
Appeal Decision

Site visit made on 25 August 2020

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 16 September 2020

Appeal Ref: APP/D0840/W/20/3252885

Polperro Bay Cottage, The Warren, Polperro, Looe, Cornwall PL13 2RD

- 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 & Mrs Morrall against the decision of Cornwall Council.
 - The application Ref PA19/08582, dated 30 September 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the conversion of part of domestic outbuilding to self-contained annexe and holiday accommodation.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interests of accuracy and consistency, in the banner heading above I have used the address for the appeal site as provided on the Appeal Form and as included on the Council's Decision Notice.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the Cornwall Area of Outstanding Natural Beauty (the AONB) and the defined Heritage Coast and the preservation or enhancement of the Polperro Conservation Area (the Conservation Area).

Reasons

4. The Council's settlement strategy is contained within Policy 2 of the Cornwall Local Plan Strategic Policies (2010-2030) (the Local Plan). It sets out a sustainable approach to accommodating growth and maintaining the dispersed development pattern of Cornwall and providing jobs in a proportional manner based on the role and function of each place.
5. The appeal site comprises land and a detached single storey garage which is substantial in terms of its overall footprint. The site is located towards the top of steep sided cliffs which overlook Polperro, and is significantly detached from the host property, by reason of the separation distance and very steeply sloping land, with the host property being located away and further down the very steeply sided hill from the appeal site. The appeal building is located within the Conservation Area, the AONB and the Gribbin Head to Polperro Heritage Coast.

6. The appeal building has the character and appearance of a subservient ancillary building, with rendered and hung slate elevations and a slate, shallow pitched, roof. The eastern elevation of the appeal building provides access to the garage doors which lead onto a gravelled parking area which forms part of the appeal site. The western elevation of the appeal building exhibits no windows or other openings save for two modestly sized velux windows in the roof slope, with the southern elevation providing two modestly sized windows. The scale, type and appearance of the openings on the appeal building contribute to its appearance as an ancillary building.
7. The proposal seeks the conversion of the appeal building to form an annexe, which then may be also used for holiday accommodation. The scheme would not require the enlargement of the appeal building in terms of its footprint or height, but seeks to make external alterations to some of the buildings elevations specifically through provision of additional windows on the west elevation, the replacement of two of the three garage doors with windows, and by replacing the modestly sized windows on the southern elevation with substantially sized glazed openings.
8. The Appellants have put it to me that the proposed annexe would be well related to the host dwelling and, whilst being inextricably linked to the host dwelling, would provide a degree of independence for family members who would occupy the building.
9. Given that the proposal is described as being for an annexe, the main parties have referred me to the Council's Annexe Guidance Note (the AGN) which, whilst it does not form part of the Development Plan and does not attract the same weight as Policies of the Development Plan in the determination of this appeal, does nonetheless provide some clarity on the approach to be adopted in relation to residential annexes, and as such I have had regard to this advice.
10. The AGN provides a list of general policy considerations which assists in determining whether the proposed unit would represent an annexe. In these regards, the proposed development would be in the same ownership as the principal host dwelling and would be located within the current curtilage of that principal host dwelling and share its vehicular access. The proposal does not provide boundary demarcation between the principal host building and the proposed unit and, given that no alterations are to be made to the existing footprint, would be a scale subservient to the principal dwelling. However, in the context of the AGN, the appeal scheme would not, in my view, have a functional link with and be ancillary to the principal dwelling, or would be well related to that principal dwelling.
11. It is established case law that the distinctive characteristic of a dwellinghouse was its ability to afford to those who used it, the facilities required for day-to-day private domestic existence. In this regard, the proposed annexe includes provision for bedrooms, a kitchen area and washing facilities, and consequently it would exhibit all the characteristics of a dwellinghouse. The provision of these arrangements and facilities would result in a building which would be capable of being used as a separate independent dwelling and which would not require the support of the occupants or facilities at the principal dwelling. Consequently, it cannot be said that the proposal would have a functional link or be ancillary to the principal dwelling.

12. Furthermore, the proposal would be significantly separated from the principal dwelling by the very steeply sloping garden area which occupies the space between the respective buildings. It is noted that the degree of separation and difficulty in accessing the existing garage building is so significant, that the Appellants indicate that access from the main principal dwelling is often only achieved by taking a quad bike ride through part of Polperro as an alternative route which avoids the steeply sloping intervening land. On the basis of the above, and having considered the site and the submissions of the main parties, I conclude that the proposal would result in the creation of a separate new dwelling rather than being considered to be an annexe.
13. The Appellants have put it to me that the occupation of the appeal scheme could be adequately controlled via a condition restricting its use to that of an annexe and holiday accommodation. However, as described above, the proposal would represent a new dwelling which provides all the facilities required for a day to day private domestic existence and which would be significantly separated from the principal dwelling. In these regards, it would be difficult to control the occupation of the appeal scheme and, consequently, restricting occupation by means of conditions would be hard to achieve and would not be reasonable in terms of paragraph 55 of the National Planning Policy Framework (the Framework).
14. The site is within the South Coast Eastern section of the AONB. Along with National Parks, AONBs are afforded the highest status of protection when it comes to their landscape and scenic beauty and paragraph 172 of the Framework provides that great weight should be given to conserving landscape and scenic beauty of Areas of Outstanding Natural Beauty. Policies 12, 23 and 24 of the Local Plan require, amongst other things, that development respects the character of its setting and, promotes local distinctiveness, and maintains and enhances Cornwall's distinctive natural and historic character.
15. Furthermore, the appeal site is located within an area defined as a Heritage Coast, and as such, in accordance with paragraph 173 of the Framework, planning decisions should be consistent with the special character of the area and the importance of its conservation.
16. As noted above, whilst the proposal would not result in any increase in the scale, height or overall footprint of the existing building, the appeal scheme would alter the character and appearance of the appeal building from being an ancillary structure to that of a separate residential dwelling, by the closing off of garage doors and the incorporation of additional glazing, which on the southern elevation of the proposed unit, would be substantial in size. While I acknowledge that views of the building from within the public realm are limited by the surrounding topography, the appeal scheme would nonetheless be visible from the cliff top near to the site and would be likely to be visible from the coastal path which is located on the headland across from the harbour at Polperro.
17. The Council have put it to me that the intensification of use resulting from the change of ancillary building to new separate dwelling, with all the domestic paraphernalia that that would entail, and the incorporation of significant amounts of additional glazing at the appeal building, would be harmful to the character and appearance of the AONB, the Heritage Coast and the Conservation Area.

18. Whilst I acknowledge the submissions of the Council with regards to the intensification of use at the appeal site, it is apparent that the use of the existing building as ancillary to the principal dwelling does not restrict the use of the garden area at Polperro Bay Cottage. Consequently, the appeal site could currently be used for the placement of garden furniture or other forms of domestic paraphernalia and, consequently, I find that there would be no harm to the AONB, the Heritage Coast or the Conservation Area in this regard.
19. However, the proposal would introduce a substantial area of glazing to the south elevation and, in my view, would accentuate the incongruous nature of the building and would be likely to result in a significant amount of additional light spill at this sensitive location. This arrangement of substantial glazing would draw the eye, diminishing the quality of the surrounding environment and would be harmful to the landscape and scenic beauty of the AONB and to the character and appearance of the Heritage Coast. Whilst I acknowledge that views of the site would be limited, paragraph 172 of the Framework requires that great weight is given to conserving and enhancing the landscape and scenic beauty within the AONB in all instances, irrespective of the prominence of the appeal site.
20. It would not be possible to adequately control the effects of light pollution emanating from the appeal scheme by means of conditions, as such conditions would not be considered to be reasonable within the context of paragraph 55 of the Framework. Furthermore, whilst I acknowledge the Appellants' submissions regarding landscaping at the appeal site, additional planting will take time to establish itself and consequently would not provide sufficient mitigation to the harm to the character and appearance of the AONB or Heritage Coast.
21. Under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have a duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The appeal building is located at the edge of the Conservation Area, which the Polperro Conservation Area Appraisal describes as being characterised by its dramatic setting of wooded hills, rocky cliffs and sea; by the streams which have created the long, narrow valleys which lead down to the water; by the harbour with its quays, piers and boats; and by the jumble of cottages, small houses, former fish stores and sheds which line the streets which largely follow the contours of the surrounding hills. Due to its cliff top location overlooking the harbour and coastal headland, the appeal site contributes positively to the character and appearance of the Conservation Area.
22. In terms of whether the proposal would preserve or enhance the character or appearance of the Conservation Area, I find, as above, that the potential intensification of use of the site in respect of domestic paraphernalia would not result in harm to the character or appearance of the Conservation Area.
23. However, given the conclusions above with regards to the appearance of the proposed development as not being an ancillary building, the appeal proposal would result in a change to the character and appearance of this part of the Conservation Area. Whilst reasonably localised in its extent, given that there are limited views of the site, as a whole the scheme would fail to preserve the character or appearance of the Conservation Area. The low profile form of the proposed building and its proposed additional glazing would contrast markedly

- with the appearance of the dwellings nearest to the appeal site and would draw the eye, detracting from the value and significance of the Conservation Area.
24. Overall, I conclude that the proposal would be harmful to character and appearance of the AONB, the Heritage Coast as well as being harmful to the character and appearance of the Conservation Area. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset such as a Conservation Area, great weight should be given to the asset's conservation. Any harm should require clear and convincing justification in line with paragraph 194 of the Framework. In terms of the Framework, and by reason of the limited views of the appeal site, I conclude that the proposal would lead to less than substantial harm to the heritage asset and, accordingly, this harm should be weighed against the public benefits of the scheme in line with paragraph 196 of the Framework.
25. In terms of benefits, the proposal may provide short term employment opportunities during the conversion phase, and I acknowledge that future occupants, whether family members or holiday visitors, would be likely to contribute to the vitality of the village and viability of its businesses. Further benefits would also arise by reason of the support that could be provided in terms of welfare by family members, as well as from the contribution made by the dwelling to local housing supply in a location which has access to nearby services and facilities. As such, the benefits which the proposed development would bring are, collectively, moderate in scale, and taking the above points together, the harm to the Conservation Area would outweigh the benefits of the proposal. Furthermore, the same benefits would not outweigh the identified harm in relation to the AONB and the Heritage Coast.
26. In summary of the above, the proposed development would have a harmful effect on the character and appearance of the Heritage Coast and would be harmful to the landscape and scenic beauty of the AONB, the conservation of which must be afforded great weight. It would also cause harm to the character and appearance of the Conservation Area. The identified harm to the Conservation Area would not be outweighed by the benefits of the proposal.
27. Consequently, the scheme would conflict with Policies 2, 12, 23 and 24 of the Local Plan and Policies 1 and 7 of the Polperro and Lansallos Parish Neighbourhood Plan which, together and amongst other things, seek to ensure that development preserves or enhances the natural features and historic character of the area and promotes local distinctiveness through design. Furthermore, for the same reasons described above and given that there would be harm to the natural and historic environment which would fail the environmental objective of sustainable development, the proposal would not accord with paragraphs 8, 124, 127, 172, 192, 193, 194 and 196 of the Framework.
28. The Appellants have drawn my attention to a number of other developments within Cornwall, which the Appellants maintain are comparable to the appeal scheme and which have been permitted by the Council. In these regards, it is noted that those developments which are located close to the appeal site¹ were considered and assessed against different policy regimes prior to the adoption of the Local Plan and the Polperro and Lansallos Parish Neighbourhood Plan

¹ Local Planning Authority References: PA14/01928 and PA14/11434

and, consequently, the proposals could not be considered to be comparable. Furthermore, with regards to the Council's decision in respect of a development at Talland Bay², it is noted that the Council concluded that that proposal would not result in increased visual impact and that no significant impact would arise from the proposal. Given that I have found there would be harm to the AONB and Heritage Coast as described above, I conclude that the appeal scheme would not be comparable to that development. Accordingly, I have determined this appeal on its own merits.

Conclusions

29. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

² Local Planning Authority Reference: PA19/00904