



Appeal Decision

Site Visit made on 16 February 2021

by Mr A Spencer-Peet BSc.(Hons) PG.Dip.LP Solicitor (Non Practicing)

an Inspector appointed by the Secretary of State

Decision date: 01 March 2021

Appeal Ref: APP/D0840/W/20/3261739

5 Tyringham Place, Tyringham Road, Lelant, St Ives TR26 3LH

- 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 & Mrs Holland against the decision of Cornwall Council.
 - The application Ref PA20/06248, dated 17 July 2020, was refused by notice dated 1 October 2020.
 - The development proposed is the replacement of existing self-contained annexe and creation of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was made in outline with all matters reserved for later consideration. I have considered the appeal on that basis.

Main Issue

3. The main issue in this appeal is whether the proposed development would preserve or enhance the character or appearance of the Lelant Conservation Area (the Conservation Area).

Reasons

4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area in reaching this decision.
5. The appeal site is located within the settlement at Lelant and comprises part of the rear garden associated with the dwelling at 5 Tyringham Place. The dwellings at Tyringham Place front onto Tyringham Road and form an attractive row of traditional cottages, predominately constructed in stone with slate roofs, set back from the highway behind modestly sized front gardens. To the rear of this row of cottages is located a recent housing development known as Forges Field, with part of the access road for that recent development forming the northern boundary to the rear gardens of those dwellings located at Tyringham Place.
6. The site is located within the Conservation Area. Whilst I have not been provided with a Conservation Area appraisal, the evidence before me indicates that the cottages on Tyringham Place were constructed in the mid nineteenth century with narrow, long gardens. In my view, the significance of this part of the Conservation Area is derived from the historical and architectural quality of

the traditional cottages, as well as from the layout of tightly arranged, narrow long gardens associated with the row of cottages, which forms an important part of the historical pattern of development at this location and which contributes positively to the character and appearance of the Conservation Area.

7. The appeal proposal seeks to replace an existing self-contained annexe with a new dwelling and would result in the subdivision of the rear garden at the appeal property. Whilst I acknowledge the Appellants' submissions that the lengths and widths of the rear gardens for dwellings at Tyringham Place are not strictly equal, they are not significantly different in terms of dimensions from one another and, in this regard, they share a common character which contributes positively to the appearance of this part of the Conservation Area.
8. The existing annexe at the appeal site is somewhat run down in appearance. Nonetheless, it is commensurate with a subordinate ancillary building and is comparable to other examples of outbuildings which are situated within the long narrow rear gardens at Tyringham Place. While I note the Council's concerns regarding the harmful effect of domestic paraphernalia, the appeal site is currently used as residential amenity space.
9. Notwithstanding the above, the scheme would result in a significant reduction in length of the existing rear garden at the appeal property and the loss of the garden space and introduction of the proposed residential development, would undoubtedly result in a loss of significance to the heritage asset through the sub-division of the existing plot. The proposed development would not be reflective of the pattern of development exhibited in this part of the Conservation Area and would be harmful to both the character and appearance of the heritage asset.
10. Whilst I concur with the Appellants' Heritage Statement contention that the significance of the setting of the Conservation Area has been eroded to some extent by the recent housing development at Forges Field and by the inclusion of parking spaces at the rear of some of the neighbouring cottages, in my view those developments have not eroded, nor diminished, the positive contribution that the distinctive long, narrow and tightly arranged rear gardens at Tyringham Place makes to the character and appearance of the Conservation Area.
11. The appeal proposal would not be highly visible from within the wider surrounding area, nor would be visible from within much of the Conservation Area. However, the scheme and the resultant loss of a significant portion of the rear garden at the appeal property would be visible from the access road within the Forges Field development and would be clearly apparent from private views around the site, including from other dwellings within the Conservation Area and specifically from the neighbouring cottages which form part of the Conservation Area.
12. By reason of the limited views of the proposed development within the surrounding area, in terms of the advice in the National Planning Policy Framework (the Framework) the harm to the significance of the Conservation Area would be 'less than substantial', affecting only its immediate surroundings. As such the Framework sets out the need to address 'less than substantial harm' in a balanced manner against benefits associated with such schemes.

13. Paragraph 193 of the Framework provides that when considering the impact of a proposed development on the significance of a designated heritage asset, 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, I have concluded above that the proposal would lead to less than substantial harm to the Conservation Area and, accordingly, this harm should be weighed against the public benefits of the scheme in line with paragraph 196 of the Framework.
14. In this instance, the public benefits of the proposal would be limited to the delivery of an additional housing unit and in relation to the very limited economic benefits in terms of employment opportunities during the construction phase and through the future spend of residents within local businesses. It is also acknowledged that the existing somewhat run down building would be removed. Whilst the Framework reaffirms the Government's objectives to significantly boost the supply of homes and to promote an effective use of land, the contribution of only one dwelling would be relatively modest and, in combination with those other benefits, would not outweigh the identified harm that would be caused to the Conservation Area to which I attach significant weight.
15. I therefore conclude on this issue that the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. The proposal would, therefore, conflict with Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 which, amongst other matters, aims to promote local distinctiveness and conserve heritage assets. The scheme would result in the sub-division of garden space which contributes positively to the character and appearance of the Conservation Area and consequently would conflict with Policies BE13 and BE17 of the St Ives Neighbourhood Development Plan. Furthermore, and for the same reasons given above, the appeal scheme would fail to accord with those parts of the Framework which concern conserving and enhancing the historic environment.
16. I have considered the Council's contention that a grant of planning permission for the appeal scheme would set a precedent for similar developments to be located within the rear gardens of the neighbouring dwellings which front onto Tyringham Road. However, a concern of this nature would not necessarily justify withholding planning permission and, in any event, I have determined the appeal on its own merits.

Other Matters

17. The Appellants submitted the proposed development following pre-application advice from the Council. The Framework stresses the benefits of early engagement and of good quality preapplication discussion. Whilst it is not binding, it is clearly unfortunate if proposals are initially supported but then the final outcome is an adverse one. Nevertheless, at appeal the proposal is considered afresh and, as a consequence of this, the positive feedback given at pre-application stage does not warrant allowing the appeal.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR