



---

# Appeal Decision

Site Visit made on 30 June 2021

**by Alison Fish BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 02 September 2021**

---

**Appeal Ref: APP/D0840/W/21/3270993**

**15 Polkirt Hill, Mevagissey PL26 6UR**

- 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 Dr. Frits Sutmoller against the decision of Cornwall Council.
  - The application Ref PA20/04346, dated 28 May 2020, was refused by notice dated 27 January 2021.
  - The development proposed is demolition of structurally unsafe dwelling and construction of new dwelling to same footprint.
- 

## Decision

1. The appeal is dismissed.

## Applications for costs

2. An application for costs has been made by the appellant against Cornwall Council. In addition, an application for costs has been made by the Council against the appellant. These applications are the subject of a separate Decision.

## Preliminary Matters

3. I have amended the description to make it clear that the proposal relates to a dwelling rather than just a building. In addition, I have amended the appellants title as I have seen correspondence confirming this to be his correct title.
4. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. Insofar as relevant to this appeal, its provisions are consistent with the version which was extant at the time the appeal was made and I have had regard to it in reaching my decision. I have also had regard to the additional comments received from the appellant in this respect.

## Main Issues

5. The main issues are as follows:
  - the effect of the proposal on the character and appearance of the appeal dwelling;
  - the effect of the proposal on the setting of the neighbouring listed buildings; and
  - the effect of the proposal on the character and appearance of the Conservation Area.

## Reasons

### *The site and its surroundings*

6. The appeal site lies within the Mevagissey Conservation Area (CA). I have not been provided with a Conservation Area Character Appraisal but from my site visit I experienced the Conservation Area as a Cornish fishing port centred around its harbour with narrow streets and tightly packed dwellings surrounding it. The CA contains a mix of property types from larger properties with some ornate detailing to their principal elevations to modest, simple and functional dwellings. This creates a varied and interesting street scene. There is also uniformity in the way that front elevations are set immediately onto narrow streets and buildings often display traditional local craftsmanship, evidently constructed using materials to hand at that time.
7. Polkirt Hill is set up from the harbour on rising land. In this area, I noted a variety of building materials and styles, with varying roof heights broken by different styles of dormer windows and chimneys giving each property an individual character and appearance. However, uniformity to the street is evident in the way that front elevations are set immediately onto the narrow street, responding to the topography by stepping up the hill with a predominance of timber sliding sash windows on the front elevations.
8. The appeal property is an end of terrace, three storey dwelling. It is constructed of stone to the lower level of the front elevation with render above and has rendered side and rear elevations. Its main façade is simple with a single window opening aligned on each of the three floors. The main entrance door is on the side where there is a narrow alleyway providing pedestrian access to the rear garden. Part of the top floor and the roof are visible when viewed from Mevagissey Harbour. The appeal dwelling is currently vacant and clearly in a poor state of repair. The property has undergone some unsympathetic alterations latterly by the installation of replacement uPVC windows and a man-made slate roof covering. The appeal property is not listed.
9. To the north of the appeal property and on the opposite side of the narrow alleyway I refer to above, is a terrace of Grade II listed buildings. This terrace is set back and positioned downhill from the appeal building. There is a slight curve in the road at this point which means that the entrance door and side elevation of the appeal building are visible features as Polkirt Hill rises up from the centre of Mevagissey.

### *The effect on the character and appearance of the appeal dwelling*

10. The Framework clarifies that a heritage asset can include a building identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Paragraph 194 of the Framework requires an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting in a proportionate manner. Heritage Impact Assessments (HIA) dated October and December 2020 have been provided by the appellant. They date the appeal building from the late 1700s and describe it as having structural form and proportions typical of those in the immediate area from that same period. On page 9 of the HIA (October 2020) it is concluded that the appeal property is 'historical and aesthetically significant within Mevagissey'. The Structural Survey carried out by Penpole Engineering

Ltd dated 11 September 2020 includes photographs of the interior of the building which indicate some of its historic fabric including the timber roof structure and the lath and plaster party wall. Therefore, notwithstanding certain insensitive alterations, the appeal property clearly possesses historic integrity in terms of its fabric and craftsmanship. As such, in my view, is it reasonable to assess the scheme as affecting a non-designated heritage asset.

11. The significance of the appeal building is derived from its historic origins and the contribution it makes to the street scene. It is a prominent building given its positioning forward of the listed terrace to the north and on a slight bend in the road. Despite more recent unsympathetic alterations, its historic origins are apparent.
12. The appeal proposal involves the complete demolition of the existing dwelling and is accompanied by structural reports relating to its current condition. From the information I have seen, there seems little doubt that elements of the building are structurally unsound and would need to be taken down. The structural reports I have seen indicate that the rear and side walls need to be demolished but representations submitted to me by interested parties indicate that some repair works could take place rather than complete demolition. In any event, page 12 of the RCSSS Chartered Structural Solutions report dated February 2021 commissioned by the appellant, concludes that there is no reason to demolish the front elevation wall.
13. Paragraph 203 of the Framework requires a 'balanced judgement' having regard to the scale of any harm or loss and the significance of the heritage asset. In reaching my decision about the effect of the proposal on the heritage asset, I have been mindful of the appellants submissions particularly regarding the public safety benefits of demolishing the building, the challenge of retaining historic fabric and complying with modern building regulations and the fact that the appeal scheme seeks to replicate the form and mass of the existing building.
14. However, this proposal relates to a loss of the heritage asset in its entirety. Paragraph 189 of the Framework refers to heritage assets being an 'irreplaceable resource' which should be conserved in a manner appropriate to their significance. Taking into account that there is no clear justification for the complete demolition of this eighteenth century building and the loss of historic fabric contained therein, I find that the proposal would result in significant harm to the character of the appeal building. As such it is contrary to Policies 12 and 24 of the Cornwall Local Plan 2010-2030 (LP) and Policy D5 of the Mevagissey Parish Neighbourhood Development Plan 2017-2032 (NDP) which seek to ensure that development is sympathetic to and enhances its distinctive historic character.

*The effect on the setting of the neighbouring listed buildings*

15. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I give special regard to the desirability of preserving a listed building or its setting. The listed buildings form part of a group comprising of the terrace from number 1 – 13 (odds) including the King's Arms on Fore Street. No alterations are proposed to the listed buildings themselves. From what I have seen, the setting of these listed buildings is derived from the close and compact nature of the terrace and the buildings along Polkirt Hill. The demolition of the appeal dwelling would leave a gap

which would detract from and be harmful to the setting of the listed buildings. However, if it were to be rebuilt as the proposal indicates, in my view the setting of the listed buildings would be preserved. The proposal includes an increased ridge height for the replacement dwelling. The ridge heights of the properties on Polkirt Hill vary along its length. Given that from street level the existing ridge is not visible and that it is only visible at a distance from the harbour, I do not find that the proposed increase in height would meaningfully affect the setting of the listed buildings.

16. On this basis, I find that the appeal proposal would preserve the setting of the listed buildings and comply with Policy 24 of the LP which seeks to sustain designated heritage assets.

*The effect on the character and appearance of the Conservation Area (CA)*

17. Section 72(1) of the Act requires that I give special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraphs 199 and 200 of the Framework requires that great weight is given to the asset's conservation and that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification.
18. The replacement dwelling would ensure that the continuous built frontage along Polkirt Hill is retained which would preserve the appearance of the CA and my findings above regarding the increased ridge height apply equally to the impact on the CA. However, the demolition of the appeal dwelling would result in the loss of historic fabric which forms part of the character of the CA. Although the loss of one building will not result in substantial harm to the character of the CA, unjustified repetition of this could.
19. Given that the front wall of the appeal building is structurally sound, I find there is no convincing justification for its loss. As a result, I find there is less than substantial harm to the character of the CA. Paragraph 202 of the Framework states that where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
20. I have considered the benefits of the proposal as set out by the appellant. I accept that this will enable a vacant dwelling to be brought back into use and that it will result in windows and a roof covering which is more appropriate to the character and appearance of the CA. However, these are improvements which could be carried out without the complete demolition of the building and therefore I find that the harm I have identified is not outweighed by the public benefits set out. The proposal is therefore contrary to Policy 24 of the LP and Policy HC1 of the NDP which seek to maintain the special character and appearance of the CA.

**Other Matters**

21. I have been advised that the appeal site lies within an Area of Outstanding Natural Beauty (AONB). Paragraph 176 of the Framework requires that I give great weight to conserving and enhancing the landscape and scenic beauty of the AONB. Given that the proposal lies wholly within the existing built form of Mevagissey and would replace an existing building with a building of similar proportions and design, I find that the proposal will conserve the landscape and scenic beauty of the AONB.

22. I note that representations from interested parties raise concerns about various other issues including the impact on neighbouring properties and the living conditions of their occupiers, the highway implications of any road closure and whether the building has declined as a result of deliberate neglect. However, even if the development were otherwise acceptable in all other respects, that would not outweigh my finding of harm in relation to the main issues. I have considered the benefits of the scheme earlier and neither these, nor any other matter, are sufficient to outweigh the harm that would result by virtue of conflict with relevant elements of the development plan.

### **Conclusion**

23. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

*Alison Fish*

INSPECTOR