

Appeal Decision

Site visit made on 21 September 2021

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2022

Appeal Ref: APP/D0840/W/22/3298175

Glencree House, 2 Mennaye Road, Penzance TR18 4NG

- 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 Fernihough Hay LLP against the decision of Cornwall Council.
 - The application, Ref. PA21/12675, dated 29 November 2021 was refused by notice dated 11 March 2022.
 - The development proposed is a retrospective application for the demolition of a wall and the formation of a parking area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The appeal property lies within the Penzance Conservation Area. The main issue is the effect of the development on the character or appearance of the conservation area, which is a 'designated heritage asset' with statutory protection from harm caused to its significance by development.

Reasons

3. The Council's evidence explains that the conservation area appraisal carried out in 2008 refers to boundary treatment and garden development at paragraph 5.5.2. This part of the appraisal makes it clear that gardens within the conservation area form a vital part of its character and integrity and their development for parking is always to the detriment of the streetscape.
 4. The paragraph also says that this has occurred in many properties that have rear service lanes, where stone boundary walls have been sacrificed to enable garaging and parking. Such development can be intrusive, with many roads and paths affording views to the rear of the properties. In summary, advice is given to '*resist the loss of boundary walls and introduction of parking. Encourage reinstatement of appropriate uses and boundary treatments*'. From my visit to the site and its surroundings, I conclude that the principles of this analysis and guidance are germane to my determination of this appeal.
 5. With this in mind, I note that the Council's appeal statement includes a 2018 Google image of the then rear boundary of Glencree House. This shows a granite wall across the full width of the plot. However, there are two exceptions: (i) a pedestrian gate and (ii) a wider gap large enough for a car but occupied by a timber structure, including what appears to be another pedestrian
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entrance as an inset into the frame. The photograph shows the granite wall to be about 2m in height and whilst it is difficult to draw firm conclusions from a single image, the structure appears to be in reasonable condition with no obvious signs of '*structural cracking bellying... leaning and imminent danger of collapse*' as alleged for the appellant.

6. I am aware that there is a gap of two or three years between the date of that photograph and the date of the wall's removal. However, I consider it unlikely that such a long established structure constructed from granite and appearing to be in a reasonable condition would have deteriorated in this relatively short period to the point of imminent collapse. And although the timber structure was somewhat unsightly, I am satisfied that the wall at that time provided both a sense of enclosure for the curtilage of the appeal property and a continuity with the similar rear walls on both sides of the rear access lane. As the Council says, the development has removed part of one of the defining features of the conservation area, with the adverse effect exacerbated by the site's prominence in Redinnick Place.
7. This prominence is all the more important because Redinnick Place is an important thoroughfare serving a number of other residential roads, a school and civic leisure amenities including tennis courts, a bowls club and a playground. As a result, the comings and goings result in substantial numbers of residents and visitors seeing the open curtilage of the rear of No. 2 Mennaye Road and the concrete hardstanding for car parking.
8. I consider that this exposed view of the rear of the appeal property is unsightly and out of keeping with both the character and appearance of the conservation area. This is also the opinion of more than five dozen objectors to the appeal whose individually expressed views strongly criticise the development for a variety of reasons, but in particular its unacceptably harmful effect on the character and appearance of the conservation area. In my view these add further weight to the Council's decision to refuse retrospective permission.
9. I have also had regard to the appellant's argument that there are precedents for the demolition of a rear wall at nearby properties, including in some cases to provide parking. In addition it is asserted that the removal of timber fencing and the creation of the parking area provides an enhancement of the site and the surrounding area.
10. However, I do not agree with this assessment and find that the overly utilitarian and functional treatment of the rear curtilage with open sight of up to three parked cars is a noticeably detrimental alteration to the property. Indeed, it is a change that draws the eye with a negative perception as to its visual impact. I accordingly conclude that the development does not preserve the character and appearance of the conservation area. This failure to do so is in harmful conflict with the relevant parts of Policies 1, 2, 12 & 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and with Section 16: 'Conserving and Enhancing the Historic Environment' of Government policy in the National Planning Policy Framework 2021 ('the Framework').
11. As regards the Framework, paragraph 199 refers to the different degrees of harm that can be caused by development to the significance of a designated heritage asset. In the case of this appeal, because the development relates to a

single property in a large conservation area, I conclude that there would be '*less than substantial harm*'. Paragraph 202 of the Framework advises that where there is less than substantial harm, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. I have therefore weighed the harm that in my judgement has been caused to the conservation area with the public benefits cited on behalf of the appellant. In summary these are primarily that the rear garden parking provision both provides a facility for guests and employees of a 10-bedroomed Guesthouse and relieves 'on street' parking (in some cases hazardous); that Electric Vehicle Charging Points ('EVPCs') are provided thereby assisting with the agenda for climate change, and that the parking area improves security through easier surveillance.
13. As a general principle I am cautious in supporting a 'trade off' between unsympathetic alterations to the fabric of a conservation area against facilitating parking within its designated area. To do so is to effectively encourage cars into an historic and tightly knit development pattern inherently unsuitable for them. I acknowledge this already happens with roadside parking but consider this is less harmful than creating hardstanding on private amenity areas.
14. Be that as it may, on the specifics of this case, a 10 bedroomed Guesthouse would be likely to generate a need for staff and visitor parking of much more than the three spaces provided and I see the appeal development as more of a convenience than a key factor in the viability of the business. No information has been provided as to how this shortfall is managed in the day to day running of the business. Nor has it been conceded that the wall could have been retained and the then double-width potential access used to allow vehicles' access and egress. This might have reduced the parking capacity from three to two because of the more difficult manoeuvring, but I do not see the demolition of the wall as being essential to viability.
15. Much has been made of the benefit of the EVPCs and climate change, but there is no evidence in this appeal that any car owner or user has opted for an electric vehicle because of the private parking spaces or charging points at the building. As regards security, I consider that a wall and a gate would offer far more protection from crime than the current surveillance.
16. In short, I conclude that the appeal development has primarily resulted in private benefit and convenience rather than measurable public benefit and that the latter thereby carries negligible weight in the paragraph 202 Framework balance. Accordingly and having had regard to all other matters raised, because of the harm caused to the character or appearance of the conservation area in conflict with local and national policy the appeal is dismissed.

Martin Andrews

INSPECTOR