
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: 14 July 2017

Appeal Ref: APP/D0840/W/16/3155409

Sequoia, Boskerris Road, Carbis Bay, Cornwall TR26 2NQ

- 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 Stephen Baker against the decision of Cornwall Council.
 - The application Ref PA15/11755, dated 10 December 2015, was refused by notice dated 27 July 2016.
 - The development proposed is the demolition of existing dwelling and construction of 5 residential units and associated works.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The decision notice refers to policies GD-1 and H-2 of the Penwith Local Plan adopted originally in February 2004. These policies are no longer part of the development plan following the adoption of the Cornwall Local Plan Strategic Policies 2010-2030 in November 2016 (the 'Local Plan'). All parties have had opportunity to comment on the Local Plan at appeal, and in relation to the St Ives Area Neighbourhood Development Plan 2015-2030 which became part of the development plan in December 2016 (the 'NDP').
3. This appeal follows a previous unsuccessful appeal.¹ Whilst I will refer to the previous appeal as relevant, I have determined the proposal before me on its particular merits.² I understand that a certificate of lawfulness exists related to the erection of a bungalow within the appeal site.³

Main issue

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

Reasons

5. Boskerris Road connects St Ives Road, the principal route through the settlement Carbis Bay, to Beach Road leading to the coast. The topography

¹ Ref APP/D0840/A/14/2216989.

² All plans referenced as 'Job No. 1511', sheets 1 to 11.

³ Ref W1/09-0370.

declines in level from the hillsides around the settlement towards Carbis Bay itself. Accordingly Boskerris road slopes down in level from St Ives Road towards the coast, the Council explaining that this amounts to 'something in the order of 4 metres' across the plot of Sequoia specifically.

6. As the inspector in the previous appeal noted, the scale of buildings in the area increases closer towards the coast, with various hotels and apartments there present taking advantage of the proximity to the coastline and sea views. Buildings in that location are often set into the changing topography such that although they contain accommodation arranged over a number of storeys, they are less imposing in the street scene than their height alone may indicate.
7. Moving away from the coast up Boskerris Road, the orientation and pattern of properties is varied. This reflects the organic growth of the settlement and that properties have been located and designed so as to maximise their aspect towards the coast. Around St Ives Road the character of the area becomes distinctly suburban, with comparatively modest properties of understated design prevailing. Bungalows are commonplace around certain streets, including nearby Gwellanmor Road and Richmond Way.⁴
8. Sequoia is mid-way between St Ives Road and the coast. It is a two storey house with a side elevation facing Boskerris Road, and has been somewhat extended over time. Adjacent properties Tregea and Trelawney are two storeys whereas neighbouring Summercourt is single storey. Whilst the plot of Sequoia appears to be larger than those of neighbouring properties, all the properties named above are set within spacious plots with landscaped gardens demarcated by mature planting. This results in a low density pattern of development nearby which is softened by natural features.
9. On the opposite side of Boskerris Road to that of the appeal site properties are generally two storeys. However they are typically set back from Boskerris Road and on a significantly lower ground level, limiting their visual prominence. In their design and appearance I observed that properties immediately adjacent to Sequoia assume the form of single dwellinghouses.⁵
10. Criterion 1 of policy 2 'Spatial strategy' of the Local Plan sets out that proposals should maintain and respect the special character of Cornwall. Criterion 1.a of policy 12 'Design' of the Local Plan further explains how development should be of an appropriate scale, density, layout, height and mass with a clear understanding of, and response to, its setting.
11. Criterion a) of policy GD1 'General development principles' of the NDP establishes that the 'size, scale and use of the proposed development [should be] sensitive to its surroundings'. Policy BE12 'Carbis Bay' requires that development has a proportionate plot size in relation to its surroundings with regard to the relevant Character Area in which it falls.
12. The appeal site falls within Character Area C5, i.e. east of St Ives Road as defined by the NDP. This is described as comprising 'mainly larger buildings of

⁴ This character is referred to in the Carbis Bay Character Area summary in Appendix 6 of the NDP.

⁵ Whilst I note that there are a number of hotels and holiday apartments or cottages within the wider area.

better quality and on larger plots, with more mature planting [than found in character area C2, which is to the west of the appeal site]’.

13. The National Planning Policy Framework (the 'Framework') sets out that planning should always seek to secure high quality design, that it is appropriate to seek to reinforce local distinctiveness without being unduly prescriptive, and that permission should be refused for development that fails to take the opportunities available for improving the character of an area.⁶
14. I accept that the proposal has been reduced in overall scale from the scheme in the previous appeal. However the footprint of the development proposed would be 345.5 square metres. This remains significantly larger than that of Sequoia, 131 square metres, or the combined floorspace of Sequoia and the bungalow referred to above in relation to which there is a certificate of lawful development of 220.7 square metres.⁷ It also appears greater than any adjacent property.
15. Accordingly a far greater proportion of the plot of Sequoia would be occupied by the building proposed than is currently the case. Similarly greater space would be given over to hard surfacing of some form for parking and vehicle manoeuvring than at present. The proposal would therefore increase the density of development in this area and reduce the natural open character currently present which is recognised both in the description of Character Area C5 of the NDP and acknowledged by the inspector in the previous appeal as a characteristic of the area which has been compromised by other development.⁸
16. The elevation of the building proposed facing Boskerris Road would be of greater width than that of the existing property. This element of the building would have windows or balconies arranged over three storeys as opposed to the existing two. Given the changing topography of the appeal site and the wider vehicular access proposed, this increased in perceived scale would be readily apparent and incongruous with regard to that of neighbouring properties.
17. Whilst I accept that the building proposed has a segmented form with differing roof pitches and designs, the maximum height of the proposal would nevertheless exceed that of Sequoia.⁹ In order to maximise outlook towards the coast the north east elevation of the building proposed would have large windows serving accommodation over three storeys. Although I acknowledge that the windows within the third storey are set within dormers, nevertheless this would mean that the building proposed would be perceived as three storeys in height in contrast to the more modest presence of other properties in the vicinity as described above.
18. On account of the overall height and scale of the building proposed, its complex segmented form and appearance as multiple units of accommodation as opposed to a single dwelling, it would be markedly out of keeping with the prevailing form of properties nearby. Therefore whilst I accept that there is

⁶ Including at paragraphs 17, 60 and 62.

⁷ Figures as stated on plan 'Job No. 1511. Sheet 2.'.

⁸ At paragraph 8 of that decision.

⁹ As shown on plan 'Job No. 1511. Sheet 9.'.

some diversity in the pattern and design of buildings in the area, in my view the building now proposed would represent an incongruous addition.

19. For the above reasons I conclude that the proposal would have an adverse effect on the character and appearance of the area in conflict with the relevant provisions of policies 2 and 12 of the Local Plan, policies DG1 and BE12 of the NDP, and with relevant elements of the Framework.

Other matters

20. There is no robust evidence before me to indicate that relevant development plan policies are out-of-date, and as such the proposals falls for consideration in accordance with the development plan unless material considerations indicate otherwise. I accept that the proposal would provide for additional accommodation in Cornwall, support employment during construction, and future occupants would make use of nearby services and facilities.
21. However the benefits of the proposal in this respect would inevitably be modest, and there is no evidence before me that the development is necessary to meet any policy targets of the development plan. Moreover neither the general support in the Local Plan or Framework towards housing provision is at the expense of ensuring that all development integrates appropriately with its surrounding environment.
22. I understand that the appellant also owns the Carbis Bay Hotel, and that he intends to undertake further work to that property. Whilst he has explained that 'returns here [i.e. resulting from the development proposed] would be used to fund that development' there is no robust evidence before me in respect of this inter-relationship.
23. I have further considered the concerns raised by nearby residents including in relation to privacy, enclosure, disturbance, access, and the use to which the units may be put. These matters are not part of the Council's case at appeal. Even in the event that no unacceptable effects would result in these respects, this would not outweigh the harm that I have identified above would result. Accordingly neither these matters, nor any others, are sufficient to outweigh or alter my reasoning in respect of the main issue in this case.

Conclusion

24. 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