

Appeal Decision

Site visit made on 21 March 2017

by **Andrew Owen BA(Hons) MA MRTPI**

Decision date: 05 April 2017

Appeal Ref: APP/D0840/W/16/3158468

Tregenna, Upper Castle Road, St Mawes, Cornwall TR2 5BZ

- 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 & Mrs Nick & Miranda Pink against the decision of Cornwall Council.
 - The application Ref PA15/11338, dated 3 December 2015, was refused by notice dated 8 June 2016.
 - The development proposed is demolition of existing bungalow and garage and construction of new dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

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

Preliminary matter

3. Since the date of the Council's decision, the Cornwall Local Plan (CLP) has been adopted. As such, Policies 40, 6E/6D(ii) and (iii), and 6J of the Carrick District Local Plan referred to in the decision notice are no longer in force. The Council considers Policies 1, 2, 3, 12 and 23 of the CLP are relevant to this appeal and the appellant has provided comments on them.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area which lies within the South Coast Central section of the Cornwall Area of Outstanding Natural Beauty (AONB).

Reasons

5. The site is located on top of a promontory and the existing dwelling looks over the lower parts of St Mawes and its harbour. Due to this elevated position the existing house is prominently visible from a variety of positions in St Mawes. Also, despite the topography of the site and the single storey nature of the existing house, it contributes significantly to the Upper Castle Road street scene due to the lack of any boundary screening along its frontage.
 6. There is no consistent design in the nearby houses in the street scene, but they generally have a traditional appearance with pitched roofs and are finished in
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light coloured render. Indeed, the Cornwall and Isles of Scilly landscape Character Study identifies a strong vernacular in this area of rendered walls painted white, pink or cream. The houses are also all detached and set comfortably within spacious and verdant plots. This lends a low density character to the street scene. Some of the properties are particularly well vegetated, but plots like Tregenna are fairly open and allow views from the road down to the bay.

7. The proposed dwelling would be much larger than the existing bungalow and would occupy a significantly greater proportion of the plot's width. Though some of the building would be subterranean when seen from Upper Castle Road, that part which would be visible would appear to fill the majority of the site and would diminish the openness of the plot and the spaciousness of the street scene.
8. I accept the low profile of the development would mean it would be slightly lower than the ridge height of the existing dwelling. Nonetheless, due to its form, it would have a greater bulk at this level. Furthermore, I do not consider the existing dwelling is unattractive or detracts from the character of the area.
9. The combination of the width of the house and its greater massing would mean that it would appear incongruous when seen in the Upper Castle Road street scene and from positions around the harbour and the lower parts of St Mawes.
10. In addition the dwelling would incorporate a very contemporary design using stone, copper cladding, timber doors, steel fascia and render on its elevations as well as a considerable amount of glazing on the south elevation facing the harbour. Some other properties in the area also incorporate modern designs and have large windows facing the harbour. In particular, the appellant has highlighted the property adjacent to St Mawes Castle, which employs timber boarding on its elevations and a flat zinc roof, and the house at Clover Hill, which is a wide dwelling incorporating a significant amount of glazing. However the proposal before me differs from these examples as the large number of different materials to be used and the irregular shape and form of the building means it would have a confused design which would contrast strongly with the modern and traditional neighbouring properties.
11. I recognise that paragraph 59 of the National Planning Policy Framework (the 'Framework') guards against policies which are overly prescriptive in terms of design. Nonetheless, even accounting for variety and innovation in design, I consider the proposal's design and massing would mean it would appear inharmonious in its setting and would harm the character and appearance of the area. It would therefore conflict with Policies 2 and 12 of the CLP which require development to be of a mass, scale and general design appropriate to its setting.
12. Additionally, paragraph 115 of the Framework is clear that great weight should be given to conserving landscape and scenic beauty in AONBs. This is reflected in Policies 3 and 23 of the CLP. Due to the prominence of the dwelling, combined with its bulk and incongruous design, I conclude the development would harm the distinctive landscape character and scenic beauty of the surrounding area. As such it would conflict with Policies 3 and 23 of the CLP and the advice in the Framework.

13. I have given careful consideration to the other appeal cases referred to by the appellant¹. With respect to the merits of those cases, I consider the scheme before me is materially different having a different setting and being of a different design.
14. I need not come to a definitive view as to whether Policy HO8 of the Roseland Neighbourhood Development Plan (RNDP) can be considered up to date, as this is not determinative given the proposal conflicts with policies in the CLP. However even if I were to consider it not up to date, it still comprises part of the development plan and I am therefore able to give it at least limited weight in my reasoning. Consequently, in addition to the proposal's conflict with Policies 2, 3, 12 and 23 of the CLP I consider it would conflict also with part (v) of Policy HO8 of the RNDP which supports development which is in keeping with its setting.
15. In addition, as the CLP is up to date, and as I consider the development does not accord with the CLP, paragraph 14 of the Framework is not applicable. The proposal does not constitute sustainable development and would therefore fail to accord with Policy 1 of the CLP which encourages sustainable development.

Other matters

16. I recognise the development would provide some benefits economically, during its construction; socially, through the provision of an additional dwelling to the community; and environmentally, by providing a house which is more energy efficient than that it would replace. However I consider all these benefits to be limited and do not outweigh the harm I have found in respect of its impact on the character and appearance of the area including the AONB.

Conclusion

17. For the reasons given above, and taking account of all other considerations, I conclude that the appeal should be dismissed.

Andrew Owen

INSPECTOR

¹ APP/D0840/W/15/3003036, APP/D0840/W/16/3152319 and APP/D0840/W/15/3038260