



Appeal Decision

Site visit made on 19 July 2022

by Mr S Rennie BSc (Hons), BA (Hons), MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2022

Appeal Ref: APP/D0840/W/21/3289698

1 and 2 Sea View Cottages, Oates Road, Marazion, Cornwall, TR17 0AN

- 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 John and Jo Gentle against the decision of Cornwall Council.
 - The application Ref PA21/01206, dated 26 February 2021, was refused by notice dated 17 November 2021.
 - The development proposed is the change of use from 2 dwellings in to 1 single dwelling, construction of single storey extension with roof terrace, insertion of conservation rooflights, construction of external garden wall and gate to North, removal of hard paved area surface to form soft planted area.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use from 2 dwellings in to 1 single dwelling, construction of single storey extension with roof terrace, insertion of conservation rooflights, construction of external garden wall and gate to North, removal of hard paved area surface to form soft planted area, at 1 and 2 Sea View Cottages, Oates Road, Marazion, TR17 0AN, in accordance with the terms of the application Ref PA21/01206, dated 26 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site/location Plan 2020/2622/EX01
 - Block Plan 2020/2622/D01 REV.B
 - Block Plan 2020/2622/D04 REV.B
 - Proposed 2020/2622/D02 REV A
 - Proposed 2020/2622/D03 REV B
 - 3) Prior to the use of any external materials in the development hereby approved, details of these materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained as such thereafter.
 - 4) Prior to the use of the roof balcony/terrace above the extension hereby approved, a privacy screen shall be erected along the west/south-western

elevation boundary of the flat roofed balcony/terrace, in accordance with a detailed scheme which shall be first submitted to and approved by the local planning authority. Notice shall be given to the local planning authority when the approved scheme has been completed. The screen as agreed shall be retained as such thereafter.

- 5) Prior to any construction works, a Construction Method Statement shall be submitted to and approved in writing by the local planning authority. The approved statement shall be adhered to throughout the construction period.

The Statement shall provide for the following, amongst other things: (i) the parking of vehicles of site operatives and visitors; (ii) loading and unloading of plant and materials; (iii) storage of plant and materials used in constructing the development; (iv) hours of working.

Applications for costs

2. An application for costs is made by the appellant, Mr and Mrs John and Jo Gentle, against Cornwall Council. This application for costs is the subject of a separate decision.

Main Issues

3. The main issues are the effect of the development on (1) the character and appearance of the area, including the effect on heritage assets, and (2) the effect on the living conditions of neighbours.

Reasons

Character and Appearance

4. The proposal is for a single storey, flat roof extension to the principal elevation of the cottages, which are also proposed to be converted to a single dwelling. The cottages are of a traditional appearance, reflective of the character of vernacular cottages within this settlement. For these reasons the cottages are considered to be non-designated heritage assets (NDHA). The National Planning Policy Framework (the Framework) states that "The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application." The same paragraph (No 203) states that "a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."
5. The site is also within the Marazion Conservation Area (CA). The significance of this CA is derived from the historic buildings and street layout of this area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas in the exercise of planning functions. The Framework also advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 199 of the Framework states 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.
6. The elevation where the extension is proposed maintains the historic character of the cottages, even with the modern additions of the porches for example,

with the stonework evident across much of the elevation. However, the proposed extension would be built across a large portion of the ground floor level of this elevation, which would diminish the character of the building with the loss of some historic authenticity. The extension would become a feature of this elevation, though it would not reflect the traditional character of the cottages.

7. As such, the proposed extension would diminish the distinctive character of these dwellings, which are important from a heritage perspective being that they are non-designated heritage assets. Being that such traditional historic cottages are a positive feature within the CA, the proposal would erode the significance of the CA also to some extent.
8. The proposed extension would have an adverse impact to the character and significance of the Conservation Area. However, this harm is limited by reason of the modest scale of the development within the large CA, with the elevation in a location where it would not be prominent from most public areas and highways. Both Oates Road and the public right of way (Footpath No 9) appear to be 'dead ends' and not connect with other highways or footpaths. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
9. In terms of general benefits, the proposal is stated as required to provide accommodation for a disabled person in the house with carers. There would be the public benefit of allowing the disabled person to be cared for within their own home and therefore reducing the reliance on public services for this care. I consider this to be a significant benefit to the proposal. The Council has suggested there are alternatives available or possible, but from the evidence before me I am not convinced this is the case, for the reasons set out by the appellant. It would seem that there would be significant benefits for the disabled family member to them residing at Sea View Cottages in terms of their long term care and living standards.
10. There would also be the improvements to these NDHA cottages to bring them to modern standards in terms of floorspace, whilst I have also considered the removal of the porches as a minor benefit.
11. In terms of harm, I would regard this as being at the lower end of 'less than substantial' harm. The extension would not cover all the elevation and would not be a prominent feature in the CA, due to its location set off the main road through Marazion as described above.
12. Due to the particular circumstances of this case, and taking a balanced judgement, the limited harm to these NDHA cottages is outweighed by the benefits.
13. There is great weight apportioned to preserving a heritage asset like the Marazion CA. Special attention must be given to the desirability of preserving or enhancing the character or appearance of CAs. However, in this case the harm is limited. There is also great weight that I would give to the benefits of the proposed extension, particularly in it allowing for care of a disabled person in her home. With regard to the test under NPPF paragraph 202, the less than substantial harm to the CA is also outweighed by the positive public benefits that would be derived by the proposed extension, particularly as it would be

- providing accommodation and care for a disabled person, meaning that care would likely be needed to a lesser extent by public healthcare providers.
14. It is my view that in this particular case the limited level of harm to the CA and the weight attributed to this harm is outweighed by these benefits.
 15. The proposal is therefore in accordance with Policy 24 of the Cornwall Local Plan, which requires that "Any harm to the significance of a designated or non-designated heritage asset must be justified", which I have concluded it would be in this case, including through the public benefits. There are no clear alternatives before me and the proposed extension has been amended and reduced in scale to help mitigate any visual impact.
 16. With regard to Policy 12 of the Local Plan, this requires that development maintains and enhances the distinctive historic character whilst respecting the historic environment. However, the policy also requires development to be inclusive. The supporting text to the policy (paragraph 2.75) states that good design can help improve social wellbeing and quality of life, as would be the case with this proposed extension.
 17. However, even if the proposal is contrary to these Local Plan policies (which would thereby indicate a proposal not fully in accordance with Policy 1 either) it is my view that the benefits (private and public) derived due to the personal circumstances involved are such that they outweigh such harm. The material considerations of this aspect of the proposals indicate a decision other than in accordance with these development plan policies.
 18. The site is also within the Cornwall AONB. Whilst the aims of the AONB and its management are acknowledged, the proposed extension is not of a scale or prominence to have a detrimental impact to the scenic beauty of this designated area. The proposal, given its scale and surrounding residential buildings, would not have a harmful impact to the wider landscape. The proposal accords with policy 23 of the Local Plan for the reasons set out above.

Living Conditions

19. The proposal includes a roof terrace above the flat roof single storey extension. The roof terrace would be positioned adjacent to the boundary with the neighbouring property of No 3 St Michaels Reach. The terrace would be a sizable area and would allow for views into the patio area to the side and rear of this neighbouring property. There are some existing levels of overlooking from first floor bedrooms at Sea View Cottages, but the position and size of the terrace could be imposing due to the loss of privacy for occupants of this neighbouring property when in their rear garden area.
20. No 3 does have a balcony itself, though this is smaller than the terrace proposed and positioned away from the boundary. It does still result in some overlooking of the appellant's property, but this is an existing feature.
21. The proposed terrace would be larger than some of the other balconies in the area. Though it could accommodate multiple people there is no reason to expect high numbers of people using the terrace frequently or for its size to result in an unacceptable level of noise and disturbance. The issue, in my view, is with regards to potential loss of privacy for the neighbours, particularly at 3 St Michaels Reach.

22. The appellant has suggested a condition could be imposed (similar to one recommended by the Council if the appeal is allowed) for a privacy screen to the side of the terrace. Whilst this would not remove all overlooking impact from the proposed terrace, given the existing level of views between properties and into private gardens, I would consider this as acceptable mitigation. The screen would obscure some of the closer views between the site and No 3. The impacts from the proposed terrace to existing neighbours, with an appropriate screen to be agreed by the Council, would not result in an unacceptable level of increased overlooking or loss of privacy, over and above existing levels.
23. As such, with the screen required by condition, the proposal is in accordance with policies 1 and 12 of the Local Plan, which requires that development proposals should protect individuals and property from overlooking and unreasonable loss of privacy, amongst other things.
24. Being single storey in height, the proposed extension would not have any unacceptable overshadowing impacts or appear overbearing from No 3. The screen as required by condition can also be of a height and material that would not block significant amounts of natural light or be imposing to occupiers of this neighbouring property. It would have minimal impact to outlook from No 3, which has wide vistas generally available, such as to the south. Details of the screen are to be agreed with the Council.
25. The proposed development would have no unacceptable impacts to any other existing neighbour, due primarily to the separation distances involved.

Other Matters

26. The proposed extension would be set a significant distance from the cliff edge and be a relatively modest single storey addition. I have no substantive reason to conclude that it would have adverse impacts to land stability in this location.

Conditions

27. I have considered the conditions put forward by the Council against the requirements of the Planning Practice Guidance (PPG) and the Framework. The conditions I have included from the recommended list have been subject to some alterations to improve clarity and ensure consistency with the Framework and PPG.
28. I have attached the standard time limit condition and a plans condition as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
29. For the reasons set out above, a condition requiring a privacy screen for the proposed terrace is imposed.
30. There is also a condition requiring a Construction Method Statement, which is necessary given the constrained coastal location, access and nearby neighbouring dwellings. This is a less onerous condition than recommended by the Council, which I considered as not reasonable given the small scale of proposed development.

Conclusion

31. For the reasons given I conclude that the appeal should succeed.

Mr S Rennie

INSPECTOR