



Appeal Decision

Site visit made on 6 November 2017

by Gareth W Thomas BSc(Hons) MSc(Dist) PGDip MRTPI

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

Decision date: 14th December 2017

Appeal Ref: APP/D0840/W/17/3180253

Land at 20 Island Crescent, Newquay TR7 1DZ

- 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 P Crow against the decision of Cornwall Council.
 - The application Ref PA16/11901, dated 16 December 2016, was refused by notice dated 11 July 2017.
 - The development proposed is for the construction of a single storey dwelling and associated works (including excavation works to ensure resultant height no higher than existing boundary wall).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a single storey dwelling and associated works (including excavation works to ensure resultant height no higher than existing boundary wall) at 20 Island Crescent, Newquay TR7 1DZ in accordance with the terms of the application, Ref PA16/11901, dated 16 December 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than [3] years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 16128-2-01; 16128-2-02; 16128-2-03; 16128-2-04B; 16128-2-05B; 16128-2-06; 16128-2-01; 16128-2-07B; 16128-2-08B; 16128-2-09B; 16128-2-10B; 16128-2-11B; 16128-2-12B; 16128-2-13B.
 - 3) The development hereby permitted shall not be occupied until the installation of a system for the disposal of surface water on the site has been completed in accordance with the details which shall first have been submitted to and approved in writing by the local planning authority. The details shall include a programme for maintaining the system. The system shall be retained and maintained thereafter in accordance with the approved details.
 - 4) Prior to the occupation of the development hereby approved, a plan for the periodic inspection and monitoring of the cliff slope in accordance with the recommendations Red Rock Geoscience Ltd reports RP6152a-PA-Let, RP6569/PL1 and RP6569/PL2 shall be submitted to and approved in writing by the local planning authority.
 - 5) The development hereby approved shall not be occupied until details of the planting and maintenance plan for the sedum hereby approved,

including a programme for implementation, has been submitted to and approved in writing by the local planning authority. The approved plan shall be implemented prior to the occupation of any part of the development hereby approved and maintained thereafter.

- 6) The existing boundary wall on the western boundary adjacent to Island Crescent shall be retained in its current form and height. It shall not be altered or removed without the prior consent in writing by the local planning authority.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions, garages or outbuildings shall be constructed or erected on the site other than those expressly authorised by this permission.

Procedural matter

2. The Council has advised that a revised scheme has been submitted following the lodging of this appeal and which has been refused planning permission. However, I have not been invited to consider the revised drawings by either party and I have therefore considered this appeal on the basis of the original scheme under Council reference PA16/11901.

Main Issues

3. The main issues in this appeal are firstly, whether the proposal would be likely to be at risk from coastal erosion and secondly, the effects of the proposed development on the character and appearance of the area.

Reasons

Coastal erosion

4. The appeal site occupies the relatively spacious garden area of a substantial detached property that occupies a prominent clifftop position at Island Crescent and the local landmark comprising a dramatic headland that separates Towan Beach from Great Western Beach. The proposal would see the erection of a single storey dwelling within the present garden area of No.20.
5. Policy 26 of the Cornwall Local Plan sets out that new development should take account of and be consistent with any adopted strategic and local flood and coastal management strategies including the Shoreline Management Plan and Catchment Flood Management Plans for Cornwall. This is in line with the requirements set out in section 11 of the National Planning Policy Framework (the Framework).
6. It is agreed that the site lies within an area of coastal erosion and that erosion and instability has occurred along the Cornish coast and will continue to do so to varying degrees. This will be compounded in the future as a consequence of climate change and rising sea levels. The proposed development lies within an area of coastline identified within the Shoreline Management Plan (SMP2 2011) as having a preferred management policy of "No Active Intervention" (NAI) over all three epochs until 2015 with the Mid Term Review (MA32) (September 2016) of the SMP strongly recommending the area be subject to a Coastal Change Management Area (CCMA) in order to prevent any additional development. However, the CCMA has yet to be designated.

7. It is noted that technical reports were submitted with the application that were favourably considered by the Council's Coastal Protection Officer and also, in terms of surface water drainage, by the Council's Flood and Drainage Engineer. The historic mapping suggests that the recession of the cliff over the last 100 years has been negligible. The reports also confirm that the site benefits from the protective positions of Towan Headland and Killacourt Cove, whilst the geology of the lower 10 to 15m of the cliff face comprises medium-strong to strong tightly interlocked and thickly laminated strata that become weaker towards the top. The evidence suggests that soil performance along the top of the slope is satisfactory. Erosion of the upper layers would affect garden slope/stability but not the dwelling itself over the life-time of the building.
8. In acknowledging that there are a number of caveats contained within the reports as identified in the Council's statement, I would concur with the consultation response that, provided the building itself is adequately founded in stable strata, the evidence would point towards an acceptable technical solution being possible that would not lead to adverse risks associated with coastal erosion. I am also satisfied that the proposed development would not have any deleterious influence on the overall stability of the cliff or the cliff's disposition to rock fall.
9. Therefore, despite the site being situated within an area of coastal erosion, the proposed development is unlikely to have significant adverse impact on the stability of the cliff and that the position of the building is set back from the cliff edge, which would mean that its position would be sufficiently resilient to the possible effects arising from coastal erosion. Furthermore, it is likely that a surface water drainage solution that would obviate the need for overspilling the cliff top edge can be provided. On that basis, I conclude that the proposed development would comply with policies 1 and 16(1) of the Cornwall Local Plan Strategic Policies 2010-2030 and with the Framework. These policies amongst other things seek to prevent new developments within a vulnerable coastline area where there are unacceptable risks from stability and erosion. There is insufficient evidence available that would demonstrate that there are unacceptable risks in this case. The acceptability, or otherwise of the proposal therefore turns on the effects it would have on the character and appearance of the area.

Character and appearance

10. The area surrounding the appeal site is characterised by an eclectic mix of architectural styles, including traditional and contemporary designs that contribute to the vibrancy of this area, including when viewed from the seashore. No.20 is situated in part of Island Crescent that is more open in character and which includes The Island, an iconic rock formation with its dwelling perched on top and footbridge linking with the public park.
11. My attention has been drawn to a recent appeal decision¹ in 2016 involving the construction of a dwelling at this site. In dismissing the appeal, the Inspector pointed to the open character of this side of the street and noted that the height and proportions of the dwelling proposed would unacceptably erode this openness and harm the distinctive qualities of the street scene in this coastal area. Although the full details of that scheme are not available to me, I am mindful of what was proposed in terms of height, bulk and massing. I would

¹ APP/D0840/W/16/3149573

agree with the assessment of that scheme undertaken by my colleague in terms of the scheme blocking some of the oblique views towards the sea from Island Crescent which would noticeably reduce the permeability of the site and the general feeling of openness that prevails along this clifftop.

12. By comparison, the present appeal scheme would see the erection of a far smaller single storey contemporary style building incorporating a shallow asymmetrical sedum roof over natural stone walls, which would be sunk into the garden area with the result that much of the building would be below the height of the boundary wall that fronts Island Crescent. By using the topography in this way, the oblique views from west as described by the previous Inspector would be maintained. The design response in my view would retain the prevailing character of the street scene and in turn maintain the permeability created by the more spacious pattern of development which is characteristic of this part of Island Crescent nearest the clifftops. I would agree with the appellants' analysis that in the context of wider views that visibility of the development would be limited from both near and longer distance vantage points.
13. Overall I consider that the scale and design of the proposed dwelling would respect the existing pattern of development and would have a benign and therefore acceptable impact on the character and appearance of the area. As such, the proposal would comply with Policies 1, 2(1), 12(1a), 21(c) and 23(2) of the Cornwall Local Plan (2016), which identify that new development should promote local distinctiveness while not preventing or discouraging appropriate innovation. Moreover, I am satisfied that the proposal meets the aspects of the policy which seeks to ensure that new developments should show a clear understanding of and respond positively to its seascape and townscape setting, in particular in terms of its scale, density, layout, height and mass. Thus in turn I am satisfied that the proposed development meets the requirements for good design as set out in the Framework and the design advice contained within the Cornwall Design Guide (2013).

Conditions

14. The Council has suggested a number of conditions in the event that the appeal is allowed and I have considered these in the light of advice set out in the Planning Practice Guidance and Framework. In addition to the standard requirements in respect of commencement of development, a condition is necessary that sets out the list of approved plans in order to provide certainty. Conditions are necessary to ensure that a satisfactory surface water drainage scheme is submitted for approval prior to commencement of development and that regular monitoring of the coast slope is undertaken in the interests of residential amenity and to help prevent coastal erosion. Conditions are necessary to approve details of the proposed sedum roof and to retain the boundary wall in its current form in the interests of protecting the character and appearance of the area.
15. Several representations have been received in connection with this appeal suggesting that a condition is also imposed withdrawing permitted development rights for future ancillary buildings, extensions and other works. I consider this to be reasonable and necessary given the size of the plot and potential for slippage of the garden area that will further restrict the area of

curtilage to the new property. I do not believe that the appellants' position would be prejudiced by this additional condition.

Conclusions

16. For the above reasons and having regard to all other matters raised, I conclude that this appeal should be allowed.

Gareth W Thomas

INSPECTOR