The Planning Inspectorate

Appeal Decision

Site visit made on 19 September 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 October 2019

Appeal Ref: APP/D0840/W/19/3222054
The Ground, Mousehole, Cornwall, TR19 6RD

- 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 Kneebone against the decision of Cornwall Council.
- The application Ref PA18/04784, dated 21 May 2018, was refused by notice dated 20 September 2018.
- The development proposed is the construction of a single storey, part earth sheltered - 2 bedroomed dwelling house.

Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site is an area of overgrown sloping ground with a Nissan hut in poor condition in situ. It is served by a pathway system leading up through the generally densely developed principal part of the village to the east which runs down to the harbour. To the rear (west) the rising ground is undeveloped in nature with small fields and some very sporadic development in evidence. To the north east is a recently constructed replacement dwelling of modern idiom known as Falling Angel.

4. Overall Mousehole is a settlement of very established traditional character and attractive appearance. The 'classic' view of Mousehole is across the harbour from the end of either harbour wall, up the tightly knit village and on to the green hillside behind. The appeal site features in this view at the edge of the main traditional vertical-emphasis, stone-built, pitched-roof and tightly-grained built up area. The Nissan hut can be discerned in part if one gives the site focus.

5. The appeal proposal is as described above and would provide a home with around 200 square metres of floor area in a modern design of building with a horizontal emphasis, cut into the hillside with a green roof above and lying towards the front of the site. It would be lower than and on the area of the Nissan hut whilst extending beyond this to the south and the west. The

elevation towards the harbour would be largely glazed, set-back with an overhang. A pathway, deck area, roof light arrangement, terrace, courtyard and workshop along with ground contouring and landscape works would complete the scheme.

6. The appeal site lies within the West Penwith character area of the Cornwall Area of Outstanding Natural Beauty (AONB). The land is also within the Mousehole Conservation Area (CA). There is a duty imposed by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of a CA. The Cornwall Local Plan Strategic Policies 2010-2030 (LP) Policy 24 reflects and effectively expands upon the principles of S72(1) of the Act. LP Policy 23 requires great weight to be given to conserving the landscape and scenic beauty of the AONB.

7. LP Policy 12 aims to achieve high quality design which should, amongst other matters, ensure that local distinctiveness is safeguarded and natural and historic character is maintained and enhanced.

8. LP Policy 3 relates to settlement hierarchy and growth and explains how small settlements such as the Mousehole category might provide requisite development through, amongst other regimes, either infill or rounding-off. Both of these are defined in the policy and supporting text, for example, respectively, a small gap in a continuous frontage or on land that is substantially enclosed. The AONB safeguarding criterion is also repeated in LP Policy 3. Furthermore an informal Chief Planning Officer's Advice Note – Infill/Rounding Off (December 2017) (AN) goes into some detail on practical assessment. It explains that rounding off needs to be seen in a context where irregular development, large gardens and previously developed land can have important character and where new development should in any event be seen to complete a settlement boundary.

9. The new home would certainly not be positioned in a circumspect way behind the nearest property to the east / north-east. This is because of levels generally but also given its southern section would be at a part of the site where the views from distance below are almost completely uninterrupted. The change from a green gap seen as between or above buildings to either side would be palpable. This would be particularly regrettable and striking because the development on show would bear little or no resemblance to the vast majority of properties.

10. Even with set-back glazing and a grass roof the horizontal emphasis and considerable scale of the building and its extensive façade fenestration would draw undue attention and distract from the aesthetic pleasures of the scene. There would be further visual dominance during illumination in the hours of darkness. From closer-by the decking and household paraphernalia would increase the scene of domesticity up the slope at odds with the present position and with no acknowledgement to traditional layouts and land use patterns which characterise the area. I can see that the designer has aimed to work with the site and its contours but unfortunately the planned building in this setting would be discordant.

11. Given its characteristics and what lies around it the site could not be reasonably described as an infill plot or rounding-off as I touch on in Paragraph 8 above. Even if one were to accept the site as previously developed land

potentially suitable for some new building, or countenance a new building as a replacement for what presently exists, the scheme before me should not find favour due to the aesthetic impacts arising from its design and siting as well as from actual and relative scale. In any assessment of a development proposal for the appeal site, with the present planning policy basis and its protective designations, environmental considerations will always be of critical importance.

12. On a point of detail the Nissan hut is modest, discreet and contextually explicable; the appeal property would not be. The qualities of the green rural character edge to Mousehole would be unacceptably diminished by the appeal proposal.

13. The scheme is certainly of contemporary and innovative design but it is quite simply not contextually suited to this site and surroundings. It would be ill-at-ease at this edge of the traditional village of Mousehole and jarring on the eye from widespread distant and nearby points and the very well-frequented and much-treasured publically accessible viewpoints.

14. Given all of the above I conclude that the appeal scheme would conflict with LP Polices 3, 12, 23 and 24 and would run contrary to the objectives of S72(1) of the Act as well as the purposes and aims of the AONB designation.

Other matters

15. The development would increase housing supply in the area and provide an economic and social benefit proportionate with the delivery of one energy-efficient self-build house. These are matters of weight in favour of the appeal; however they do not outweigh the harm that I have found in this instance. The harm under environmental objectives is such that the proposal cannot be deemed sustainable development.

16. I appreciate that the Appellant sought to take cognisance of a previously failed application (PA15/00127) and appeal (APP/D0840/W/15/3014404) by re-appraisal of the proposal to formulate the current scheme. However, contrary to the Appellant's view I am not persuaded that all the previously expressed concerns have been fully addressed and, indeed, the details of this appeal scheme bring with it case-specific issues which I explain above.

17. The Appellant makes considerable play of the recent build (PA15/08067, 2016), Fallen Angel. It is a close neighbour and of modern design. However I would say that expectations should not have followed that the appeal proposal should in turn have been allowed. Fallen Angel, which as the Appellant points out has relatively prominent glazing, will have admirers and detractors. It should not necessarily be repeated and in any event it is not directly comparable to the scheme before me in terms of siting, planning background or design. I see no reason why that recent home should be argued as a precedent for replication in principle or in detailed terms and I must assess the present case on its own merits.

18. I confirm that policies in the National Planning Policy Framework (the Framework) have been considered. Key objectives of the Framework are to protect and enhance the qualities of the built and natural environment as well as to safeguard heritage assets. The Framework underlines that great weight should be given to a heritage asset's conservation. The appeal proposal which I shall not allow would lead to less than substantial harm to the significance of

the designated heritage asset however what public benefits there would not outweigh this harm. Furthermore there are no other benefits, including to the Appellant, which to my mind would be of a scale to outweigh the harm to the Conservation Area.

Overall conclusion

19. For the reasons given above I conclude that the appeal proposal would have unacceptable adverse effects on the character and appearance of the area. Accordingly the appeal is dismissed.

D Cramond

INSPECTOR