
Appeal Decision

Site visit made on 21 February 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/D0840/D/16/3163733

Panorama, 1 Barnoon Terrace, St Ives TR26 1JE

- 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 Mrs Usher against the decision of Cornwall Council.
 - The application Ref PA16/08538, dated 13 September 2016, was refused by notice dated 31 October 2016.
 - The development proposed is the demolition of section of wall and construction of new access to highway.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. Since the application was refused planning permission, both the Cornwall Local Plan (CLP) and the St Ives Area Neighbourhood Development Plan 2015 – 2030 (NDP) have been adopted. As such, there is now a suite of new policies relevant to the determination of this appeal. Both parties have been given the opportunity to comment and therefore neither party has been prejudiced by this change to the development plan.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal relates to the property known as Panorama, which fronts onto Barnoon Terrace and backs onto Barnoon Hill. The rear of the site is currently enclosed by a high stone wall which appears to incorporate part of an outbuilding, the slate roof of which is visible above the wall.
 5. This rear part of the site is very prominent in views from the south east because the narrowing of Barnoon Hill at this point causes it to project forward into the road. In doing so it becomes a focal point in the views from the lower section of Barnoon Hill and this is reinforced by its elevated position. In this view the stone boundary walls are a distinctive feature of the street scene. They positively contribute to the character and appearance of the area and being of heritage interest, may reasonably be considered a non-designated heritage asset.
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6. The appeal proposal would therefore result in the loss of a significant section of a traditional and distinctive feature and the creation of an open and conspicuous car parking space. In doing so, this would materially reduce the existing visual quality of the streetscape.
7. I acknowledge that there are a number of existing vehicular accesses in the area of the proposal, however, because of the narrowness of the road, they are in the main only visible in closer approaching views and are either not visible or are largely screened in the key view I have identified. They do not therefore significantly influence the overall character of the area and certainly not to an extent whereby they would justify the further harm I have highlighted. It is also acknowledged that the neighbouring access does not have planning permission and whilst the Council may not have instigated enforcement action, I observed that such features do not respond positively to the street scene.
8. The appellant has stated that should this appeal be dismissed, the works would be carried out under permitted development rights. However, I do not have a Certificate of Proposed Lawful Development to demonstrate that such works could be carried in this location without the requirement for planning permission. This therefore reduces the weight I am able to attribute to this assertion. In any case I have determined the appeal on its own merits. Nevertheless, it is open to the appellant to apply for a determination under Sections 191/192 of the above Act in relation to this matter. My decision on this appeal under Section 78 of the Act does not affect the issuing of such a determination.
9. I acknowledge CLP Policy 27 requires all development to provide safe and suitable access and in this regard I appreciate the difficulties of parking in the area. However, the benefits of providing one parking space would not outweigh the harm I have identified nor would it significantly reduce any on street parking difficulties that currently exist, or any associated obstructions.
10. I therefore conclude that the proposal would be harmful to the character and appearance of the area and as such would conflict with CLP Policy 12 and NDP Policy BE5. These policies state, amongst other matters, that development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and historic character. Since NDP was made by the Council on 29 December 2016, it now forms part of the development plan and as such attracts full weight.
11. It therefore follows that the proposal would also conflict with paragraphs 17, 56, 58, 60, 64 and 135 of the National Planning Policy Framework which seek to reinforce local distinctiveness and require high quality design that responds to the character of the area.

Conclusion

12. For the reasons set out above and having regard to all other matters raised, the appeal is dismissed.

Richard S Jones

INSPECTOR