
Appeal Decision

Site visit made on 8 July 2019

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2019

Appeal Ref: APP/D0840/W/19/3226019

Ivy Dene, Lane from Tywarnhayle Way to Coast Road, Porthtowan, Cornwall TR4 8UB

- 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 Mrs Wendy Pote against the decision of Cornwall Council.
 - The application Ref PA18/06453, dated 11 July 2018, was refused by notice dated 11 February 2019.
 - The development proposed is construction of a replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The spelling of the name of the appeal property varies between the planning application and appeal forms. I have used the spelling given on the application form, which is also used on the Council's decision notice and the appellant's Statement of Case.
3. During the appeal the St Agnes Parish Neighbourhood Plan was approved in a referendum. Therefore, under the terms of Section 3 of the Neighbourhood Planning Act 2017, it has become part of the development plan for the area. Both parties were invited to provide further comments on the change in the status of the Neighbourhood Plan.

Main Issue

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

Reasons

5. The appeal site forms part of a linear group of dwellings set at the foot of a steeply sloping, heath covered hillside. At the top of the slope is Coast Road, which is the main approach to the village. There is a similar heath covered slope on the opposite side of the valley, and the two undeveloped hillsides frame views of the main part of the village, with the sea beyond. The line of dwellings is served by Tywarnhale Way and a private road, which run along the foot of the slope. Nearly all the buildings lie to the west of these roads. Consequently, there is a marked distinction between the undeveloped hillside and the residential development at the foot of the slope.

6. Vehicular access to the appeal site is gained via Tywarnhale Way, which is a relatively recent development of single and 2-storey dwellings served by a paved access road. All the houses in this development lie to the west of the road. Beyond Tywarnhale Way the private road has a different, less ordered character. The road is unmade, there are no pavements, and a small enclave has been excavated into the hillside to the east of the road. The appeal site sits in this enclave, and accommodates a pre-fabricated timber chalet, which has a lawful use as a dwelling. The excavated area also accommodates parking, some garages and a caravan. All of these are low profile, and set back into the excavated area, so from oblique views they have little impact on the undeveloped character of the hillside.
7. The proposed replacement dwelling would be much wider and deeper than the existing chalet. It would have 2 floors of accommodation, so would also be very significantly higher than the existing structure. In order to accommodate the larger building on the site, it would be sited further forward than the existing cabin, and the level area would be extended by further excavation of the hillside to the rear. Consequently, the proposed building would have a much greater presence than the current building does.
8. The other dwellings served by the private road are largely modest bungalows. The proposed dwelling, with its raised eaves level and full 2-storey gable end facing north, would therefore be out of keeping with the general scale of surrounding buildings. Heather Dean, directly opposite the appeal site, is somewhat larger than the surrounding single storey dwellings, with a higher eaves level, allowing first floor accommodation served by rooflights and gable end windows. However, this building is an exception to the prevalent single storey character of the development immediately surrounding the appeal site, and the ridge of the proposed dwelling would be even higher.
9. The 2-storey houses on the approach to the site, in Tywarnhale Way, are some distance from the appeal site and set in a different context. Consequently, they do not affect my conclusion that the scale of the replacement dwelling would not be in keeping with the character of its surroundings.
10. The appellant contends that visibility of the site is largely limited to the adjacent footpath in front of the site. I saw that this was the case for the existing chalet. However, the increase in the height of the replacement dwelling, and its location further forward on the site, would result in it no longer being largely hidden within the existing excavated enclave. I saw that it would be very prominent in views from Coast Road, at the point where the footpath leaves the road to run past the appeal site to Tywarnhale Way. From this viewpoint the enlarged dwelling and boundary fencing would intrude into the undeveloped hillside, so would be very harmful to the contribution that it makes to the setting of the village.
11. The enlarged dwelling and boundary fence would be equally visible when looking down Tywarnhale Way from the north. From this viewpoint the dwelling would, again, encroach into the heath covered hillslope that provides the characteristic setting of the village. From here, however, the dwelling would also intrude into views of the historic mine chimney of South Wheal Towan, which is an important reminder of the mining heritage of the area. Consequently, there would be significant harm to the distinctive character and appearance of the area.

12. The appellant argues that the St Agnes Parish Neighbourhood Development Plan 2018 – 2030 (the Neighbourhood Plan) does not ascribe any significant value to the appeal site location. However, the Porthtowan Village Character Assessment (at Appendix 15 of the Neighbourhood Plan) does set out the importance of the historic heathland hillside and mining remains, which define the settlement. It also sets out key views, including the view of the distant historic mine chimney of South Wheal Towan, which would be harmed by the proposal.
13. I am mindful of the appellant's assertion that there is no defining architectural character in the vicinity of the appeal site, and that the existing chalet is out of context with the surrounding built form. However, I saw that its siting and modest size means that it is unobtrusive from most viewpoints. The proposed dwelling, by contrast, would be highly visible, would be out of character with the scale of surrounding development, and would intrude into the characteristic undeveloped hillside setting of the village.
14. I therefore conclude that the effect of the development on the character and appearance of the area would be harmful. The proposals would therefore be contrary to Policies 2, 12, 21 and 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030. These policies seek, amongst other things, to ensure that development respects the setting of settlements; is of an appropriate scale, height and mass to its townscape setting; and sustains local distinctiveness and character. It would also be contrary to Policies 6 and 10 of the Neighbourhood Plan, which require development to respect the distinctive character of the surrounding area and relate to its historic context. As the development would not be sympathetic to local character and history it would not accord with the aims of Section 12 of the Framework to achieve well-designed places.

Conclusion

15. For the above reasons I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR