
Appeal Decisions

Site visit made on 9 January 2023

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 January 2023

Appeal A: APP/D0840/W/22/3299498

Riverside Cottage, Forder, Saltash PL12 4QR

- 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 Liz Waugh against the decision of Cornwall Council.
 - The application Ref PA21/09449, dated 17 September 2021, was refused by notice dated 2 March 2022.
 - The development proposed is removal of section of boundary wall and formation of new parking bay.
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Appeal B: APP/D0840/Y/22/3299497

Riverside Cottage, Forder, Saltash PL12 4QR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) against a refusal to grant listed building consent.
 - The appeal is made by Liz Waugh against the decision of Cornwall Council.
 - The application Ref PA21/09450, dated 17 September 2021, was refused by notice dated 2 March 2022.
 - The works proposed are removal of section of boundary wall and formation of new parking bay.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Main Issue

3. The main issue is the effect of the scheme on designated heritage assets, and more specifically, whether the scheme would preserve a Grade II listed building, its setting and any of the features of special architectural or historic interest that it possesses, and whether the scheme would preserve or enhance the character or appearance of Forder and Antony Passage Conservation Area (the Conservation Area).

Reasons

4. The appeal scheme relates to Riverside Cottage, which, together with neighbouring Rose Cottage, and the attached wall fronting Latchbrook Stream, is a Grade II listed building. The listed building is in turn located within the Conservation Area, and each are designated heritage assets. In this regard the Act sets out the desirability of preserving the special interest and setting of listed buildings, and of preserving and enhancing the character or appearance of conservation areas. The National Planning Policy Framework (the

Framework) further makes clear that great weight should be given to the conservation of designated heritage assets.

5. Insofar as it is relevant to these appeals, the special interest and significance of the listed building lies in the early C19th date of the cottages and their vernacular character, which is complemented by the adjoining stone wall. Due to its height, the latter, which separates the frontage of Riverside Cottage from the adjacent stream, is a locally prominent feature.
6. The walls enclosing the frontages of Riverside Cottage and Rose Cottage are constructed of the same vernacular materials as that along the stream, but are lower in height and feature a mortar capping. The latter is of a type broadly seen within the locality. The appellant and some interested parties suggest that the wall across the frontage of Riverside Cottage is relatively modern, and some very minor differences are apparent between it and the wall along the stream. However, it is unlikely that the frontage was historically open, and it would not be unusual for a boundary wall to be rebuilt. To the extent that the walls along the stream and across the frontage directly adjoin, they are otherwise complementary parts of the same structure, which together serve to traditionally define and enclose the small front garden of Riverside Cottage. The latter in turn provides an open space within the layout of the cottage across and from within which the dwelling can be viewed and its significance can be appreciated. The above being so, the front boundary wall represents an important feature of the listed building, whilst the front garden represents an important component of its setting.
7. As noted above, the listed building is located within the Conservation Area. Again, insofar as it is relevant to these appeals, the significance of the Conservation Area resides in the historic character and layout of development around and in relation to Forder Lake, a creek which is fed by Latchbrook Stream. Forder lies at the top of the creek and contains a distinctive collection of vernacular structures including the listed building. Within this context it is notable that the wall across the frontage of Riverside Cottage helps to define the narrow lane immediately adjacent. This is similarly defined on the opposite side of the lane by the stone boundary wall of Forder Villa. The wall thus plays an important role within the historic streetscene, and together with the rest of the listed building, it makes a positive contribution to the character, appearance and significance of the wider Conservation Area.
8. The scheme would see most of the stone wall across the frontage of Riverside Cottage removed, providing open access for vehicles to park in the front garden. Aside from the loss of fabric that this would involve, enclosure of the front garden would be severely compromised, as too would be enclosure and definition of the lane. Having identified the heritage value of each above, the scheme would thus harm the significance of both the listed building and Conservation Area at large. Consequently, it would neither preserve the special interest of the listed building, nor preserve or enhance the character or appearance of the Conservation Area.
9. Though the appellant claims that consideration of parking falls outside the scope of the application, enabling parking in the front garden is the purpose of the scheme, and this could not occur unless the wall was removed. Nor would there be any logical reason to lay out a parking space in the front garden unless it was accessible. As the effects of parking in the front garden would

directly arise from works for which permission/consent is sought, they clearly fall to be considered. In this regard the parking of vehicles hard against the front wall of the cottage would clutter, obscure and detract from its appearance. At such times parking would greatly undermine the ability to appreciate the significance of the listed building. It thus follows that the scheme would fail to preserve the positive contribution that the front garden makes to the setting of the listed building.

10. Some distinction between the lane and the front garden space would continue to exist and could be reinforced by surface treatments. However, as this would not directly compensate for the harm caused by loss of enclosure and the presence of parked vehicles, it does not alter my findings above.
11. Parking within front gardens occurs in relation to properties nearby, where some of the adverse effects noted above are already apparent. The simple fact that such harm arises elsewhere does not justify inflicting the same on the listed building. Nor, given the recognisably adverse effects parking in front gardens has on the streetscene, does it provide an indication of the scheme's broader compatibility with the character and appearance of the Conservation Area.
12. As is typical within many small settlements, on-street parking space within Forder is limited, and where it occurs it provides the street with a somewhat congested appearance. This detracts from the character and appearance of the Conservation Area. Within this context it is unclear where the appellant parks at present. However, even assuming that this is on-street within the immediate vicinity, I have little reason to believe that allowing a vehicle to park within the front garden of Riverside Cottage would make any discernible difference to the congested appearance of the street. My findings above otherwise indicate that the adverse visual effects of parking would be simply extended to the front garden.
13. The site forms a small part of the Conservation Area. The latter is however a sum of its parts, and I have identified above the importance of the part in question. In this regard I am satisfied that the harm caused by the scheme would harm the character and appearance of the Conservation Area as a whole.
14. I therefore find that the scheme would fail to conserve the significance of both the listed building and the Conservation Area. The harm caused in each case would be less than substantial. Insofar as it relates to the setting of the listed building and Conservation Area such harm attracts considerable importance and weight, and insofar as it relates to the listed building itself, great weight. In accordance with paragraph 202 of the Framework it is necessary to weigh this harm against the public benefits of the scheme.
15. Here, despite arguing that parking is not relevant to the assessment of the scheme, the appellant has advanced provision of an off-street parking space as its principal benefit. Though I have already dismissed this as a heritage benefit, moving one vehicle off-street might in theory free space for someone else to park. This however depends upon where the appellant parks at present. Moreover, in the absence of any control over on-street parking or vehicle ownership, whether and where such a benefit would be manifest and in relation to whom is both uncertain and unclear. I can therefore attach very little weight to this consideration.

16. The formation of an off-street parking space would otherwise provide a private benefit to the appellant. This attracts no weight as a consideration in favour of the scheme.
17. My findings above are unaltered by the level of 'public support' the appellant cites in favour of the scheme. Public benefits would not therefore clearly or convincingly outweigh the harm that would be caused by the scheme to the significance of designated heritage assets.
18. For the reasons outlined above I conclude that the scheme would have an unacceptable effect on designated heritage assets. In relation to Appeal A, and insofar as it is relevant to Appeal B, the scheme would therefore conflict with Policy 24 of the Cornwall Local Plan 2010-2030 (the LP), which generally reflects national policy in relation to designated heritage assets, Policy 12 of the LP which amongst other things requires development to maintain and enhance the distinctive historic character of Cornwall, and Policy ENV6 of the Saltash Neighbourhood Development Plan which seeks to preserve listed buildings, and to secure appropriate development in conservation areas. In relation to both Appeals the scheme would otherwise fail to satisfy the requirements of the Act and heritage policy set out within the Framework.

Other considerations

19. Interested parties state that the scheme would provide for the needs of elderly visitors to Riverside Cottage. With reference to the Public Sector Equality Duty contained in the Equality Act 2010 (EA 2010), I have therefore had due regard under Section 149 of the EA 2010 to the requirement to take steps to meet the needs of persons who share a protected characteristic. The EA 2010 defines age as such a characteristic. Parking immediately in front of the dwelling would meet these needs by providing direct access, removing the requirement to travel between the dwelling and a vehicle parked elsewhere, including uphill. Visitors are however by definition non-resident, and parking in the front garden would clearly only be possible if the space was not already in use. Moreover, whilst on-street parking may not be guaranteed nearby, dropping off is possible. Providing for such needs would not therefore justify the overall harm that would be caused by the scheme.

Conclusion

20. Exercising due regard under section 149 of the EA 2010 I conclude that, for the reasons set out above, the scheme would cause unacceptable harm to designated heritage assets, and in relation to Appeal A, would conflict with the development plan taken as a whole. There are no other considerations, including the EA 2010, which alter or outweigh these findings. I therefore conclude that Appeals A and B should be dismissed.

Benjamin Webb

INSPECTOR