
Appeal Decision

Site visit made on 4 April 2017

by CD Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 15 May 2017

Appeal Ref: APP/D0840/W/16/3159908

Malahat, New Road, Cadgwith, Ruan Minor, TR12 7JZ

- 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 M Wild against the decision of Cornwall Council.
 - The application Ref PA16/05081, dated 1 June 2016, was refused by notice dated 28 July 2016.
 - The development proposed is demolition of existing domestic garage and erection of a single storey dwelling.
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Decision

1. The appeal is dismissed.

Application for costs

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

Procedural Matter

3. The Cornwall Local Plan (the Local Plan) has been adopted since the application was originally determined by the Council. This appeal is determined on the basis of the development plan at the time of writing.

Main Issue

4. The main issue whether the proposal would preserve or enhance the character or appearance of the Cadgwith Conservation Area.

Reasons

5. Cadgwith is a small coastal village surrounded by open countryside. This is an especially scenic location which is designated as an Area of Outstanding Natural Beauty (AONB) on the basis of its landscape quality. The appeal site is situated in a part of New Road which is characterised by low density residential development set on elevated land above the coast. Due to the prevalence of trees and open vistas, this particular part of New Road maintains a distinctly leafy and spacious appearance as it slopes downwards towards the village centre. The appeal site contains a domestic garage as well as trees and vegetation. It is within the Cadgwith Conservation Area, the significance of which lies mainly in the traditional buildings and the pattern of development surrounding the historic fishing port.
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6. Apart from the existing garage, the appeal site and adjoining land remain undeveloped. It is visually dominated by trees and vegetation, with views of the countryside and lower parts of the village glimpsed below. While there are dwellings to the north and south of the site along New Road, the land forms a distinctive part of the street scene in this location by contributing to the rural setting of the village and forming a clear gap in built development. Whilst the garage is visible from the road when traveling in either direction, it is not a particularly prominent feature due to its small size and simple proportions. Hence, despite being of little architectural merit, the garage has a limited impact on the vegetated appearance of the site or the appearance of the Conservation Area in this particular location. It is proposed to demolish the existing garage and construct a bungalow in its place.
7. The appeal site and adjoining land are the subject of a Tree Preservation Order. I understand that a number of trees were felled without consent, but replanting took place to the satisfaction of the Council. My attention has been drawn to a sketch plan showing the approximate location of the replanted trees. These are not individually identified within the appellant's tree survey. Even though the Council gave some leeway in the exact positioning of these trees, some of them appear to coincide with the footprint of the proposed dwelling, or at least be in very close proximity to it. I therefore recognise the concerns of the Council's Tree Officer that the ultimate height and spread of these trees has not been fully taken into account. Nonetheless, I accept that there may be some potential to move the young trees elsewhere within the site to avoid conflict with the proposed dwelling and note that the tree survey recommends mitigation planting. Although the tree survey indicates that a larger (individually identified) tree may need to be pruned back to accommodate the proposed dwelling, I accept that it would not necessarily have to be felled even though it may be subject to repeated pruning in the future.
8. The proposed dwelling would be built on different levels to respect the topography of the site and would therefore maintain a relatively low ridge height. Although comparatively modest in size, the dwelling would appear much larger than the existing garage when seen from New Road. Despite maintaining a low profile, it would be clearly seen from public vantage points within the road even though it would be partially screened by trees and vegetation long the boundaries of the site. It would be taller than the existing garage with a relatively lengthy side elevation facing the road. Whilst it is argued that the site is part of a domestic garden that was not originally covered by trees, it is nonetheless characterised by its mostly undeveloped appearance. As well as adding to the volume of built development visible from New Road, the proposed dwelling would also change the character of the site so that it became more overtly domestic in nature.
9. The proposed dwelling would thereby undermine a distinctive feature of the Conservation Area by eroding a verdant gap in development which contributes to the rural setting of the village and enables more distant views of the coast and countryside beyond. Although it would not appear prominent from the nearby public right of way or other parts of the AONB, the dwelling would nonetheless harm the New Road street scene. I recognise that the dwelling has been carefully designed in response to the individual characteristics of the appeal site and is of a much higher architectural quality than the existing garage. However, for the reasons given above, it would have a negative impact on the quality of the Conservation Area in this location.

10. The appellant compares the proposal to a development to the north of the site in the rear garden of Pen Y Craig which I understand was supported by the Council within the Conservation Area. Whilst I do not have the full details of the circumstances that led to this scheme being approved, the Officer Report suggests that it was not considered to have the same impact on the wooded character of the area. Nonetheless, I have determined the appeal proposal on its individual merits based on my own assessment of the site.
11. In reaching this decision, I am particularly mindful of paragraph 132 of the National Planning Policy Framework (the Framework) which states that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Nevertheless, while I have found that the proposal would harm the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework). Paragraph 134 advises that this harm should be weighed against any public benefits associated with the development.
12. With this in mind, I recognise that the development would make a contribution of a single dwelling to the local housing supply and there would be some economic benefits arising from the construction process. While such benefits should not be overlooked, they are not sufficient to outweigh the 'great weight' that is assigned to the protection of heritage assets. Hence, the proposal does not represent the sustainable development for which the Framework indicates that there is a presumption in favour.
13. I therefore conclude that the proposed development would neither preserve nor enhance the character or appearance of the Cadgwith Conservation Area. There would be conflict with Policies 12, 23 and 24 of the Local Plan which aim to promote local distinctiveness and conserve heritage assets. There would also be conflict with Policy 1 insofar as the proposal would not represent sustainable development. Although Policy 13 is cited in the original reasons for refusal, the Council confirm that this was renumbered as Policy 12 following the formal adoption of the Local Plan.

Conclusion

14. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

CD Cresswell

INSPECTOR