
Appeal Decision

Site visit made on 27 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 26 April 2017

Appeal Ref: APP/D0840/W/16/3164727

The Gue Garage, The Gue, Porthleven TR13 9DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mr Oliver Waite against the decision of Cornwall Council.
 - The application Ref PA16/06851, dated 22 July 2016, was refused by notice dated 11 November 2016.
 - The development proposed is described on the application form as 'change of use from B1 studios to residential. Vertical extension & subdivision to form 2 self contained units. Unit 1: 2 bedroom. Unit 2: 1 bedroom. 2 car parking spaces'.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The proposal was amended during the Council's consideration of the application. I have therefore determined this appeal based upon the scheme that was before the Council when they reached a decision.¹

Main issues

3. The main issues are whether or not the development proposed would preserve or enhance the character or appearance of the Porthleven Conservation Area, and the effect of the proposal on the living conditions of the occupants of nearby properties.

Reasons

Porthleven Conservation Area

4. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Similarly policies 12 'Design' and 24 'Historic environment' of the Cornwall Local Plan Strategic Policies 2010-2030 (the 'Local Plan'), briefly summarised, require that all

¹ Being those plans referred to within the appellant's statement of case as 'additional documents issued in response to officer comments' and as included in correspondence from the appellant to the Council dated 27 September 2016. I would also note that the appellant explains within his appeal statement that the current plans contain an error, in that the window shown within the attic level plan 'should be ignored'.

development maintains Cornwall's distinctive historic character and that all heritage assets are appropriately conserved.²

5. The Gue Garage (the 'garage') is a commercial building in a relatively poor state of upkeep. It is a squat building of utilitarian form of significantly greater depth than street frontage, with a small area of open space behind. It does not face square-on to the carriageway the Gue, but rather at an angle. This results in the garage having the footprint of a parallelogram rather than rectangle.³
6. The Gue is a narrow carriageway and convenient pedestrian route between residential areas of Porthleven and the town centre, along which I witnessed a regular flow of pedestrians during my mid-afternoon site visit. The Gue slopes down significantly from Peverell Road towards the appeal site such that the garage is visible from various vantage points nearby. Development here would therefore be readily apparent.
7. Nestled within the close-knit built form of Porthleven, the Council do not object in principle to appropriate residential development here.⁴ The appeal site falls within the Porthleven Conservation Area (the 'PCA'). The Porthleven Conservation Area Appraisal & Management Strategy dated March 2010 (the 'CAA') explains that Porthleven originated as a planned nineteenth century harbour set within a topographic 'bowl' formed by steep surrounding cliffs.
8. The CAA describes how the area around the Gue is of mixed architectural character and represents part of the organic expansion of the settlement away from the harbour. Whilst nearby properties are variously set back and hard-up against the carriageway, and there is some modern development present, buildings nevertheless tend to be broadly rectangular in overall form and to reflect traditional proportions in their design.
9. Particular reference is made in the CAA to the late nineteenth century emergence in Porthleven of the commercial manufacture of nets and sails in modest 'netlofts'. A number of netlofts, small buildings of understated and traditional vernacular, are present nearby the appeal site. A number appear to have been converted into accommodation with minimal external alterations. Although the external appearance of the garage does not contribute positively towards the PCA, its modest scale is nevertheless reflective of the historic pattern of development in this particular location, netlofts in particular.
10. The proposal is to enlarge the existing building in order to create 2 flats arranged over 2 storeys with parking spaces underneath. Original stone walls would be retained and walls above timber-clad or stone-faced. Accommodation at second floor level would be within a pitched slate roof, the eaves of which would fall only slightly higher than the mid-point of the first floor. At its highest

² Whilst the Local Plan was emerging at the time that the Council determined application Ref PA16/06851, policies thereof were nevertheless cited in the Council's decision notice, and the parties have had suitable opportunity to comment on this changing local policy context at appeal.

³ As is clearly shown on plan GG S1.

⁴ As the proposed building would only be visible as part of the built form of Porthleven, the Council raise no objection to the proposal within regard to the appeal site's situation within the Cornwall Area of Outstanding Natural Beauty. There is nothing in the information before me, nor reason apparent from my site visit, to reach a different conclusion in this regard.

point the garage currently measures 3.3 metres, the ridge height of the building proposed would be substantially greater at approximately 8.5 metres.⁵

11. The proposal would make use of a currently under-used building and the external materials proposed would be broadly consistent with an historic aesthetic. However the proposal would significantly enlarge a building which is of an unusual shape compared to the prevailing form of nearby properties. It would result in a building with an atypically imposing roofline and tall narrow appearance. Considered as a whole the development would in my view be jarringly out-of-keeping with the prevailing characteristics of the surrounding area.
12. I acknowledge that buildings of contemporary design can complement historic properties, and have taken account of the various examples of this inter-relationship brought to my attention around Porthleven by the appellant.⁶ However in this instance the incongruity of the building proposed in respect of its overall form would be exacerbated by what the Council aptly describe as a somewhat haphazard arrangement of windows within the gable end of the building.⁷ I accept that there is some variety in the form and arrangement of windows within properties nearby. However windows within gable elevations are almost universally more limited in number, if present at all, and more regularly arranged than is the proposal here.
13. For the above reasons I conclude that the form and detailing of the building proposed would be markedly out of keeping with, and would therefore fail to preserve or enhance the character or appearance of the PCA. The proposal would therefore conflict with the relevant provision of policies 12 and 24 of the Local Plan and with relevant elements of the Framework. Given that the materials used would be consistent with an historic aesthetic, and as the proposal would represent a small element of the CA as a whole, in my view the harm arising can fairly be described as less than substantial.

Living conditions

14. Policy 12 'Design' of the Local Plan requires that development protects individuals from unreasonable overlooking, overbearing and overshadowing. Similarly the Framework sets out that planning should always seek to ensure a good standard of amenity for all existing and future occupants of land and buildings. The effect of a proposal on the living conditions of nearby occupants is inherently reliant on judgement based on the nature of the development proposed and its surrounding context.
15. To the rear the appeal site has a common boundary with the gardens, apparently communal, of Nos 18 and 19 Elliston Gardens. The rear elevation of the building proposed would be approximately 12.6 metres distant from the rear elevations of those properties.⁸ A pedestrian access runs to the side of the

⁵ As stated within the Council's officer report.

⁶ Including the Dockside Trading Company building and flats at Methleigh Bottoms.

⁷ As illustrated on supporting plan GGP 3A in particular.

⁸ As set out in the section plan on page 10 of the appellant's statement of case.

property, on the opposite side of which are Nos 5 and 6 Wesley Court at a distance of approximately 5.5 metres.⁹

16. Based on the plans before me and my site visit observations it does not appear that the windows within the side elevation of the building proposed facing across the pedestrian access would directly align with those present within the elevations of Nos 5 and 6 Wesley Court. Given the pitch of the roof, outlook through the roof lights of the building proposed would be principally towards the roofscape of surrounding properties or above. The building would be proud of the line of the principal elevation of the nearest residential property on the same side of the Gue as the garage. Consequently the proposal would not in my result in unacceptable effects in respect of privacy.
17. The proposal would result in a substantially larger built form in close proximity to Nos 18 and 19 Elliston Gardens and Nos 5 and 6 Wesley Court. This would result in some greater sense of enclosure to the occupants of these properties and some degree of overshadowing, particularly as experienced within the rear gardens of Nos 18 and 19. However the plot boundary of Wesley Court is already demarcated by a high stone wall and planting, which would moderate the effect of the proposal in respect of enclosure or outlook here.
18. Indeed the overall height and scale of the building proposed would be less than many nearby, and the roof pitch proposed would moderate any increased overbearing or overshadowing. As established above, the surrounding area is a close-knit historic environment. Many properties nearby have modest, if any outside space, and these properties and their outside spaces are frequently enclosed or overshadowed to a significantly greater degree by other buildings in close proximity than would result from the proposal here.
19. The proposal would have some effect in respect of privacy, outlook and overshadowing. However for the above reasons I conclude that, considered in its particular surrounding context, the effects of the proposal in these respects would not be so significant so as to result in demonstrable harm to the occupants of nearby properties. Consequently no substantive conflict arises with the relevant provisions of policy 12 of the Local Plan or with relevant elements of the Framework. Nonetheless that the proposal would not be unacceptable in this regard does not outweigh the harm that I have identified above that would arise in relation to the PCA.

Planning balance

20. With reference to paragraph 134 of the Framework, I now turn to the balance between the harm arising and the public benefits of the proposal. Both the Local Plan and the Framework are supportive in general terms of appropriate housing development. The Framework establishes that it is the purpose of planning to enable sustainable development, i.e. seeking economic, social and environmental gains jointly and simultaneously. In this context the proposal would, if implemented, result in two new dwellings in Cornwall and entail further social and economic benefits in supporting employment during

⁹ As cited within the Council's officer report, notwithstanding the alternative measurement of 'over 7 metres' given by the appellant in his appeal statement.

construction, and as future occupants would make use of nearby services and facilities.

21. However the benefits arising from two new dwellings would inevitably be modest, and there is no evidence before me to indicate that the Council's policies for the supply of housing should be considered out-of-date with reference to paragraph 49 of the Framework. Moreover the encouragement given within the Framework and Local Plan to delivering housing is not at the expense of ensuring that all housing is appropriately located and designed. In this context I cannot accord more than very limited weight to the benefits of the proposal, and accordingly the harm that would result from the proposal would clearly outweigh its benefits.

Other matters

22. Whilst I note the appellant's concern that the Cornwall Conservation Team has not commented on the proposal, this is a procedural matter rather than one with a bearing upon the planning merits of the proposal as I have considered above. Similarly, whilst I recognise that Porthleven Town Council support the proposal, this does not obviate the need to determine the proposal in accordance with the development plan unless material considerations indicate otherwise.

Conclusion

23. For the above reasons, and having taking all other matters raised into account, the proposal conflicts with the development plan taken as a whole and with the approach in the Framework. I therefore conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR