
Appeal Decision

Site visit made on 11 July 2017

by Mike Fox BA (Hons) DipTP MRTPI

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

Decision date: 27th July 2017.

Appeal Ref: APP/D0840/W/16/3165727

1 Daglands Road, Fowey, Cornwall, PL23 1JL

- 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 David Marsh against the decision of Cornwall Council.
 - The application Ref PA16/05843, dated 24 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is demolition of existing detached dwelling; construction of four self-contained apartments.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are firstly, whether the proposed development would preserve or enhance the character or appearance of the Fowey Conservation Area; and secondly, the effect of the proposal on the living conditions of the occupiers of the neighbouring residential property at Primrose Cottage with particular reference to outlook.

Reasons

3. The appeal site is prominently located within the Fowey Conservation Area overlooking the Fowey estuary. It also forms part of the wider Area of Outstanding Natural Beauty (AONB), which 'washes over' the town of Fowey.

Character and appearance of Fowey Conservation Area

4. The relevant statutory requirement in relation to this issue is for the development to either preserve or enhance the character or appearance of the Conservation Area¹. The legal test is therefore a strict one. This test, however, is reinforced in paragraph 17[10] of *the Framework*² which states, in one of its core planning principles, that planning should conserve heritage assets in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations. The more recent National Planning Practice Guidance (PPG), in section 18, underlines the importance of protecting and enhancing the historic environment. There can therefore be no doubt as to the importance of conserving the heritage assets of historic settlements such as Fowey in national planning policy.

¹ The Planning (Listed Buildings and Conservations Areas) Act 1990, Section 72 (1).

² National Planning Policy Framework (*the Framework*); March 2012.

5. National policy and guidance is reflected in the development plan, where Local Plan³ policy 12 states that development must ensure Cornwall's enduring distinctiveness and maintain and enhance its distinctive natural and historic character, and demonstrate a design process that has clearly considered the existing context. Local Plan policy 24 also underlines the need for development to sustain the cultural distinctiveness of Cornwall's historic, rural, urban and coastal environment and (amongst other matters) maintain the special character and appearance of Conservation Areas.
6. National policy and guidance and the development plan are further reinforced, at the more detailed, local level, by the Fowey Conservation Area Character Appraisal and Management Proposals document (2010), which underlines the need for architecture that responds to its historic context.
7. The appeal site is located at the northern end of a line of traditional properties on Daglands Road. Like much of the Conservation Area, the site is situated on a steep hillside, in a street where the housing typically follows the contours in terrace-like fashion. The site also offers important views of the historic town, the quayside, the Fowey estuary and the wider AONB landscape.
8. The height, scale and overall design of the existing property on the appeal site are in harmony with the traditional character and appearance of the streetscene.
9. The Appellant considers that the proposed redevelopment would pursue a traditional approach which would replicate the scale and proportions of the existing building and its neighbours and would therefore not be out of place in the streetscene. It is also stated that the proposed width of the apartment block, which would have a 4.3m longer frontage than that of the existing building, would not constitute a significant increase over the frontage dimensions of the existing house; that its increased bulk would not adversely impact on views of the town; and that because of these considerations, its effect on the character and appearance of the Conservation Area would not be significant. Underlying these points is the Appellant's contention that the Council has been subjective in its dislike of the proposed development.
10. From studying the appeal drawings as well as from my observations of the appeal site and its context, I consider that the proposal would introduce changes to the streetscene in a number of respects. Firstly, the height of the existing building respects the drop in the elevation of the road and therefore its roof height is a little lower than that of the next door building. In contrast to this, the proposed apartment block would ignore the gentle cadence of the roof heights in the road and would increase its height to virtually that of the roof next door. This shows little respect for the contours or the pattern in the road where it is clear that the contours are respected.
11. Secondly, the existing ground floor bay windows and the upper floor windows, fit in perfectly with the next door pattern of fenestration, making allowance for the slope in the road. The fenestration in the proposed development, however, would be out of kilter with the neighbouring property, and the other nearby properties in the street, both in terms of the height of the windows but also in their 'boxy', vertical emphasis.

³ Cornwall Local Plan Strategic Policies 2010-2030; adopted November 2016.

12. Thirdly, the protruding balconies of modern design would be a discordant feature in the road, as would the impact on the general area of the use of modern materials such as the extensive glazing at the rear elevation. I therefore come to a different conclusion to the Appellant and I do not agree that the design approach of the proposal can be termed traditional. I also do not agree that the Council's views, which have been set out in some detail, can be dismissed as subjective.
13. All of the above features of the proposed development, which I consider would harm the character and appearance of the Conservation Area, are magnified by the fact that the bulk of the proposed apartment block would be significantly greater than that of the existing building. Furthermore, the views from the public realm down into the heart of the Conservation Area would be adversely affected by the proposal.
14. I therefore conclude, in relation to the first main issue, that the proposal, on several counts, would harm the character and appearance of the Conservation Area; as such it would fail the statutory test which requires all new development in Conservation Areas to either conserve or enhance the character or appearance of the Conservation Area. It also would fail to meet the criteria in the Local Plan and the Conservation Area Character Appraisal.

Living conditions

15. One of the core principles in *the Framework*, in paragraph 17[4], states that planning should always seek to secure a good standard of amenity (living conditions). The Cornwall Design Guide (2013) in line with national policy recommends that, in working with the site and its context, it is important to be a considerate neighbour.
16. The Appellant argues that the proposal respects its neighbours. The proposal would occupy a significant part of the open land at the northern end of the appeal site, in close proximity to Primrose Cottage, which is located to the north-east of the site at a significantly lower elevation. The combination of the loss of amenity space which is currently associated with Primrose Cottage, the proximity of the proposal and its height, would result in an overbearing building which would unacceptably dominate the outlook of the occupiers of the cottage and result in a significant amount of overshadowing.
17. I therefore conclude in relation to the second main issue that the proposal would unacceptably harm the living conditions of Primrose Cottage with particular reference to outlook, contrary to national policy and the Cornwall Design Guide.

Other considerations

18. The Appellant has referred to a number of other considerations in support of the proposal. He states the appeal site lies in the heart of Fowey and is therefore able to be re-developed; elsewhere in Fowey, there are buildings with large areas of glass facing the sea; the creation of three additional dwellings should be regarded as a windfall; the proposal satisfies the national policy requirement for sustainable development; there is no historic significance to the existing building on the appeal site; and the local planning authority has been inconsistent in allowing other proposals with glazed balconies.

19. Whilst a central location within a town can sometimes lend itself to the possibility of redevelopment, this consideration does not override the tests of development in Conservation Areas which I have already explained. I acknowledge that there are buildings within Fowey which are extensively glazed; this does not, however, justify such a development at the appeal site for the reasons I have stated.
20. Whilst the provision of three additional dwellings would make a modest contribution to meeting Cornwall's housing requirements, this does not outweigh the reasons that have led me to dismiss the appeal. Again, the sustainability of the proposal and its location, whilst these are positive aspects, do not outweigh the reasons for dismissing the appeal. Historic significance is only part of the overall sum of considerations for development in a Conservation Area, and I have already explained why I consider the proposal would harm the character and appearance of the Conservation Area. I have no detailed information on the decisions that the Appellant considers demonstrate the Council's inconsistency. In any event I am required to determine the appeal before me on its own merits.

Conclusion

21. I have found that the proposal would harm the character and appearance of the Fowey Conservation Area, contrary to statutory requirement, national planning policy, the Local Plan and the Conservation Area Appraisal. I have also found that the proposal would harm the living conditions of the neighbouring occupiers of Primrose Cottage through loss of outlook and overshadowing. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should fail.

Mike Fox

INSPECTOR