgan Porth includes the adopted Cornwall Local Plan Strategic Policies 2010 - 2030.

4.3 The proposed scheme has been considered against the following guidance and specific policies, provided below, and is considered to be in conformity with these policies, as detailed within Section 5 of this Statement.

National Planning Policy Framework (NPPF)

4.4 The following sections of the NPPF are considered to relate to the proposal, namely:

- Section 2 – Achieving Sustainable Development;
- Section 12 – Achieving Well-Designed Places.

Cornwall Local Plan Strategic Policies 2010-2030

4.5 The formal adoption of the Cornwall Local Plan is seen as a transition to a more positive and permissive set of guidance of which to assess planning applications and planning appeals against.

4.6 The following policies are considered to relate to the proposal, namely:

- Policy 1 – Presumption in favour of Sustainable Development; and
- Policy 12 – Design.

5. Planning Assessment

Sustainable Development

5.1 The NPPF recognises that planning policies and decisions should play an active role in guiding development towards sustainable solutions; however, in doing so should

also take local circumstances into account, to reflect character, needs and opportunities of each area (paragraph 9). It recognises overall that sustainable development has to be a balance of economic, environmental and social factors with no one factor being dominant. Paragraph 10 of the NPPF states that development should be considered in the context of the presumption in favour of sustainable development.

Principle of the Development

- 5.2 Generally speaking, planning permission is not required to erect a fence, wall, or means of enclosure around a property, subject to the height of that means of enclosure not exceeding 2.0m when measured from the ground level of the application site. The proposal is clearly higher than the stipulated height and, as such planning permission is required for this form of development.
- 5.3 It is evident from the submitted Proposed Block Plan and Proposed Elevations that the application only relates to the replacement of a section of the boundary hedge with a higher boundary hedge.
- 5.4 The granted planning permission for the new dwellinghouse on the application site, was subject to several conditions. One of those conditions required the submission of a detailed Landscaping Scheme, which included information on boundary treatment. This information was subsequently submitted to the Council and the Council agreed in writing and discharged this condition. In doing so, the Council agreed that Cornish boundary hedges were a suitable means of boundary enclosure.
- 5.5 Policy 1 of the Cornwall Local Plan – Presumption in favour of sustainable development, states that *'When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework'*. The Policy states further that *'When considering whether a development proposal is sustainable or not, account will be taken of its location, layout, design and use against the three pillars of economic development, social development and environmental protection*

and improvement'. It is evident that when considering Policy 1 to the application proposal, the development proposal clearly accords with the criteria as set out.

- 5.6 The development which is the subject of this application seeks to replace a section of these existing hedges with higher hedges. As such, considering the above, this form of development is acceptable in principle. In light of the above, it is considered that the development complies with the requirements of Policy 1 of the Local Plan.

Design

- 5.7 Section 12 of the NPPF relates to achieving well-designed places. Paragraph 126 of The Framework accepts that the need to secure high quality and inclusive design goes beyond aesthetic considerations, and this is clear from the high-quality design, which incorporates both traditional and modern elements resulting in a pleasing appearance.
- 5.8 As required in paragraphs 129 and 130 of the NPPF, the proposed development will add to the overall quality of the area for the lifetime of the development; create an attractive and comfortable place to live; optimise the potential of the site; respond to local character and reflect the local surroundings; use materials through innovative design and be visually attractive through considered architecture and landscaping.
- 5.9 Policy 12 of the Local Plan provides that development proposals will be judged against fundamental design principles of character; layout; movement; adaptability, inclusiveness, resilience and diversity; and process. The policy requires all development to be of an appropriate scale, density, layout, height and massing with a clear understanding and response to its landscape, seascape and townscape setting. The policy requires that development proposals should protect individuals and property from overlooking and unreasonable loss of privacy; overshadowing and overbearing impacts; and unreasonable noise and disturbance.
- 5.10 Mention has been made of the fact that the Applicants are seeking permission for the replacement hedge in order to address an issue of potential overlooking onto a private rear garden/terrace. The proposal will ensure that views from the side windows of the replacement dwelling over onto the private garden/terrace will be obscured, which in

turn will ensure that the occupants of the dwelling at Pudding Rock can use this rear garden/terrace without feeling that this area is overlooked, or that there is some presence of the area being overlooked.

- 5.11 Whilst the section of the hedge that will be replaced will be greater in height than 2.0m, due to the underlying topography, with the land falling from north to south, the difference in height will not be so significant that it will appear out of character. The ground height on the adjacent property at Boscarne is higher than that at Pudding Rock. Furthermore, this section of hedge will be seen in the foreground of the replacement dwelling at Boscarne and, as such the development will not appear out of character or incongruous.
- 5.12 As is evident from the Proposed Block Plan, there is suitable separation distance between the dwelling at Pudding Rock and the replacement dwelling at Boscarne; the subject boundary hedges not being immediately adjacent to either dwelling. As such, and notwithstanding the increase in height over 2.0m due to this separation distance the proposed replacement section of the boundary hedge will not be seen as an overbearing feature.
- 5.13 The application seeks to replace a section of a boundary hedge with another section of a boundary hedge. The Council have already agreed that a Cornish hedge is a suitable means of enclosure and, as such this proposal is considered acceptable.
- 5.14 The submitted plans detail that the hedge, which will be of a standard means of construction, will be top planted with suitable vegetation, similar to that which exists. Consequently, the proposal will not result in any landscape impact.
- 5.15 In light of the above mentioned, the proposal complies with the requirements of Policy 12 of the Local Plan, advice provided within Section 12 of the NPPF and with the guidance provided in the Cornwall Design Guide.

6. Conclusion

- 6.1 It is considered that this is an appropriate location for the development that is the subject of this application. The development accords with the guidance set out in paragraph 11 of the NPPF, which asserts the presumption in favour of sustainable development that is at the heart of the NPPF.
- 6.2 A new suitable replacement section of boundary hedge is proposed which will ensure that the privacy of the occupants of the dwelling at Pudding Rock is secured and enhanced.
- 6.3 The proposal is considered to comply with the requirements of Policies 1, 2 and 12 of the Local Plan.
- 6.4 By reference to the relevant policies contained in the development plan, and considering all relevant material planning considerations, it is concluded that development the subject of this application is acceptable in all respects.
- 6.5 The proposal complies in all respects with the development plan for the purposes of Section S38(6) of the Planning and Compulsory Purchase Act 2004. Most particularly in terms of guidance contained in paragraph 11 of the NPPF and the policies, referred to above, in the Cornwall Local Plan, because the proposal is beneficial in social, economic and environmental terms and is therefore 'sustainable', planning permission should be granted without delay.