



Appeal Decision

Site visit made on 3 May 2022

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 May 2022

Appeal Ref: APP/D0840/W/21/3285043

Minack Lodge, Road from the valley to St Levan, Churchtown, St Levan TR19 6JU

- 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 & Mrs Britton against the decision of Cornwall Council.
 - The application Ref PA21/01409, dated 2 February 2021, was refused by notice dated 2 September 2021.
 - The development proposed is the proposed construction of replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the application was refused the Cornwall Design Guide 2013, which was referenced in the reason for refusal, has been superseded by the Cornwall Design Guide 2021. Extracts from the latest Design Guide have been submitted with the Council's statement and the appellant has had the opportunity to comment on these details at the final comments stage. Consequently, no party would be prejudiced by the consideration of the scheme against the latest Design Guide.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area with particular regard to the location of the site within the Cornwall Area of Outstanding Natural Beauty and Heritage Coast.

Reasons

4. The site and the surroundings are located within the Cornwall Area of Outstanding Natural Beauty (AONB) and, in particular, Area 7 – West Penwith. The AONB Management Plan – Local includes a Statement of Significance for Area 7 and explains, amongst other details, that this is an ancient landscape with a unique character shaped by its granite geology and geographical position. It describes Area 7, including that the south coast of this part of the AONB is undulating but still has a rugged and indented coastline with many headlands and small coves.
5. This area is also designated as Heritage Coast and the Cornwall and Isles of Scilly Landscape Character Study identifies the area as within Landscape Character Area 01 – West Penwith South. Key characteristics of this Character Area includes the exposed open maritime landscape character, windswept and

- highly influenced by wind and weather, and an undulating inland plateau of mainly pastoral fields on shallow unimproved soils, with deep valleys near the coast.
6. These descriptions broadly typify the area in which the appeal site is located. The present dwelling is positioned within a plot towards the top of fairly elevated cliffs and there are views over the sandy beach, bay and out to sea, as well as across to the other valley side.
 7. Minack Lodge is mainly a single storey dwelling, although with some accommodation within the roof which includes a dormer. With its hipped and modest bulk of roof to the main part of the building, and position behind a reasonably overgrown frontage, it presently has a limited presence when the building is viewed from the nearby roads and junction area. It is located adjoining The Haven, a modest sized bungalow.
 8. Minack Lodge and the other buildings are also visible from the other valley side, including from sections of the South West Coast Path. At my site visit, I walked up the other side of the valley and I could see that Minack Lodge nestles amongst the vegetation at the top of the slope and has an unassuming presence. Parts of the dwelling can be seen as a small group with The Haven and the roof of Rospletha Villa in the background.
 9. The wider views from across the valley show that the bay, the cliff side and the wider countryside are the dominant features but there are also a variety of quite prominent residential buildings that are either sited towards the valley bottom or further up the slope, including some on or towards the ridge. While these buildings form only an element of the landscape, and historically are part of the established surroundings, many of these buildings because of their prominence do not especially complement the key characteristics of this section of countryside within the AONB.
 10. I appreciate that the proposed replacement dwelling would be a reduced scheme compared with the original proposal. It would be set back further in the plot from the road than the existing building and this would provide more space to the frontage to allow a comprehensive planting scheme¹. However, the dwelling would be a reasonably sizeable building with a greater height and bulk than present and, with the fairly long ridge line, it would be quite a prominent feature in views from the road and around the junction. The building is said to take some reference from a barn-style shape. However, the design of the proposed west elevation with its mix and extent of different shaped openings, together with the wrap around terrace and glass balustrade towards one end, would not especially reflect this intended barn-style approach and would appear somewhat incongruous.
 11. Furthermore, within some views when approaching from the south west and from the road that leads from The Minack Theatre, the southern end gable would be fairly prominent. The raised end terrace, potentially with domestic paraphernalia, and the proposed quite large, offset glass doors/windows, would appear somewhat jarring to the generally rural context. I do not consider that this design and related impact would be likely to be satisfactorily mitigated by the planting and the retention of the soft boundary landscaping. In part this is because the boundary planting along this side of the road is likely to be

¹ I have taken into account the planting plan and associated landscaping details.

managed to maintain the attractive views from the terrace out over the adjoining landscape. I do not consider that conditions attached to any permission would be practical, reasonable and enforceable to address this matter.

12. A contemporary approach to the design, in itself, may not be without some merit given the mix of designs locally and therefore the absence of a coherent style. Also the use of natural materials, including stone and slate for the elevations, together with the dark window frames, would help tone down the presence of the building within the site. However, the combination of the height, bulk and length of ridge of the building on this prominent corner, together with the design details I have highlighted, would mean that the building would not integrate sympathetically within the generally rural surroundings.
13. I have carefully considered the photomontages that show street scene representations around the site (and also from across the valley). However, they do not satisfy me that the overall design, coupled with the prominence of the building on this corner, would be sensitive to its location and meet with the requirements for new development in this protected landscape.
14. In longer distance views from the other side of the valley, the replacement dwelling would be more visible towards the top of the ridge and amongst the landscaped surroundings. Other buildings in this general location are also prominent and the natural materials proposed for the elevations and roof would assist to some extent with reducing the visual effect of the dwelling. However, the reasonably long ridge, the series of quite large window and door openings stretching across quite a wide building, coupled with the horizontal emphasis of the glass balustrade and terrace, would still produce a form and profile of a building which would draw the eye.
15. Even with an extensive landscaping scheme screening parts of the structure, the position of the building towards the ridge, together with the height and design, would combine to produce a building that would have an undue presence. In these circumstances, the replacement dwelling would not assimilate successfully into the wider landscape. The result would be an overly conspicuous building that would detract from the landscape character of this part of the AONB.
16. After dark and when the building was internally lit, the extent, shape and position of the glazing stretching across much of the proposed east elevation of the building would be especially prominent from across the valley. The scheme also includes rooflights above the dining area which could lead to an upward glow of light if that room was lit after dark. The likely effect of this would be to cause unacceptable levels of light pollution and thereby harm the generally dark night sky and rural character of this part of the AONB. I am not satisfied that this lighting impact could be adequately controlled by a planning condition.
17. I appreciate that there are other buildings in the vicinity that would already cause some light spill from their windows. However, that does not in itself justify this scheme with the extent and form of glazing that is proposed and which would likely lead to the harm I have identified. I am not satisfied that, because this elevation and the lighting impacts would mainly be viewed from open countryside, such as the South West Coast Path, and walkers are unlikely

to be out after dark, this impact on the rural character of the AONB should not be an important consideration.

18. I have noted the details of a scheme that could be constructed at Minack Lodge as permitted development. However, these extensive areas of glazing would mainly be at ground floor level. The proposed position of the outbuilding would also to some extent screen views of the proposed windows in the rear of the existing building. I also appreciate that with a permitted development scheme the landscaping and lighting could not be controlled. Nevertheless, I consider that the appeal proposal, with the extent and spread of openings and the fairly extensive first floor accommodation, would have a greater presence and likely cause more light pollution than the permitted development scheme. I therefore attribute limited weight to the fallback option of a scheme which would result from permitted development rights in justification for the appeal development.
19. In support of the appeal proposal, my attention has also been drawn to the contemporary design of the replacement dwelling at Tresidder, Mullion². It does appear that the new development at Tresidder is in a prominent and exposed location within the AONB. As a consequence, there are some similarities with the appeal location and proposal. However, compared with the appeal scheme the dwelling at Tresidder has a smaller terrace which is also positioned generally tighter to the building and which would be partially covered by the timber slatted brise soleil. This feature would also provide the benefit that the adjoining windows would be in some shadow and therefore would be likely to be less dominant. It also seems that the ground floor glazing would not be quite as extensive as with the appeal scheme. Overall, I consider that the replacement dwelling at Tresidder appears to have some material differences and would be a more restrained proposal compared with the replacement dwelling at Minack Lodge. As a consequence, the dwelling at Tresidder lends only limited support to the appeal proposal in this particular location and with its associated design.
20. Drawing all these matters together, I conclude that the appeal proposal would unduly harm the character and appearance of the area by introducing a fairly conspicuous form and design of development that would not sympathetically integrate within the landscape. The effect on the rural character of this area would also be undermined by the likely light pollution. The scheme would thereby intrude into this landscape undermining the positive qualities of this section of Landscape Character Area 01, the AONB and the Heritage Coast.
21. I therefore conclude that the effect of the proposal would be that the landscape and scenic beauty of the AONB would not be conserved or enhanced. The National Planning Policy Framework explains that AONBs have the highest status of protection in relation to these issues and is a matter that should be given great weight. It follows that the scheme would not comply with Policies 1, 2, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030, advice contained within the Cornwall Design Guide 2021, and the aims and intentions of Policies MD9 and MD16 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2016-2021 which requires, notably, development to sustain local distinctiveness and character and protect Cornwall's natural environment.

² Council reference PA16/00411

Conclusion

22. The scheme would provide a modern dwelling built to energy efficient and sustainable standards and would replace the somewhat tired, existing building. The evidence indicates that the existing dwelling is subject to a RICS surveyor's recommendation to demolish. There would be social and economic benefits to the area during construction and in subsequent occupation of the house. A biodiversity gain could be secured as part of the scheme. However, the cumulative benefits would be quite modest as the scheme concerns only a single replacement dwelling and would merit only limited weight in support of approval. The benefits would not outweigh the harm that I have identified above, which I attribute great weight.
23. In conclusion, given the harm I have found and the conflict with the related planning policies in that regard, I conclude that the scheme would conflict with the development plan when considered as a whole. There are no material considerations of such weight which indicate that a decision should be made otherwise than in accordance with the development plan. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

David Wyborn

INSPECTOR