



Appeal Decision

Site visit made on 15th April 2019

by Martin S. Lee, MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd October 2019

Appeal Ref: APP/D0840/W/19/3219671

Land to Rear of Foundry Close, Foundry Close, Nancherrow, St Just, Cornwall, TR19 7QS

- 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 A Holman against the decision of Cornwall Council.
 - The application Ref PA18/03982, dated 6 September 2018, was refused by notice dated 22 October 2018.
 - The proposal is for construction of three detached open market and three detached affordable dwellings, new private road, landscaping and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area (a Conservation Area, World Heritage Site and Area of Outstanding Natural Beauty), with regard to scale and form.

Reasons

Character and appearance

3. The pattern of development fronting the main part of the site within Foundry Close is typified by modern terraced forms which aim to complement the older, traditional terraced forms fronting on to the main road through this part of Tregeseal. Above and to the side of the site lie more substantial, individual, traditional dwellings of greater stature, such as Tregeseal House and Fisherman's Rest, accessed from No Go By Hill. These properties are typified by larger more expansive garden areas. There are also two larger modern dwellings fronting part of the site Roslyn and Whispers, accessed via a private lane leading from the main road through Tregeseal.
4. The site itself forms a narrow, sloping area of rough pasture with an access leading directly from a spur off Foundry Close. The site is on a parallel with the aforementioned Fisherman's Rest. It is the narrow, sloping nature of the site which predicates that any standard two storey design of dwelling would have an overly dominant visual impact in comparison to the existing dwellings in Foundry Close. The site is not deep enough to accommodate the larger villa style dwellings of Fisherman's Rest and Tregeseal House.

5. Whilst the Council clearly accepts the principle of residential redevelopment within the site and even the numbers of dwellings proposed, it is the height and form of built development proposed and the consequent impacts these would have on the quality of the visual character of the area which they have rejected. The proposal would result in a dramatic change in the character of the site, from open sloping paddock to an urbanised street of new dwellings. It is not the change from undeveloped to developed which the Council have rejected. Rather it is the imposing height and form of the proposal when read in relation to surrounding development which is seen as problematic.
6. The application drawings do not provide any finished ground levels for the proposal, nor are there any supplied north-south or east-west cross-sections through the site. The topographical survey information presented notes the ridge height of No's 5 to 10 Foundry Close as 99.67 and the proposals indicate a finished floor level (FFL) for the proposed dwellings of 95.25, but there are no proposed finished ground levels around them, nor are there any sections through the existing and proposed site layouts, or levels indicated for adjoining dwellings that would clearly demonstrate the proposed height in relationship to existing development surrounding the site, and provide precise corroboration for references (such as those in paragraph 25.1 of the officer report) to the proposed ridge height only being 'around 3 metres higher' than that of the nearest properties on Forge Close which is presumably deduced from scaled measurement of the sectional plans of each of the proposed house types.
7. Assuming 'around 3 metres higher' is correct then this means the ridge height of the proposed dwellings would be a full storey above that of No's 5 to 10 Foundry Close. The appellant refers to the officer report comment that the proposals "would not significantly protrude above existing dwellings to the south", but even allowing that this reference relates to 'Whispers' and 'Roslyn' the range of 2 metres to 3 metres above existing ridge heights is still substantial. The proposed dwellings would sit substantially higher than the nearest dwellings below. The imposing visual impact of the proposal would be greatest, when openly viewed from not just the rear gardens and windows of private property on Foundry Close but also from the public highway within Foundry Close and the main road through Tregeseal.
8. The proposal's form would represent a significant departure from the character of the surrounding built form in providing closely packed, individual, two storey buildings. The existing, detached, two storey dwellings bordering the site ('Tregeseal', 'Fisherman's Rest', 'Whispers' and 'Roslyn') and above are all detached with more substantial spacing provided by larger curtilages and sit on varying orientations at different levels. The other dwellings bordering the site (5 to 10 Foundry Close) provide a stepped terrace form. The regimented, smaller nature of the proposed plots would create a new visual character in contrast with this surrounding form, and notwithstanding the variety of proposed unit designs would be distinctly different in visual character. The height of the proposal and would ensure a visual dominance for this difference, not only when viewed from adjoining property but also from a number of vantage points within the public domain on highways around the site, through gaps between existing buildings, particularly as a consequence of its position on rising, elevated ground.
9. The proposal's density is such that it does not allow sufficient space around the built form proposed that could reasonably be expected as necessary to

accommodate an adequate level of new planting of specimens that might mature to sufficient size to have any genuine mitigating effect.

10. For the reasons above, I conclude the proposal would be harmful to the character and appearance of the area, the Nancherrow and Tregeseal Conservation Area, the St. Just Mining District World Heritage Site and the Cornwall Area of Outstanding Natural Beauty. I consider the scale of harm to the significance of these heritage assets would be substantial.

Other Matters & Planning Balance

11. Having determined the scale of harm would be substantial, I am required to turn to consider the requirements of Policy 24 of the Cornwall Local Plan (CLP) and paragraph 195 of the National Planning Policy Framework (the Framework), as the Authority should have done in their formal consideration and determination of the appeal application, and confirm: the substantial harm identified would not be justified by the proposal, as there is no evidence the desired benefit of residential development and affordable housing would not be likely to be delivered should the appeal be dismissed on design grounds, and; none of the paragraph's four criteria apply.
12. I have addressed the issue of the benefits of open market and affordable housing above, but also considered the appellants policy and Framework references, and do not consider these factors or the other issues raised outweigh the harm I have identified above.
13. The appellant has drawn attention to the officer recommendation and conclusions on impact and whilst I appreciate the disappointment at a contrary decision this does not detract from the strength of the conclusions I have reached above in relation to the harm identified.

Conclusion

14. I consider the proposal conflicts with the aims and intentions of: s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and CLP Policy 2 (part 1.a) which require development to demonstrate a cultural physical and aesthetic understanding of its location: Policy 12 (part 2.a) which seeks to ensure development is of appropriate scale, density, height and mass, and; Policies 23 & 24 which require development to sustain local distinctiveness and protect/enhance the natural/built historic environment. It would therefore also be at odds with the design aims of paragraphs 127 & 130, as well as the natural and historic environmental assets and landscape protection aims of paragraphs 170, 172, 184, 192, 195, & 196 of the Framework.
15. For the reasons give above, having regard to the development plan when read as a whole, I conclude that the appeal should be dismissed.

Martin S. Lee
INSPECTOR