



Appeal Decision

Site visit made on 9 March 2022

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 March 2022

Appeal Ref: APP/D0840/W/21/3283743

Chyreen, Road From Marble Head Cottage To The Old Barn, Restronguet Point, Feock TR3 6RB

- 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 and Mrs C Wason against the decision of Cornwall Council.
 - The application Ref PA20/05406, dated 28 May 2020, was refused by notice dated 1 April 2021.
 - The development proposed is repairs to the seawall and the construction of a replacement boathouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The effect of the proposal on the character and appearance of the area, with reference to the Cornwall Area of Outstanding Natural Beauty (the AONB) and non-designated heritage assets (NHAs) within the Porthgwidden Estate.

Reasons

3. The dwelling Chyreen is set in extensive grounds on the east side of Restronguet Point, a peninsula extending into the Carrick Roads. Its lower grounds fall to a sea wall which separates it from the foreshore below. At this point there are remnants of a building which the remaining fabric and historic mapping show to have been a boathouse. The site and environs are within a blanket Tree Preservation Order (C1/24 - Porthgwidden Estate).
4. The site is also within the AONB. The National Planning Policy Framework (the Framework) states that great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues.
5. Restronguet Point is well settled, and its large houses are served by slipways and/or waterside outbuildings, some of which are also large, highly glazed, and imposing on the riverscape, such as that at Saqqara. That said, Chyreen is at the north edge of the more developed part, towards Loe Beach.
6. At this point, the density of built form lessens, and the peninsula comes to first and foremost comprise the tranquil, sylvan parkland associated with Porthgwidden House, Chyreen having been constructed close by on part of the former estate. Owing in no small part to the work undertaken by the appellants, Chyreen's grounds read as a restored part of the estate's parkland.

7. As such, notwithstanding the built form elsewhere on Restronguet Point, the site and its immediate environs convey these key attributes of this part of the AONB, as expressed by the Cornwall and Isles of Scilly Landscape Character Study (LCS)¹. Visually this is appreciable from the foreshore and logically the Carrick Roads. Regarding the latter, I understand that it is busy with private watercraft during the summer and is also the route of public ferry services.
8. Swiss Cottage, aside Porthgwidden Slip, is an exception to the relative absence of waterside buildings. However, it is a locally listed NHA, as, I am told, an interpretation of a former combined sailing master's residence, boatyard and sail loft serving the Porthgwidden Estate that it has replaced. Whilst I have no photographs of the boathouse within the appeal site, the appellant's heritage appraisal² and representations from interested parties suggest that it was a simple, humbler structure which projected off the sea wall. This historic sea walling and the incorporated boathouse remains are also NHAs.
9. Given its prominence, scale and extent of glazing, the proposed boathouse would detract from the naturalistic appearance of this section of the peninsula, extending the more developed part of Restronguet Point into the parkland and along the waterside towards Loe Beach. It's likely incidental use would erode the tranquillity of the site through concentrated noise and light pollution. That the scheme would be mostly appreciable at closer range, within 400m, does not reduce the importance that I place on its impact on the visual receptors within the Carrick Roads.
10. This harm would not be mitigated by taking design cues from an old summerhouse within the estate nor an adherence to natural finish materials. The glazed east elevation could be viewed front on from the water, from where it would not be well screened by planting. There is no guarantee that the louvres would be used in practice. Whilst I appreciate that the appellants already use the lower area of Chyreen's garden, this is likely to be less intense and intrusive than that which would be facilitated by the shelter of the boathouse, right above the water's edge. Additional planting would do little to enhance the already high-quality parkland character of this part of the peninsula.
11. The legibility and primacy of Swiss Cottage as the foremost marine site serving the estate would be challenged by the building which, on the evidence, bears little resemblance in terms of scale and likely use to the more modest structure it looks to replace. Much of the remaining fabric would be subsumed into the new boathouse in any case. The heritage benefits of repairing the sea wall would be obviated by the placement of the boathouse, and it occurs to me that such repair work could alternatively be carried out independent of the scheme.
12. For these reasons, whilst I recognise the detailed analysis of the appellants' Landscape and Visual Impact Assessment³ and subsequent Landscape and Visual Review⁴, I consider them to overvalue the benefits of the scheme and to underappreciate the adverse impacts that would be borne to the AONB in landscape and visual terms. In my opinion, the landscape and scenic beauty of the AONB would not be conserved and there would be harm to the significance of the NHAs within the Porthgwidden Estate.

¹ LCA No CA13 - Fal Ria, Truro and Falmouth

² Heritage Impact Assessment (2018) by Statement Heritage

³ by Cornwall Environmental Consultants (CEC Ltd) (2020)

⁴ by litwell (2021)

13. Consequently, I conclude that the proposal would have an unacceptable effect on the character and appearance of the area, with reference to the AONB and NHAs within the Porthgwidden Estate. It would conflict with the heritage and landscape aims of Policies 2, 12, 21, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016), Policies LS1 and LS2 of the Feock Neighbourhood Development Plan (made 2018), the guidance of the Cornwall AONB Management Plan 2016 - 2021 and the Framework.

Other Matters

14. The site is very close to the Fal and Helford Special Area of Conservation and just within the Falmouth Bay to St Austell Bay Special Protection Area. Given that the scheme would concentrate incidental leisure use at Chyreen at the edge of the foreshore, I cannot rule out likely significant effects on the integrity of these sites due to recreational use in the first instance. If I had been minded to allow this appeal, it would have been necessary to consider this matter further. As I am dismissing the appeal for other reasons, I have not done so.
15. The appellants have also referred to the presumption in favour of sustainable development within Paragraph 11 of the Framework (and Policy 1 of the CLP). However, I see no reason why the tilted balance should be applied in this case, particularly as it is expressly disengaged in instances where harm to an Area of Outstanding Natural Beauty would arise.

Planning Balance

16. The harm to the AONB and the NHAs draws the proposal into conflict with the development plan when read as a whole. In the scheme's favour, there would be small and time limited economic benefits during the construction phase. These benefits would fall decisively short of outweighing the respective harms to the NHAs and to the AONB. That the scheme would not increase flood vulnerability at the site is a neutral factor in the balance, as would be an absence of harm to ecology, if I had gone on to find that to be so.

Overall Conclusion

17. Consequently, there are no other considerations, including the Framework, that would outweigh the conflict with the development plan in this case.
18. For the reasons above and taking all other matters into account, I conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR