



Appeal Decision

Site visit made on 29 June 2020

by Mrs H Nicholls FdA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 July 2020

Appeal Ref: APP/D0840/W/20/3248305

Adj. St Anthony's Cottage, West Looe Hill, West Looe PL13 2HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Millar against the decision of Cornwall Council.
 - The application Ref PA19/02448, dated 15 March 2019, was refused by notice dated 6 September 2019.
 - The development proposed is construction of dormer bungalow.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal application was made in outline form with all matters reserved for future consideration. As part of the appeal, an updated 'Topographical Survey and Indicative Cross Section' plan was submitted. The plan does not detail any amendments, but seeks to clarify the level differences between the appeal site and the dwellings and gardens to the south. In the context of an outline application, this plan, along with those originally submitted, have been treated as purely indicative.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of Looe Conservation Area; and
 - the living conditions of neighbouring occupiers at Rose Cottage and Little Owl Cottage, with particular regard to overlooking.

Reasons

Character and appearance

4. The appeal site comprises an elevated side garden adjoining the host dwelling, St Anthony's Cottage. There are two large evergreen trees which define the presence of the site in the streetscene. An evergreen hedge bounds the front and a driveway on higher level adjoins the side and rear of the site. The plot is modest in size, terraced, and is occupied in part by some domestic structures and paraphernalia, including a greenhouse.
5. The twin settlements of East and West Looe are located at the mouth of the combined estuaries of East Looe and West Looe Rivers and are merged into one conservation area; Looe Conservation Area (CA). The special qualities of the CA derive from its complex medieval structure and its wealth of medieval

and immediately post-medieval buildings, now surrounded by later development as the settlements expanded and merged. Combined with the river harbour and tight landscape enclosure owing to the area's topography, these features result in a distinct and characterful historic townscape.

6. The appeal site falls within the CA, albeit contributes only minorly to its significance by providing a small division between the earlier traditional cottages built adjoining the road and more modern dwellings built on higher ground to the rear and sides. The trees also contribute positively in a more general way to the quality of the townscape.
7. Due to the compact scale of the plot, the introduction of a dwelling would result in a cramped and contrived form of development. Notwithstanding that a measurement of approximately 150 sqm has been provided, of which around half would be taken up by the footprint of the dwelling, the space around it would appear more limited in reality given the steep enclosure to the rear and sides, and by the necessary amount of retaining structures that would be present. Notwithstanding that there are other examples of modern dwellings built on higher levels than traditional dwellings, in this case, the introduction of a dwelling into the already closely-knitted pattern of development would tip the balance towards an overcrowded and overly hard streetscape.
8. Despite the absence of an objection from the Council's Tree Officer to the removal of the existing evergreen trees, they help to soften the streetscape and reduce the dominance of dwellings built at such elevations. Though their long-term retention may be uncertain and the site not the most prominent or valuable pocket of green, its contribution is a positive one nonetheless. Given the lack of available space within which to introduce a dwelling on the site, the suggestion that replacement trees or planting could also be accommodated to offset the loss of greenery appears unrealistic.
9. The appeal proposal would therefore harm the character and appearance of the area and CA. It would therefore conflict with, in particular, Policies 12 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016) (CLP). These Policies, when read together, seek to promote local distinctiveness and preserve the special characteristics of Conservation Areas. These policies are reinforced by the heritage and design guidance set out in the National Planning Policy Framework (the Framework). In terms of the harm to the CA, I conclude that this would be 'less than substantial'. I return to this matter below.

Living conditions of neighbouring occupiers

10. The description of the appeal proposal refers to a 'dormer bungalow' although this in itself would not sufficiently limit the form of dwelling proposed in any future reserved matters application. Given the outline nature of the plans, the submitted plans are also only capable of being treated as indicative.
11. The steeply sloping topography of the area allows a degree of general mutual overlooking. Despite this, the boundary of the appeal site with the adjoining dwellings, Rose Cottage and Little Owl Cottage, comprises a fence of around 1 metre in height and an outer hedge, much of which is higher than the fence and of such a depth that downward views from the appeal site are blocked. In addition, I note the lack of rear windows or roof windows in the rear of the neighbouring dwellings.

12. The addition of a dwelling upon the site would not increase the potential for overlooking from ground floor level due to the existence of the intervening boundary treatment. The submitted indicative plans also indicate that despite the close relationship, any views from dormer windows would be over the roofscape opposed to over the gardens or into the limited rear windows.
13. As such, in my view, a solution, alike the dormer bungalow theoretically proposed, could maintain acceptable levels of privacy for occupants of both Rose Cottage and Little Owl Cottage relative to those currently enjoyed. Though the evidence omits reference to the garden that would be retained for the host dwelling to the front, it is likely that this would be overlooked by the proposal, as is the case presently by other neighbouring dwellings.
14. Subject to the imposition of an appropriate condition limiting the nature of the development, the appeal proposal could maintain the living conditions of neighbouring occupiers at Rose Cottage and Little Owl Cottage, with particular regard to overlooking. This would ensure compliance with, in particular, Policy 12 of the CLP which seeks to protect individuals and property from overlooking and unreasonable loss of privacy.

Other Matters

15. I note that the principle of development is not at issue and that a dwelling on the site could achieve a satisfactory internal and external living environment for future occupiers. I also note that the appellant would agree to conditions in respect of land stability and surface water drainage, amongst others, in order to ensure an acceptable development overall. The absence of harm relating to these aforementioned aspects weighs neutrally in the planning balance.
16. The Looe Neighbourhood Development Plan has been raised, although it has not yet been subject of an examination. As such, I afford it very limited weight.

Planning Balance and Conclusion

17. The proposal would harm the character and appearance of Looe Conservation Area. Although the harm to its significance would be less than substantial, I consider that it would still be material. Less than substantial harm needs to be weighed against the public benefits of the proposal, in accordance with paragraph 196 of the Framework.
18. The proposal would deliver an additional open market dwelling in a sustainable location, contributing to the supply of housing for which the CLP target is a minimum requirement. The proposal would also generate economic benefits during the construction period and throughout its future occupation by incoming residents. However, the scale of the proposal would restrain the magnitude of these benefits and I therefore afford them only limited weight.
19. Accordingly, the identified harm would not be outweighed by the public benefits of the proposal. It therefore conflicts with the Development Plan, read as a whole, and with the provisions of the Framework.
20. For the reasons set out above, the appeal is dismissed.

Hollie Nicholls

INSPECTOR