



Appeal Decision

Site Visit made on 3 June 2021

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

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/D0840/W/21/3266558

Land North of Pras An Mor, Chymbloth Way, Coverack, TR12 6TA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr & Mrs Simon Penna against the decision of Cornwall Council.
 - The application Ref PA20/03759, dated 5 May 2020, sought approval of details pursuant to condition No 1 of a planning permission Ref PA17/01670, granted on 13 June 2017.
 - The application was refused by notice dated 9 November 2020.
 - The development proposed is an application for reserved matter in respect of planning application PA17/01670 approval of appearance and scale.
 - The details for which approval is sought are: appearance and scale.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Outline planning permission for the erection of a dwelling at the site was granted by the Council in June 2017¹. A reserved matters application was later approved by the Council in September 2019². The appeal scheme concerns a new application in respect of the reserved matters, with the principle change from the consented scheme being a change in overall roof height and a change in the proposed pitch of the roof.
3. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to the Cornwall Area of Outstanding Natural Beauty (the AONB) and the preservation or enhancement of the Coverack Conservation Area (the Conservation Area).

Reasons

4. The appeal site comprises a broadly triangular parcel of land located at the junction between Mill Road and Chymbloth Way within the coastal village of Coverack. To the northwest of the site is the non-designated heritage asset of St Peter's Church with its associated graveyard bordering the site. Given its location towards the top of a slope on Mill Road and its position at the point of the junction, the appeal site is highly visible from along Mill Road to the north of the site and from the harbour area southeast of the site.
5. The appeal site is located within the Conservation Area which covers much of the settlement. Whilst I have not been provided with a Conservation Area

¹ Local Planning Authority Reference: PA17/01670

² Local Planning Authority Reference: PA19/02641

appraisal, I was able to explore the Conservation Area at my site visit and, from the observations made, I consider that the significance of the Conservation Area is predominately derived from the architectural quality of buildings, terraced housing and historic buildings which are positioned on hillsides overlooking a fishing harbour, and its setting within the AONB. Given its location in an elevated position overlooking the harbour, the site makes a positive contribution to the significance of the Conservation Area.

6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas, which is reflected in the wording of Policy 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the Local Plan).
7. As noted above, outline planning permission has been granted by the Council and consequently the principle of a new dwelling at this site is established. In terms of the reserved matters, the Council have put it to me that the proposed pitch of the roof and the resulting overall height of the roof would give rise to a building that would look out of place within its context, thereby being detrimental to the significance of the Conservation Area as well as diminishing the special qualities of the AONB.
8. The appeal scheme would result in a building which would exhibit a 40-degree pitch to the roof. Whilst it was noted on my site visit that there were examples within the Conservation Area of roof forms which were similarly pitched at a steep angle, predominately these appeared to apply to historic cottages within the Conservation Area and which included examples where the roof was formed of thatch.
9. Nonetheless, with the provision of a 40-degree pitched roof, the appeal proposal would bring the roof's ridge line height to that just above the eaves of a dormer which is positioned on the dwelling at Pras an Mor located adjacent to and west of the site. In my view, the height and pitch of the proposed roof form would result in a building that would have a bulky, unbalanced appearance which, by reason of its height and mass at roof level, would result in a discordant built feature which would dominate its surroundings and would fail to respect the character and appearance of the area.
10. As described above, the site is highly visible from within the immediate surrounding area and, given that the proposed dwelling would be at odds with the character and appearance of this part of the Conservation Area, it would represent an incongruous feature which would be likely to draw the eye. Whilst I acknowledge the Appellants' submissions regarding site lines to St Peter's Church, by reason of its height and bulk, the proposed dwelling would dominate its surroundings and would represent an intrusive interruption in the street scene.
11. Accordingly, by reason of overall height and bulk of the proposed roof form, the appeal proposal would appear dominant in its surroundings and would not reflect or respect the character or appearance of the Conservation Area. Whilst somewhat localised in its extent, given that there are views of the site from within the Conservation Area, as a whole the scheme would fail to preserve the character and appearance of the Conservation Area thereby diminishing its significance.

12. Paragraph 193 of the National Planning Policy Framework (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. Overall, the proposed development would be a discordant feature within the Conservation Area such that the proposal would neither preserve nor enhance the character or appearance of the Conservation Area, causing less than substantial harm to its significance. Accordingly, and in line with the provisions of paragraph 196 of the Framework, this harm should be weighed against the public benefits of the scheme.
13. 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. Whilst the Framework reaffirms the Government's objectives to significantly boost the supply of homes, the contribution of only one dwelling would be relatively limited 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.
14. In terms of the effect of the appeal scheme on the AONB, paragraph 172 of the Framework provides that great weight must be given to the conservation and enhancement of the AONB's landscape and scenic beauty. This is reflected in Policy 23 of the Local Plan and Policy MD9 of the Cornwall AONB Management Plan (the AONBMP). Both confirm that development will only be permitted where it is of an appropriate scale and is compatible with its surroundings with Policy MD9 of the AONBMP also providing that development promotes the conservation of the historic environment and the heritage assets that it forms part of.
15. In this regard, the Appellants have put it to me that the site would be seen to be closely related to the existing built form at this location, and have further provided details of a recent appeal decision³ in support of the contention that the proposal would not be harmful to the landscape and scenic beauty of the AONB. Whilst the details of the cited appeal decision is noted, it is apparent from the conclusions of that appeal that the Inspector found that the proposed development would not be harmful to the character and appearance of the respective area by reason of its height, width and massing, in addition to its location within the built up area of a settlement.
16. I would concur with the Appellants that the existing built form at this location provides important context to the site and reduces the effect that the appeal scheme would have on the AONB. However, the proposed development, for the reasons given above, would result in a discordant feature within the settlement and, in views from the area east of the site, would draw the eye away from the undeveloped setting of the village which is a component of the AONB. Given its surroundings, whilst the harm may be described as limited, there would, nonetheless, be some degree of harm to the AONB.
17. In summary of the above, I find that the appeal scheme would have a harmful effect on the character and appearance of the area and would be harmful to

³ Appeal Reference: APP/D0840/W/19/3221206

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.

18. Consequently, the scheme would conflict with Policies 2, 12, 23 and 24 of the Local 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, the proposal would not accord with paragraphs 127, 172, 193, 194 and 196 of the Framework. Furthermore, the development would conflict with Policy MD9 of the AONBMP. While the AONBMP does not form part of the development plan, the identified conflict also weighs against the appeal scheme.
19. As noted above, a separate reserved matters application was approved by the Council in September 2019. I find no reason to suppose that the Appellants would not seek to pursue the September 2019 permission should this appeal be unsuccessful, and it thus represents a fallback position.
20. The evidence before me indicates that the consented scheme would have a shallower 30-degree pitch to the roof, and which would result in a overall roof ridge line height being significantly lower than that sought by the present appeal scheme. The reduced pitch and height of the roof of the consented scheme would result in a roof form which would appear substantially less bulky and would not appear as dominant within its surroundings when compared to the present appeal scheme.
21. The pitch of the roof proposed under the consented scheme would reflect nearby examples and given that the roof form would appear significantly less bulky resulting in a building that would not be dominant within views of the harbour area, I find that the fallback consented scheme would be significantly less harmful to the character and appearance of the area than when compared to the appeal proposal. In relation to the consented scheme, the harm to the character and appearance of the area including the Conservation Area would be very limited and, in that instance, would be outweighed by the benefits that that scheme would provide.
22. I acknowledge the Appellants' references to rain ingress and to the site's exposed location. Nonetheless, whilst noting those details, I have not been provided with confirmation or evidence to support the contention that the increased pitch of roof would be required in order to prevent wind driven rain from entering the proposed dwelling.

Conclusion

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

Mr A Spencer-Peet

INSPECTOR