



Appeal Decision

Site visit made on 30 August 2022]

by P N Jarratt BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2022

Appeal Ref: APP/D0840/W/22/3293029

47-49 Cliff Street, Mevagissey, PL26 6QJ

- 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 Maurice Douglas & Ms Sarah Wells against the decision of Cornwall Council.
 - The application Ref PA21/03049, dated 22 March 2021, was refused by notice dated 20 August 2021.
 - The development proposed is a one bedroom dwelling
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the site is visible from the public highway, I was able to view the site adequately without the need for an accompanied site visit.

The site and relevant planning history

3. The site forms part of a triangular parcel of land between Battery Terrace to the north and a public right of way to the south but excludes an area to the east side of the right of way at the rear of 45 and 47 Cliff Street. It also includes a detached parking bay accessed from Battery Terrace. It is utilised as an amenity area to the host property, No 47 Cliff Street, and has a steep gradient. There are areas of paving, gravel, decking and a green painted shed.
4. The site abuts a Conservation Area within which there are many listed buildings. It is also within an Area of Outstanding Natural Beauty (AONB).
5. A Lawful Development Certificate (LDC) was refused in July 2021 for the construction of a single storey building in accordance with Class E of the Town and Country Planning (General Permitted Development) (England) Order, 2015, as amended (GPDO) (PA21/06092).
6. In August 2016, the Council carried out an investigation into the alleged construction of raised decking but concluded that the works were permitted development.
7. An appeal has been made against the failure to give notice within the prescribed period of an application for an LDC (PA21/08455) for the erection of a building within the residential curtilage of 47 Cliff Street in accordance with Class E of the GPDO (appeal reference D0840/X/22/3292709).

Main Issue

8. The main issue is the effect of the proposed development on the character and appearance of the area, and the setting of the adjoining conservation area.

Reasons

9. Planning policies are set out in the Cornwall Local Plan Strategic Policies 2010-2030, the Mevagissey Neighbourhood Development Plan and the National Planning Policy Framework (the Framework). These policies recognise the need for high quality design and the need to consider the impact of development on the character and setting of heritage assets and settlements.
10. The proposed dwelling is a three-storey, sedum covered, flat-roofed structure having an angular and curved form with its lowest floor being set into the sloping ground as a basement bedroom. Habitable room windows face south and other windows are obscure glazed to avoid potential loss of privacy to occupants of neighbouring dwellings. Its contemporary design is in contrast to the surrounding more traditional scale and form of development, which to the south is in the form of terraced housing of varying styles with further development further up the hillside with semi-detached dwellings on Battery Terrace. The proposed dwelling has a small footprint and it is sited in the north east corner of the plot within which there would be small patio and garden area. A section of the triangular parcel of land which is subject to appeal D0840/X/22/3292709 is retained as garden to 47 Cliff Street.
11. In principle, the development of this windfall housing site would be acceptable and it is in a sustainable location. Although the plot is small, many of the traditional dwellings have limited plot sizes, which is not an unusual feature in historic fishing settlements where the topography restricts the amount of developable space.
12. The Council has expressed concern about the roof design and has referred to this being at odds with the traditional pitched roof design of nearby dwellings. However the appellants draw attention to local examples of contemporary design at The Cliff and in Battery Terrace, which are also designed with curvilinear walls and flat roofs. These developments are more visible and have greater impact when viewed from the south of the harbour than the appeal proposal. The Council has not commented why such contemporary designs are considered appropriate in these nearby locations. Contemporary design is considered as being an acceptable architectural response in the context of the proximity of the Conservation Area, AONB and nearby listed buildings.
13. The site is small and as a garden to 47 Cliff Street it contributes to the openness of the area where the change in levels are distinctive and apparent. The triangle of cultivated green space to the north of the footpath at the upper end of the site also contributes to the openness of the area. These areas coupled with the amenity areas for the surrounding dwellings which are devoid of any significant structures provide a clear visual and physical boundary between the older historic core of Mevagissey as recognised by the Conservation Area and the more modern development beyond. These open areas make a positive contribution to the character and appearance of the area and to the setting of other heritage assets. They also provide for extensive views from Battery Terrace across Mevagissey. The proposed development

- would compromise these public views and the enjoyment to be gained from the semi-circular seating area on the public footpath to the north of the site.
14. Although there is an existing shed on the site, which adds little to the quality of the street scene, and the proposed dwelling would be set into the hillside, I consider that on balance the proposal represents an over-development of a small site through loss of openness that would be harmful to the character and appearance of the area and to the setting of the Conservation Area and nearby listed buildings. The level of harm is less than substantial but any public benefit arising from the construction of a small dwelling, which is not necessary to meet the Council's five year supply of deliverable housing sites, would not outweigh this level of harm.
 15. I note that the appellants have informed the residents of neighbouring properties and discussed it with the Parish Council with only limited concern expressed. Additionally, the appellants have sought to compare their proposal with what they consider could be built utilising permitted development rights. However, these matters do not overcome the harm to the site through the loss of openness that I have identified.
 16. In respect of other matters raised, I note that the requirement for the submission of an Appropriate Assessment to mitigate potential harm in respect of the proximity of the Fal and Helford SAC required by the European Sites Mitigation SPD 2021 could be met via a pre-commencement condition but this does not outweigh the balance against the proposal.
 17. I conclude that the proposed development would be contrary to various policies including Policies 12, 21, 23 and 24 of the Local Plan; to the design and heritage policies of the Neighbourhood Plan; and, to the approach in the Framework regarding the efficient use of land (paragraph 122), section 12 regarding design and section 16 regarding the historic environment.

Conclusion

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

P N Jarratt

INSPECTOR