

Appeal Decision

Site visit made on 19 June 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 5 July 2017

Appeal Ref: APP/D0840/W/17/3168747

Sagres, Lighthouse Road, The Lizard TR12 7NT

- 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 & Mrs Mitson against the decision of Cornwall Council.
 - The application Ref PA16/06178, dated 27 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is a replacement dwelling with detached garage.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposed development on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the Cornwall Area of Outstanding Natural Beauty (the 'AONB').¹

Planning background

3. In 2010 the Council granted permission for extensions and alterations to Sagres, a currently unoccupied detached house (the 'previous permission').² As some demolition work has been undertaken the Council explain that 'it could be said that the [previous] permission remains extant', however this has not been formally established.
4. The appellants explain that the poor structural condition of the existing dwelling means that the only financial viable option for its redevelopment is demolition and reconstruction. Whilst there is limited information before me in support of this position, it nevertheless brings into question the practicality of implementing the previous permission.
5. However the Council do not make the case at appeal that the scheme previously proposed would be unacceptable now. I have therefore had regard to the previous permission, and to the diagram on page 8 of the appellants' appeal statement comparing that scheme to other proposals.

¹ Whilst the appeal site also falls within the Lizard Peninsula and Helford River Area of Great Scientific Value and Heritage Coast, the Council do not specifically object to the proposal in these respects.

² Ref PA10/00336.

Policy context

6. Policy 12 'Design' and criterion 2(a) of policy 23 'Natural environment' of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 22 November 2016, the 'Local Plan') respectively require that development maintains Cornwall's distinctive natural and historic character, and that 'great weight' is given to conserving landscape and scenic beauty in AONBs.
7. The National Planning Policy Framework (the 'Framework') explains that planning should seek to secure high quality design and that it is appropriate to reinforce local distinctiveness.³ It further sets out that AONBs have the 'highest status of protection in relation to landscape and scenic beauty'.⁴ Moreover I must have regard to the purposes for which AONBs are designated, conserving and enhancing natural beauty, in this decision.⁵ In this context it is therefore appropriate to consider the design of the proposal itself with reference to its surroundings, and its effects on landscape and scenic beauty.
8. Landscape character assessments may assist in identifying local distinctiveness and, where they raise relevant issues, AONB management plans may be material considerations.⁶ General policy MD16 of the Cornwall AONB Management Plan 2016-2021 dated May 2016 (the 'AONB Plan') seeks to ensure that the design of replacement dwellings responds to local character. Policy SCW8.04 of the AONB plan, which applies specifically to the South Coast Western section on the AONB in which the appeal site falls, encourages the use of 'vernacular design'.
9. The appeal is within the South Lizard Peninsular character area of the Cornwall and Isles of Scilly Landscape Character Study published in 2008 (the 'LCS'). Both the LCS and AONB Plan describe the surrounding area as an exposed coastal plateau characterised predominantly by rough ground and pastoral farmland. The LCS sets out how, outside of Lizard village, buildings are scattered in the landscape and generally represent vernacular architecture.

Reasons

10. Sagres falls to the south of the main built form of the village of Lizard, separated from it by an intervening field. It occupies an irregular parcel of land, which appears to have been established through the historic subdivision of a larger field. Sitting within the open landscape it is clearly reflective of the pattern of development in the area described in the LCS as 'isolated cottages and farms [which] punctuate the landscape', rather than as part of the village.
11. The existing building appears of understated mid-century design with rendered painted walls. It is in a relatively poor condition, and has clearly been uninhabited for some time. A dilapidated utilitarian blockwork outbuilding abuts Lighthouse Road, which would be demolished. Accordingly, I concur with the Council that Sagres is 'of no particular vernacular merit'. This does not, however, justify any development in its place.

³ Paragraphs 17 and 60.

⁴ Paragraph 115.

⁵ Pursuant to Section 85(1) of the Countryside and Rights of Way Act 2000.

⁶ Planning Practice Guidance Reference ID: 8-001-201040306 and 8-004-20140306.

12. The age and design of buildings in the wider area, particularly towards the north of the village of Lizard, is somewhat mixed.⁷ Nevertheless I observed there is a strong historic integrity towards the south of the village, as is referenced in the LCS, in particular around the appeal site. Buildings nearby, including many along Penmenner Road and at the southern fringe of the village feature stone walls, symmetrical elevations, and windows of modest size on account of historic construction methods. Whilst there are on occasion larger modern agricultural buildings in the landscape, few are visually prominent.
13. In overall form the dwelling proposed builds upon the arrangement of the existing property. However, as established above, Sagres is of little vernacular merit as it stands. In marked contrast to the prevailing historic integrity of the surrounding area the dwelling proposed would appear clearly modern in design. Windows would be highly varied in sizes, proportions and locations, elevations would be asymmetric, and walls rendered.
14. The contemporary design of the proposal would be most apparent in the southern elevation of the property which faces the coast: this would feature two gable-ended elements and extensive glazing serving rooms at ground and first floor level.⁸ By virtue of its domestic design this elevation would not reflect the aesthetic of agricultural buildings.
15. The appeal site is bounded by stone walls and mature planting. The topography of the appeal site and its immediate surroundings changes only slightly, whereas the wider landscape is undulating and levels change significantly closer to the coastline. On account of these factors and given the modest height of the existing dwelling, views of Sagres at present from nearby vantage points are largely limited to the roof and chimney stacks of the property.
16. However, the footpath towards Lizard lighthouse and Lizard point runs along the opposite side of Lighthouse Road to the appeal site. This is a popular tourist route, and there was a steady flow of pedestrians here during my mid-morning site visit.⁹ When walking from the village along this route, the roofline of the existing building partially obscures an otherwise panoramic view of the landscape towards the coastline, a characteristic feature of the landscape being its openness.
17. The proposal is for a dwelling greater in overall scale and height than the existing dwelling. Whilst the increase in maximum roof height would be modest, the eaves of the proposed dwelling would be substantially higher than at present in order to accommodate greater internal space. The dwelling proposed would therefore be of greater visual bulk than the existing dwelling or previous permission, particularly when viewed from nearby vantage points. It would be more visually prominent in the landscape, to the detriment of its openness and appreciation.

⁷ I have had regard in this context to the examples of more modern development referred to in section 2.6 of the appellants' statement of case and in the supporting Design and Access Statement. I would note that in relation to applications Ref PA10/00178, PA13/07639, PA09/00475, PA13/11687, PA14/03855 none are in the immediate vicinity of the appeal site, and there is limited information before me as to the planning considerations that applied in these instances.

⁸ As shown on plan 'PL-020.3 Revision B' in particular.

⁹ 'Receptors' sensitive to change with reference to the Landscape Institute's Guidelines for Landscape and Visual Impact Assessment.

18. On account of its isolated location south of the village, Sagres is also apparent from a number of vantage points in the wider landscape. This is particularly the case of its southern elevation, which I observed was partially visible from various points along the footpath which leads to Housel Bay. The southern elevation proposed would be greater in scale and thereby more prominent than that of the existing dwelling or previous permission, and of markedly modern design as established above.
19. I therefore cannot concur with the appellants' Landscape and Visual Impact Assessment, which summarises the effect of the development proposed as 'very slight, very localised and not significant'. Whilst the increase in bulk and height in numerical terms is relatively modest, its effect on landscape character would nevertheless be significant. Although the dwelling proposed would be partially screened by boundary features, the southern elevation would nevertheless be a relatively prominent feature which has little regard to the local vernacular in this location.
20. For the above reasons I conclude that the proposal would have an adverse effect on the character and appearance of the area, with particular regard to the landscape and scenic beauty of the AONB. The proposal therefore conflicts with the relevant provisions of policies 12 and 23 of the Local Plan, and with relevant elements of the Framework cited above.

Other matters and conclusion

21. I acknowledge that the development proposed would have certain benefits. It would replace a currently vacant property in a poor state of repair with one of modern standards, support employment during construction, and replace a dilapidated outbuilding with planting. However I am not satisfied on the basis of the evidence before me that the development proposed would be the only means of achieving these benefits, and in any event the benefits of the proposal are not sufficient to outweigh the clear harm that would result as identified above.
22. The appellants' statement of case compares the proposal before me with previously unsuccessful proposals.¹⁰ Whilst I accept that the current proposal has been amended with reference to its predecessors, this does not render it acceptable. For the above reasons, and having taken 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

¹⁰ Applications Ref PA13/06863 and PA15/03130.