
Appeal Decision

Site visit made on 13 December 2016

by Mike Fox BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 29 December 2016

Appeal Ref: APP/D0840/D/16/3163729

Barnoon Villa, Clodgy View, St Ives, Cornwall TR26 1JT

- 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 and Mrs J Spencer against the decision of Cornwall Council.
 - The application Ref PA16/05746, dated 22 June 2016, was refused by notice dated 4 October 2016.
 - The development proposed is for a parking bay.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The Appellant states that planning permission is not required for the removal of the garden area. Whether or not planning permission for the appeal proposal is required is not a matter for me to determine in the context of an appeal made under Section 78 of the Town and Country Planning Act 1990. It is open to the Appellant to apply for a determination under sections 191/192 of the above Act to determine this matter and my decision on this appeal would not affect that determination.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the host property and the area.

Reasons

4. The appeal property forms one half of a pair of distinctive Victorian villas with high fronted gardens, which together form a key element in the character and appearance of the lower part of the lane where it is situated. The property also lies within the St Ives Historic Core, as designated in the 'made' St Ives Area Neighbourhood Development Plan (NDP).
5. The proposal for a parking space would result in the loss of the front garden through the removal of the existing stone wall which demarcates the front boundary of the property and the excavation of the raised garden. The loss of the wall and garden would have an adverse impact on the historic character of the streetscene, including undermining the visual unity of the pair of villas which includes the appeal property, leaving the next door property 'stranded' with an isolated raised garden. This would harm the character and appearance

of the appeal property itself and the historic character of the streetscene in the vicinity of the appeal property.

6. This proposal would therefore be contrary to policy 12 of the adopted Cornwall Local Plan, which states that development must maintain and enhance the distinctive and historic character of Cornwall. In addition, Local Plan policy 24 states that any harm to a designated heritage asset, such as the St Ives Historic Core, or a non-designated heritage asset, such as the appeal property, must be justified. The proposal would also be contrary to policy BE1 of the St Ives Area NDP, which states that development must preserve and enhance distinctive streetscapes, and policy BE5, which states that development should retain local materials and front gardens.
7. These development plan policies reflect national policy, as expressed in *the Framework*¹, which emphasises in Section 12 the importance of conserving and enhancing the historic environment. Paragraph 135 of *the Framework* also states that even non-designated heritage assets, such as the appeal property, should be taken into account in determining a planning application.
8. Whilst I agree with the Appellant that some properties in the lane have already lost their original character through the creation of car parking areas, this is not in my view a reason to allow the process of eroding the historic fabric of St Ives to continue, especially as there are newly adopted/made Local Plan and NDP policies in place, which set clear parameters for the management of future development in these sensitive areas. Furthermore, several of the existing parking areas follow the lie of the land, or have not involved the amount of excavation which would be required in this proposal. I also note the positive and sustainable intention of the Appellant to retain and reuse the original materials in the proposed development, which accords with NDP policy BE5. However, these considerations do not outweigh the reasons that have led me to dismiss the appeal.
9. Regarding highway safety concerns, I agree with the Council that vehicular access would be acceptable, due to the slow speeds of traffic using the lane. In relation to flood risk, I note the advice of South West Water, which would have needed to be followed, had I been minded to allow the appeal.

Conclusion

10. I have found that the proposal would harm the character and appearance of the appeal property, the streetscene and the historic core, contrary to the relevant policies in the Local Plan, the NDP and *the Framework*. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

Planning Inspector

¹ DCLG: National Planning Policy Framework (*the Framework*); March 2012.