

Appeal Decision

Site visit made on 8 December 2020

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2020

Appeal Ref: APP/D0840/D/20/3257120

Trevithick, Shutta Road, East Looe PL13 1HW

- 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 D Williams against the decision of Cornwall Council.
 - The application Ref PA20/03016, dated 30 March 2020, was refused by notice dated 15 June 2020.
 - The development proposed is alterations to access ramp to house.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Trevithick is set above Shutta Road on land retained by a high wall of mainly stone. In front of that retaining wall is another, also of stone, between which an access ramp rises to the property. A set of steps at the bottom of the ramp has been removed. The Council considers that this has created a parking area. However, this is not reflected by the description of development nor is parking shown within the drawings upon which the Council made its decision. On this basis, it is not for me to be drawn on this matter within this appeal.

Main Issues

3. The main issues are:
 - whether or not the proposal would preserve or enhance the character and appearance of the Looe Conservation Area (the CA); and
 - the effect of the proposal on highway safety.

Reasons

Conservation Area

4. Mighty stone retaining walls, such as there are along Shutta Road, including those at Trevithick, are an important attribute of the engineering heritage of Looe and create narrow and enclosed streets. They thereby make a significant contribution to the character and appearance of the CA.
5. Although the extent of wall removal would be modest in this case, the section in question is attractive and conspicuous, and the sense of narrowness and enclosure at this part of the street would be marginally reduced. The removed section would expose an area of natural stone wall behind it, but this would be less prominent, and I note that concrete would also be introduced, further degrading the aesthetic quality of the wall.

6. I accept that Shutta Road contains examples of less sympathetic alterations and materials. However, I do not see this as a compelling reason to remove and alter sections of wall that comprise a small but positive element of the street scene, given the clear importance of stone retaining walls in this CA.
7. Consequently, the proposal would cause less than substantial harm to the CA. Even so, any such harm merits great weight in accordance with Paragraph 193 of the National Planning Policy Framework (the Framework) and falls to be weighed in the balance with the public benefits of the development. As heritage assets are irreplaceable, any harm requires clear and convincing justification.
8. It is stated that the work would improve the living conditions of occupants, but this has not been explained. Whilst the new concrete upstand may add to the stability of the wall, the appellant's structural survey identifies no significant evidence of instability at the site. As such, this is a public benefit of very limited weight. It does not outweigh the less than substantial harm to the CA.
9. My attention has also been drawn to schemes permitted along Shutta Road¹. Those at 2 Clifton Place and Silver Birch were permitted quite some time ago. In its assessment of the proposal at Seamor, the Council also identified less than substantial harm to the CA, albeit it was outweighed by public benefits in that case. As such, these decisions are not indicative of any clear inconsistency in decision making and have carried very little weight in my reasoning.
10. I therefore conclude on this issue that the proposal would fail to preserve or enhance the character and appearance of the CA. The proposal would conflict with Policies 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (CLP).

Highway safety

11. The steps would provide users with an open an elevated vantage point upon which to gauge the presence or otherwise of traffic. Given also the likely noise and low speeds of oncoming vehicles, people exiting the site via the steps could do so safely. I therefore conclude on this issue that the proposal would have an acceptable effect on highway safety, in accordance with Policy 27 of the CLP.

Conclusion

12. The proposal would conflict with the development plan as a whole and there are no other considerations, including the Framework, which outweigh this conflict. Therefore, for the reasons given, the appeal should not succeed.

Matthew Jones

INSPECTOR

¹ Refs: E2/00/01182, E2/01/01252 and PA18/0635