

Appeal Decision

Site visit made on 7 November 2017

by C Cresswell BSc (Hons) MA MBA MRTPI

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

Decision date: 20 November 2017

Appeal Ref: APP/D0840/W/17/3179391

Pendrim Road, East Looe PL13 1HX

- 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 M Couch against the decision of Cornwall Council.
 - The application Ref PA16/12035, dated 7 February 2017, was refused by notice dated 5 May 2017.
 - The development proposed is erection of detached dwelling.
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Decision

1. The application is dismissed.

Main Issues

2. The main issues in this case are:
 - whether the proposal would preserve or enhance the character or appearance of the Looe Conservation Area.
 - the effect of the proposal on land stability.

Reasons

Character and appearance

3. The appeal site is a steeply sloping area of undeveloped land containing trees and vegetation. It occupies an elevated position on the side of a valley and overlooks other parts of the town, including the East Looe River. The site and surroundings are part of the Looe Conservation Area, the significance of which lies mainly in the architectural quality of the historic streets and buildings, together with their coastal setting in a river valley.
4. The Looe Conservation Area Management Plan describes the importance of vegetated spaces within parts of the town. I note that the particular extracts quoted by the Council refer to west Looe rather than the east side of the town where the appeal site is situated. Even so, it seems to me that the appeal site makes a direct contribution to the significance of the Conservation Area in this location. Although the site is not easily seen from the Pendrim Road frontage, it is nonetheless visible from several vantage points further to the west, including the Millpool car park. When seen from this part of Looe, the site is viewed as being part of a larger swathe of undeveloped space set amongst existing housing development. It is an attractive feature which provides the hillside with a spacious, vegetated appearance.

5. It is proposed to construct a detached dwelling on the site. The front elevation facing Pendrim Road would not be particularly conspicuous within the wider surroundings as it would only be a single storey in height. It would sit below existing housing on the opposite side of the road where it would have a limited impact on the overall appearance of the street scene.
6. The rear elevation facing towards the river would have a greater visual impact. Although the dwelling would only contain three floors, the rear elevation would assume the height of a four storey building due to the manner in which it would be built into the steeply sloping hillside. As such, the dwelling would present a relatively substantial mass of built development towards the Millpool and other vantage points to the west of the site. It would appear visually dominant within its immediate setting, diminishing the spacious characteristics of the hillside in this particular part of the Conservation Area.
7. The impact of this would be exacerbated by the architectural style of the dwelling, which would feature an asymmetrical roof that would visually distinguish it from most of the other surrounding properties. The dwelling would also have a rather elaborate pattern of fenestration, including rows of individual floor to ceiling windows and balconies. Taken together, these design features would serve to increase the visual dominance of the property on the hillside. While designs in the vicinity of the site are varied, the majority of properties on the hillside maintain simpler architectural forms.
8. The development would involve the clearance of trees and vegetation from the site. I note the arborist's report states that the site could be cleared of trees whether the development were to take place or not. Even so, the proposal would introduce a visually dominant building on the hillside. This would be clearly seen from the Millpool area and other areas to the west of the site even if the surrounding trees were to be retained. For the reasons given above, the design of the property, in combination with its overall mass, would make the dwelling appear unduly conspicuous within its setting. It would visually distract from the open and spacious qualities of the site and would harm the significance of the Conservation Area in this location.
9. I appreciate that the proposed balconies and materials would be representative of some other modern developments approved in the town, including the Riverside Apartments¹ scheme that I have been referred to. However, from the information provided, the setting of that particular building appears rather different from that of the appeal site. Furthermore, it appears to more closely reflect the appearance of other buildings in the vicinity and hence is somewhat less visually dominant than the appeal proposal would be.
10. Similarly, it is not clear that the planning permission² for alteration of windows at 2 Pendrim Park Road would have such a substantial impact on the character and appearance of the area. I have also considered the planning permission³ for an extension to a nearby holiday park which has been referenced by the appellant. While this is a relatively large development of 80 holiday homes, it does not appear to be within the Conservation Area and so the circumstances of that site are different from that of the appeal site.

¹ Council Ref: PA16/07386

² Council Ref: PA16/07316

³ Council Ref: PA17/05024

11. I understand that the appellant has experienced frustration in his attempts to work with the Council since he obtained pre-application advice which supported the general principle of housing on the site. I am also aware that the Looe Conservation Area Management Plan was issued by the former local authority and does not form part of the more recent Cornwall Local Plan (the Local Plan). However, Conservation Areas are subject to statutory protection. Indeed, paragraph 132 of the National Planning Policy Framework (the Framework) makes it clear 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. In recognition of this, the proposal requires an appropriately high level of scrutiny.
12. Whilst I have found that the proposal would cause harm to the appearance of the Conservation Area, I consider that the harm I have identified would be less than substantial (as defined in the Framework) and thus paragraph 134 advises that this harm should be weighed against any public benefits associated with the development. In this respect, I have taken into consideration the appellant's point that development of the site would prevent the occurrence of fly tipping and other environmental hazards, including erosion caused by trees. However, there is little before me to indicate that development of the site in the manner being proposed is the only solution to these issues. Overall, the benefits of the proposal do not outweigh the harm I have identified.
13. I therefore conclude on this issue that the proposal would not preserve or enhance the character or appearance of the Looe Conservation Area. There would be conflict with Policy 24 of the Local Plan which seeks to protect heritage assets. There would also be conflict with Policy 12 which seeks appropriate standards of design. The other Local Plan policies quoted by the Council in relation to the first reason for refusal are more general in nature and the proposal would only conflict with these to the extent that it would harm the character and appearance of the area. In this regard, there would also be a degree of harm to the Area of Great Landscape Value which is protected by saved Policy CL9 of the Caradon Local Plan First Alteration 2007.

Land stability

14. I saw on my visit that the site is steeply sloping and I understand that there have been some issues with land stability in the area previously. However, while the appellant's stability report indicates that further survey information is needed in order to establish exactly what works would be necessary, it is stated that the site could be developed safely. This is confirmed in the subsequent letter from the engineering practice. On the strength of this technical evidence, I conclude on this issue that the proposal would have an acceptable effect on land stability. There would be no conflict with the Framework or with Policy 12 of the Local Plan in this regard.

Conclusion

15. Although the proposed development would be acceptable in terms of land stability, it would harm the Conservation Area. I therefore conclude that the appeal should be dismissed.

C Cresswell

INSPECTOR