
Appeal Decision

Site visit made on 22 October 2019

by L McKay MA MRTPI

Inspector appointed by the Secretary of State

Decision date: 4th December 2019.

Appeal Ref: APP/D0840/W/19/3233796

Steamer Quay, The Sail Loft, Lower Kelly, Calstock PL18 9RU

- 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 and Mrs Wendy and Colin Scoble against the decision of Cornwall Council.
 - The application Ref PA18/09216, dated 1 October 2018, was refused by notice dated 21 May 2019.
 - The development proposed is demolition of existing boat store/holiday let building and erection of a new detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal site is situated within Area 10 of the Tamar Valley Mining District of the Cornwall and West Devon Mining Landscape World Heritage Site and the Tamar Valley Area of Outstanding Natural Beauty. Therefore, the proposal has been screened in accordance with the Town and Country Planning (Environmental Impact Assessment) Regulations 2017. The Secretary of State considers that the development is not likely to give rise to a significant environmental effect for the purposes of the Regulations and has directed that the appeal scheme is not EIA development.

Background and Main Issues

3. The application was refused by the Council's planning committee contrary to officer recommendation. It is clear from the minutes of the planning committee that the members' concern related to the design of the proposed dwelling and its impact on the surrounding area and designated heritage assets.
4. Taking this background into account, together with the comments made by interested parties and my own observations on the site visit, I consider the main issues to be the effect of the proposed development on:
 - i) the significance of designated heritage assets, namely the Calstock Conservation Area, the Cornwall and West Devon Mining Landscape World Heritage Site (WHS) and nearby listed buildings; and
 - ii) the landscape and scenic beauty of the Tamar Valley Area of Outstanding Natural Beauty (AONB).

Reasons

Designated heritage assets

5. The appeal site is a former industrial quay on the River Tamar with an existing two-storey building comprising a store at ground floor and a residential unit above. Large buttresses support the retaining wall to Lower Kelly and may be the remainder of bins associated with the quay operations. The site is highly visible from public footpaths along the Devon side of the river. It is also seen from Calstock towards the village hall and playing fields. However, when approaching along Lower Kelly, views into the site are largely screened by existing development and the retaining wall.
6. The site is within the Calstock Conservation Area. This includes the village centre, built development on the steep slopes rising from the river and the quaysides along the river's edge. Calstock was an inland river port serving numerous industries, particularly mining, but also agriculture, market gardening and tourism. The buildings on the slopes include many high quality domestic and civic structures reflecting the relative wealth of the settlement in the early 19th century, a period of significant expansion. The Conservation Area derives considerable significance from the townscape, the relationship of the settlement with the river and the scale of development of quays and other industrial features associated with mining.
7. The townscape and the appeal site are also part of the internationally significant mining landscape of the Cornwall and West Devon Mining Landscape World Heritage Site. The National Planning Policy Framework (Framework) and Planning Practice Guidance (PPG) set out that World Heritage Sites are designated heritage assets of the highest significance and are internationally recognised to be of Outstanding Universal Value (OUV). Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016) (CLP) sets out that proposals that would result in harm to the authenticity and integrity of the OUV should be wholly exceptional.
8. Paragraph 3.2 of the WHS Management Plan¹(WHS MP) sets out the statement of OUV and significance, referring to the radical reshaping of landscapes and towns and villages reflecting an extended period of industrial expansion and prolific innovation. The OUV is expressed in the WHS MP through 7 attributes. Their protection is a key consideration in the management of the WHS. These attributes include mine transport infrastructure and mining settlements and social infrastructure. The site is in Area 10 of the WHS, the significance of which lies in it being a mining district, including the river Tamar with its associated industrial river quays and the mineral railway network.
9. The appeal site is located between the Grade II* listed Calstock Viaduct and the Grade II listed former Methodist Church, now an arts centre. The viaduct is an early 20th century structure of imposing scale, dominating views in this part of the river valley and throughout the town. It derives considerable significance from its mining connections as part of the former mineral railway serving the area as well as for its architectural and aesthetic value. Previously linked to the quaysides and trams at Calstock by a vertical hoist, the industrial waterfront remains an important feature of the setting, and thereby significance, of the viaduct.

¹ Cornwall and West Devon Mining Landscape World Heritage Site Management Plan 2013-2018

10. The former Methodist Church is built into the bank with the larger rear elevation facing towards the river. Methodist chapels are part of the social infrastructure of mining settlements identified in the WHS MP and its importance is reflected in its scale relative to surrounding domestic buildings. Due to its scale, design and siting the former church is a striking and prominent feature of the townscape. It therefore derives considerable significance from its setting, as well as from its cultural and architectural interest.
11. Also close to the appeal site are Ye Old Steam Packet and Bridge Cottage, both Grade II listed. These early 19th century buildings are substantial 3 storey structures in a prominent location on the steep slope, which survived the construction of the adjacent viaduct. Ye Old Steam Packet was formerly a hotel and its former stable building is still present. The buildings demonstrate the wealth of Calstock in that period and the links to the steamers on the river. Their scale, quality and prominence contribute to their significance.
12. The appeal site remains largely open and the quay and buttresses reflect the industrial history of the site. The retaining wall demonstrates how the village developed in response to its topography. The site therefore makes a positive contribution to the character and appearance of the Conservation Area and to the OUV of the WHS. The site forms part of the townscape within which the listed buildings are experienced, particularly when viewed from the Devon bank of the river. As such, the proposal would affect their setting. The appeal site is therefore situated in a particularly sensitive location with regards to the area's heritage.
13. The existing building is modern but of simple form and relatively small scale. It is not easily visible from Lower Kelly or from longer views from within Calstock. From across the river it has an unassuming appearance and does not compete with the scale or quality of the listed buildings around it. As such the building itself has a neutral impact on the OUV of the WHS, the character and appearance of the Conservation Area and the setting of the listed buildings. Its demolition would not therefore harm the significance of the designated heritage assets.
14. The proposed dwelling would be substantially larger than the existing building and would occupy a significantly greater proportion of the site. Its width and height would make it a dominant feature on the riverside, particularly in views from the Devon side of the river. Although its massing would be broken up by the proposed open ground floor and new central buttress, the proposed dwelling would nevertheless be unduly large in relation to the smaller scale housing around it. As such, it would not be of appropriate scale in relation to the townscape setting and would harm the character of the area.
15. Furthermore, the width and depth of the proposed dwelling would reduce the openness of the quay and obscure much of the retaining wall, diminishing the ability to appreciate the historic features and character of the site. While the undercroft parking would reduce the need to park on the quayside, this would not offset the impact of the proposed building.
16. The contemporary design seeks to incorporate elements of local and family history such as the Tamar salmon fishing boat and use of local stone. However, it would also include large areas of flat roof and roof terrace and extensive

glazing, which would be incongruous elements in this area where the local vernacular is of pitched roofs and relatively small windows.

17. The overhanging roof and brise soleil would go some way to breaking up the extent of glazing, however the proposed shutters would have little impact as there is no guarantee that they would be closed. A planning condition to that effect would not be reasonable or enforceable. The height and extent of glazing would therefore still be evident, particularly in views from across the river. While measures are proposed to reduce light spill at night, inevitably lights in the proposed dwelling would be visible. With the amount of glazing proposed, the area illuminated would be substantially greater than in surrounding houses, drawing further attention to the proposed dwelling. The extensive glazing would be an incongruous and dominant element which would contrast harmfully with the traditional forms in this townscape.
18. Parts of the roofs would protrude above the height of the retaining wall and would be seen when approaching along Lower Kelly from both directions. They would partially obscure views towards the viaduct and the views it frames, and to the countryside on the opposite bank of the river. Although this would only be for two relatively short distances, these views are currently uninterrupted. The proposal would therefore affect the way in which the viaduct is seen and experienced from Lower Kelly. From the Devon side of the river and in longer views of the site from Calstock, the design and massing of the proposed dwelling would draw the eye in key views of the viaduct. While the viaduct is a much more massive structure than the proposed dwelling, nonetheless the proposal would begin to erode the difference in scale between them. The proposal would therefore detract from the setting of the viaduct, resulting in harm to its significance.
19. The former Methodist Church is a dominant feature in the area, dwarfed only by the viaduct. The proposed dwelling would erode the prominence and scale of the former church relative to surrounding domestic buildings, undermining the importance of this public building in the townscape. As such the proposal would detract from the setting of the listed building and its significance.
20. The scale of the proposed dwelling would be comparable with that of Ye Old Steam Packet and Bridge House. Its design and scale would draw the eye and lessen their prominence in the townscape. As such, the proposal would also harm the setting and significance of these listed buildings.
21. Consequently, the proposed dwelling would be a prominent and dominant feature on the riverside and would not contribute positively to local distinctiveness. It would have a detrimental effect on the character and appearance of the townscape of which it forms a part, and on the setting of listed buildings including those of importance to the industrial and social history of the area. Furthermore, it would diminish the legibility of the historic features of the quay. It would therefore harm features which make a positive contribution to the character and appearance of the Calstock Conservation Area and to the authenticity and integrity of the WHS. As a result, the significance of the Conservation Area and the authenticity and integrity of the OUV of the WHS would be harmed.
22. I have had special regard to the desirability of preserving the setting of the listed buildings and paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. Having done

so, I consider that the proposal would fail to preserve these attributes and would harm their significance. The adverse townscape effects of the proposal would also harm attributes of the OUV of the WHS. I have given great weight to the conservation of these designated heritage assets and this harm carries considerable importance and weight.

23. The proposal would be of limited scale in the context of the Conservation Area as a whole, and would only affect a discrete element of the WHS. It would however result in incremental, harmful change to the significance of these designated heritage assets. Furthermore, while the proposal would only affect part of the setting of the listed buildings, it would have a harmful impact on their significance. Consequently, in terms of the Framework, the harm would be less than substantial. In such circumstances the Framework requires such harm to be weighed against the public benefits of the proposal.
24. A great deal of thought has clearly gone into the design of the proposed development following refusal of a previous scheme. I note that there is some public support and no objection from some consultees on matters such as flood risk and ecology. There is however no substantive evidence before me that the design would be so outstanding or innovative that it would be an exception to national and local planning policies which seek to protect and preserve the integrity and significance of designated heritage assets. For the reasons given above I am not satisfied that the proposal would represent an appropriate response to the context, considering its prominent location and relationship to the historic quay and riverside. I am therefore not satisfied that such matters can be considered a public benefit.
25. Removing the vegetation from the retaining wall would better reveal its bare, industrial character. There is however no evidence that this benefit could not be achieved without the development proposed, given that the site is within the appellants' control. Furthermore, the proposed development would obscure much of the wall, so overall this historic feature would not be enhanced.
26. The proposal would involve the use of previously developed land in a location with good access to facilities and services as encouraged by local and national policy. It would represent investment in the area and economic benefits during construction. While it would replace what is currently a holiday let with a larger dwelling, there is no indication that the replacement would also be used for holiday accommodation and therefore no evidence of additional economic benefits. Accordingly, the public benefits of the proposal would be very limited and would not outweigh the level of harm identified.
27. The proposal would harm the significance of designated heritage assets and that harm would not be outweighed by the public benefits of the scheme. It would conflict with Policies 2, 12 and 24 of the CLP which, amongst other things, require development to achieve high quality design, respond to its townscape setting and conserve and enhance the historic landscape and heritage assets. Furthermore, it would conflict with the provisions of Framework paragraphs 127, 184 and 192 which seek to achieve high quality design, conserve heritage assets in a manner appropriate to their significance and make a positive contribution to local character and distinctiveness.
28. The proposal would also conflict with the advice in section 2.6 of the Cornwall Design Guide 2013 that new development have regard to historic character, and with policies P3, C2 and C7 of the WHS MP which seek to protect, conserve

and enhance the WHS, achieve high quality design, and maintain the historic character and distinctiveness of the mining landscape.

29. There are elements of contemporary design in the immediate area, notably the large glazed aperture in the rear of the former church, the single storey extension to The Rectory and a bus shelter in the heart of the village. All are of simple form and of a scale appropriate to the host building and the surrounding townscape. Therefore, they are not comparable in context or scale to the proposed development and do not justify the harm identified above.
30. As encouraged by the Framework and PPG, the appellants undertook pre-application discussions, sought to engage with the local community and involved the Cornwall Design Review Panel (DRP) at an early stage of design development. They received positive feedback from the Council and broad support from the DRP. However, the initial designs the DRP commented on did not include the one subsequently submitted to the Council. The evidence suggests that the DRP was not asked to comment on the submitted scheme and as such their comments can be afforded only minimal weight.

Area of Outstanding Natural Beauty

31. The Framework directs that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues². This requirement is reflected in Policy 23 of the CLP, which also requires proposals to be informed by and assist the delivery of the objectives of the Tamar Valley AONB Management Plan 2019-2024 (AONB MP).
32. The AONB MP identifies heritage as one of 5 special qualities of the AONB, including the distinctive mining landscape and evidence of the importance of the river. Villages are part of the landscape of the AONB and the riverside at Calstock is specifically identified as an iconic viewpoint. Calstock is included in both Landscape Character Areas (LCA) 27 – Lower Tamar and Tavy Valleys and 29 – Middle Tamar Valley of the Cornwall and Isles of Scilly Landscape Character Study 2008. Key landscape characteristics include 19th century mining settlements, disused old quays offering access to the river and remains of historic riverside industrial activity and navigation facilities. Inappropriate redevelopment and lack of regard or understanding around vernacular architecture and landscape setting are identified in the AONB MP as a force for change. The landscape character of the area is therefore sensitive to change.
33. The appeal site is in a particularly prominent and sensitive location and represents several key landscape characteristics of the LCAs and special qualities of the AONB. For the reasons given above, due to its height, scale and design the proposed dwelling would be a prominent and incongruous feature that would detract from the townscape of Calstock. It would harm the significance of designated heritage assets related to the mining landscape and the iconic viewpoint identified in the AONB MP.
34. Consequently, the proposal would have a moderate, adverse impact on the landscape character of the area and the heritage of the AONB. It would not therefore conserve or enhance the landscape and scenic beauty of the AONB. It would conflict with the policies of the AONB MP which require proposals to

² Paragraph 172

respect, maintain and enhance the distinctive characteristics, special qualities, valued features and important heritage of the AONB; to ensure development reflects local distinctiveness; and to actively protect and enhance all aspects of the historic environment and its setting. Accordingly, it would conflict with Policy 23 of the CLP and with Framework paragraph 172.

Other Matters

35. The appeal site falls within the zones of influence for the Plymouth Sound and Estuaries SAC and Tamar Estuaries Complex SAC Natura 2000 sites. As the proposal would replace an existing residential unit there would not be any greater potential impact on the integrity of those sites than the existing situation.
36. The Calstock Parish Neighbourhood Development Plan has recently completed its public consultation. It is therefore at a relatively early stage and is not yet part of the development plan. In any event, as the appeal is being dismissed for other reasons, it has not been determinative in this appeal.
37. The appeal site lies within flood zone 3, an area at high risk of flooding where the Framework seeks to avoid development unless it is necessary. However, as the appeal is being dismissed for other reasons this is not a matter that needs to be addressed.

Conclusion

38. For the above reasons, the appeal is dismissed.

L McKay

INSPECTOR