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# Appeal Decision

Site visit made on 8 February 2023

**by S Harley BSc(Hons) M.Phil MRTPI ARICS**

**an Inspector appointed by the Secretary of State**

**Decision date: 17<sup>th</sup> February 2023**

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**Appeal Ref: APP/D0840/W/22/3306767**

**Mevagissey Bay Hotel, Polkirt Hill, Mevagissey, St. Austell PL26 6UX**

- 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 J Ross against the decision of Cornwall Council.
  - The application Ref PA21/07498, dated 21 July 2021, was refused by notice dated 15 March 2022.
  - The development proposed is demolition of hotel and redevelopment of site with five apartments.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The whole of Mevagissey and its surrounds are within the Cornwall Area of Outstanding Natural Beauty (AONB). Since the planning application was determined the new Cornwall AONB Management Plan 2022-2027 (the Management Plan) has been adopted. The appellants have had the opportunity to consider this and I have taken the comments into account in my deliberations.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

## Reasons

4. The Mevagissey Bay Hotel (the Hotel) is within the built up area of Mevagissey. Polkirt Hill rises out of the historic core of Mevagissey, which is centred around the harbour at the bottom of the hill, and winds around towards the village of Portmellon. Beyond Honeycombe House, which is about half way along Polkirt Hill and near to its highest point from the harbour, the character of development changes.
5. The appeal site and neighbouring properties are on the higher part of Polkirt Hill beyond Honeycombe House. Due in part to the steepness of the terrain much of this part of Polkirt Hill has properties on one side only and these have a commanding view over the coast. In consequence they are also visible from wider vantage points and the South West coast path.
6. The character of this part of Polkirt Hill is mainly 20<sup>th</sup> century or later detached buildings in relatively large plots with no uniform style of building. There are

some traditional two storey buildings with pitched slate roofs interspersed with bungalows and dormer bungalows some of which are now used as visitor accommodation. Some of the earlier buildings on this part of Polkirt Hill have been either extended or re-developed as newer buildings of contemporary designs utilising less traditional facing materials. Directly behind these properties are mainly bungalows on Lower Well Park Road. The most common theme along this part of Polkirk Hill is that the main building set back from the road at an elevated position often set within soft landscaping and parking though garages/terraces project forward in some cases.

7. The Hotel and its immediate neighbour to the west, are of the more traditional design. Trenear, immediately to the east is being re-developed but despite having a glass balustrade to the front has a more traditional style of a hipped roof and height to width ratio. The Hotel has a double gable facing the road, dormer windows and flat roofed projections to front and rear elevations. It is set back with the main threshold elevated above the road by some 4m to 5m. To the front is a parking area which spans the width of the site with a retaining wall at the back some 2m high. Central steps lead up from the parking area through lawns and shrubs to raised terraces and the entrance to the Hotel.
8. The proposed building would also be elevated above the road and the footprint would be in a similar position to that of the Hotel. Living accommodation would be arranged over three floors (which I will refer to as ground, first and second floors) above a central basement entrance courtyard and extended carpark/bin store area. A plinth would be suspended above the entrance courtyard and part of the car parking area. This would be wider than the main building, and would be on or close to the boundary on either side. The ground floor would be excavated about 1m lower than the existing ground floor.
9. The building design is a series of three rectangular storey height forms stacked vertically on the plinth but stepped back in part and dug down into the hillside behind. The horizontal rectangular form would be emphasised by the width of the building and the plinth and the upper terraces. This would only be slightly relieved by the mansard style roof, which would be disproportionate in height compared to the height of the supporting walls, and the only partial gables at either end of the roof. I acknowledge that the top floor would be stepped back. However, this would be relatively slight and the effect would be reduced by the projecting terraces and the limited articulation at roof level. Moreover, any elevational interest provided by the proposed screens and shadowing would be marginal at ground and first floor as these would be set back beneath projecting terraces.
10. I acknowledge that the overall roof height of the building would be similar to that of the Hotel. This is achieved partly by digging into the hillside and partly by the top floor accommodation being in the roof space. The design requires extensive retaining structures which the Cornwall Design Guide 2021 (the Design Guide) seeks to avoid. Despite this the bulk and geometric form would be significantly greater than that of the existing Hotel particularly at the upper levels. I also consider the basement level would appear more as an additional storey when viewed from the street than the existing retaining wall surmounted by planting. Accordingly the proposal would appear significantly more imposing than the other buildings on Polkirt Hill.

11. I consider the scale, width, height and horizontal design of the building would appear top-heavy, overly dominant and cramped. This would be exacerbated by the lack of space to the side boundaries and the lack of meaningful space for soft landscaping either to the sides or front of the building unlike some other re-developments such as Trenear. I conclude the proposal would therefore amount to over-development of the site.
12. The Landscape and Visual Appraisal (LVA) suggests there would be vegetation at ground floor level with a concealed fence rather than a glass balustrade. However, there appears to be little scope for this and no such details are shown on the plans. Moreover, due to the required excavation works, and in the absence of any evidence to the contrary, I could not be confident that any significant planting visible from public vantage points could flourish.
13. Taking all the above into account I consider the proposal would be over development of the site that would have a significantly harmful effect on the character and appearance of the local area. I find conflict with those parts of Policies 2, 12, 21 and 23 of the Cornwall Local Plan 2010-2030 (the LP) and the Design Guide which together seek high quality development of an appropriate density, scale, mass and design that preserves and enhances the area. There would also be conflict with Policies EG1 and D1 of the Mevagissey Parish Neighbourhood Development Plan 2018 (the NP) which seek to ensure proposals harmonise with their surroundings and provide for adequate landscaping. The Management Plan identifies that the scale and design of some modern development in Mevagissey and elsewhere is intrusive and erodes the characteristic setting of the villages. The proposal would cause further erosion and would conflict with Policy SCC-P1 which seeks to prevent cumulative landscape and visual impact.
14. I consider the use of light coloured render and dark sheet material for the roof would not be significantly out of keeping with facing materials elsewhere along Polkirt Hill. Timber panels would be less characteristic but as much of these would be recessed they would not be unduly obtrusive.
15. Many of the nearby 20<sup>th</sup> century buildings have relatively small windows though some have larger expanses of glass and glazed balustrade additions. Many of the more recent buildings have large uninterrupted apertures with glazed balustrades. The LVA identifies that extensive glass is having an effect on light spill increasing the visibility of buildings from the east especially in the morning sunlight. The proposal would add to light spill although I acknowledge that the setting back of some of the glazing and the use of timber screens and non-reflective glass would help reduce light spill and reflection. Nevertheless there would be some conflict with Policy PD-P11 of the Management Plan which seeks development that reflects vernacular design and to avoid the introduction of very extensive glazed elevations.
16. Development of the site would result in some loss of openness around the site and an intrusion of built form into the landscape. This would be particularly noticeable from parts of Polkirt Hill along which runs the Gold priority South West coast path. In distant views such as from Portmellon the proposed building would be seen very much in the context of the surrounding development and would appear as a clear part of the built up area.
17. The LVA identifies the scale of the proposal as moderate, the sensitivity of the locality to change as medium and the sensitivity of the site itself as low. On

this basis the LVA identifies a moderate to slight effect upon the landscape and townscape and that the glass balustrades could have a slightly adverse effect upon the visibility in the surrounding area and suggests alternative materials could be considered. Overall the LVA concludes the effect would be not adverse.

18. However, the LVA appears to rely on the use of planting in place of the glass balustrade along the ground floor terrace, and in my view, under plays the effect of the bulk of the building at first and second floors and the lack of space to the boundaries or opportunities for planting. I find that because of its scale, height, width, rectangular design and lack of meaningful planting the building would be a new, incongruous element in the landscape setting. For these reasons I consider the proposal, although small in the context of the AONB as a whole, would have a slightly adverse effect. This would still amount to harm.
19. For the reasons set out above I consider that the harm I have identified, whilst limited, means the proposal would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly there would be conflict with Paragraph 176 of the National Planning Policy Framework (the Framework) and Policy 23 of the LP which requires great weight to be given to such harm.
20. The appeal site is some distance from the boundary of the Conservation Area (the CA) which centres on the historic core of Mevagissey. Properties on the lower part of Polkirt Hill are in the CA have a variety of styles, materials and heights stepping up the hill and with front elevations close to the street. These are very different to the properties on the remainder of Polkirt Hill. Due to the distances, topography, orientation, and intervening buildings, I conclude that the proposal would have a neutral effect on the setting in which the CA is experienced.
21. For the reasons set out above I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would not conserve or enhance the landscape and scenic beauty of the AONB. Accordingly as detailed above I find conflict with Policies of the LP; the NP; the Management Plan and those principles of the Framework that seek good design that reflects the character of the local area and conserves and enhances the AONB. I give these matters great weight.

## **Other Matters**

22. The Council has raised no objections to the loss of visitor accommodation although third Parties have queried whether the Hotel was marketed realistically. I have seen only limited evidence in this respect. Similarly the Council has raised no objections with regard to storm water drainage and cliff stability. Had my conclusions on the main issue been otherwise I would have sought more information on these matters but given those conclusions it is not necessary or appropriate for me to do so. Nor do other matters raised such as loss of privacy, potential noise and disturbance, or traffic along the narrow Polkirt Hill lead me to any different conclusions in respect of the main issue.
23. I have considered other developments of modern design in the locality. However, none of these seem to have the combination of elevated position, mass, width, scale, form or lack of space for soft landscaping as the appeal proposal. For example, Pebble House has more articulated gables, is smaller and has planting to the front. Tresleigh is also smaller in scale, with lower

profile mono pitch roofs and a central valley with concomitant spaciousness at roof level. Chapel Point is much lower in height and has more space to the front and sides. Nothing that I have seen leads me to conclude that the appeal proposal would be appropriate for the appeal site.

24. The appeal site lies within the zone of influence relating to the estuary designated as the Fal and Helford Special Area of Conservation. However, there is no need for me to consider the implications of this because the scheme is unacceptable for other reasons.
25. The current proposal seeks to address concerns raised about previous proposals for a larger building and I note that the Council refused the appeal proposals against officer advice. However, I have reached my own judgement based on the evidence before me and neither of these matters would be reasons for allowing an otherwise unacceptable proposal.

### **Planning Balance and Conclusion**

26. The Council considers that a 6.5 year supply of deliverable housing land can be demonstrated. I have seen no evidence that leads me to a different conclusion. The proposal would add four apartments subject to a principal occupation condition thus boosting the supply of housing and providing choice of accommodation locally. These matters carry some weight in favour of the proposal but are tempered by the small scale of the proposal.
27. I acknowledge the desire to make the most of views of the coast; to create a cohesive built form; to provide a lift and more convenient access; to make efficient use of land; and to utilise modern and efficient construction. These carry some weight in favour of the proposal.
28. There would be construction employment in the short term and additional spend from residents in the local economy. However, there would be a loss of longer term employment in the hospitality industry and loss of spend from visitors arising from the loss of the Hotel. Accordingly I give these matters neutral weight in the context of this appeal.
29. Taking all the above into account I conclude that the benefits of the proposal would not outweigh the harm to the character and appearance of the area. In failing to comply with LP and NP policies as set out above the proposal cannot be said to accord with the development plan as a whole. I find insufficient material considerations to indicate a decision should be taken other than in accordance with the development plan. I conclude the appeal should be dismissed.

*S Harley*

INSPECTOR