
Appeal Decision

Site visits made on 7 and 21 February 2023

by Paul Griffiths BSc(Hons) BArch IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 27th February 2023

Appeal Ref: APP/D0840/W/22/3306987
24 New Street, Penzance TR18 2NE

- 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 & Ms Brendenkamp & Buehler against the decision of Cornwall Council.
 - The application Ref.PA22/06065, dated 30 June 2022, was refused by notice dated 23 August 2022
 - The development proposed is the construction of a two-storey extension and associated works.
-

Preliminary Matter

1. My original site visit was arranged as an ARSV. However, for reasons that I need not dwell on, there was no-one at No.24 when I arrived at the appointed time to carry out the visit. I took the opportunity of viewing what I could of the proposal from the public realm. I returned on 21 February when I was able to gain access to No.24 itself and also, as requested, the neighbouring No.23. Afterwards, I took in views from the public realm once again.

Decision

2. The appeal is dismissed.

Main Issues

3. These are the effect of the proposal on (1) the character and appearance of the host property and the surrounding area, bearing in mind that the site lies within the Penzance Conservation Area, and near Grade II listed buildings; and (2) the living conditions of the occupiers of No.23 New Street by reason of its visual impact and the potential loss of sunlight and daylight, and overlooking.

Reasons

Character and Appearance

4. As set out above, No.24 lies within the Penzance Conservation Area, in close proximity to No.20 New Street (Abbey Hall), a Grade II listed building, and adjacent to No.4 Abbey Street, also a Grade II listed building. The list description for No.4 Abbey Street highlights that Nos.20-24 New Street and No.4 Abbey Street form a group, and have value as such. The extension proposed would not be visible from New Street itself so neither that group value, nor the character or appearance of the conservation area, would be affected from those viewpoints.

5. However, the rear elements of No.24 and the neighbouring buildings are clearly visible from the harbour, areas around the Abbey Turning Basin, and further afield. The view up to these rear elements of the buildings is an attractive one but from what I saw it is the variety in building forms and rooflines that is so pleasing to the eye. The view is one that has grown over time; it is not one that has been consciously composed or designed. Neither is the view of the rear of the pair of cottages that No.24 is part of, one that has any particular historic resonance – the single storey extension to the rear of No.23 and the new windows/doors above it, and the first-floor bathroom window in the rear elevation of No.24, have rather put paid to that.
6. In that overall context, I find that the extension proposed to the rear of No.24 would have a scale and a simplicity of form that would allow it to sit comfortably within the existing variety of building and roof forms. Provided it was detailed in an appropriately traditional way as opposed to what is shown on the plans, something that could be secured by condition, it need have no harmful impact on the host property or the surrounding area. In that way, it would preserve the character and the appearance of the conservation area and comply with Cornwall Local Plan (CLP) Policy 24 that protects the historic environment. It would also comply, in this regard at least, with Policy 12 that deals with design. For the same reasons, the proposal would, in broad terms, preserve the setting of the listed buildings referred to.
7. That said, the flank wall of No.4 Abbey Street presents a rather complex face to the garden of No.24, being angled, and including an unusual ledge. The junction between the proposed extension and this flank wall would need to be dealt with very carefully in order to avoid any harm to the fabric of No.4 or awkward detailing. Forming such a junction satisfactorily might well require works to the listed building. However, for the purposes of what is before me, I am content that a condition could be applied to any grant of planning permission, requiring details of the junction(s) with No.4 to be approved before development commenced. This matter does not weigh against the proposal, therefore.

Living Conditions

8. No.23 has been extended to the rear. The extension is single-storey and occupies the full width of the plot. The flat roof of this extension is used as a terrace which enjoys attractive views over the harbour and beyond.
9. The relative orientation involved means that notwithstanding the set-back from the boundary, the proposed two-storey extension would cause the roof terrace to lose a good deal of morning sunlight for a significant part of the year, as well as daylight. Further, the bulk of the proposed extension would have a significant visual impact that would appear dominant from the garden of No.23, in particular. The proposed first floor glazed doors with railings would directly overlook the garden of No.23 at close quarters.
10. I recognise that No.23 enjoys the benefit of a roof terrace that itself overlooks the garden of No.24, but it is authorised, and I must deal with the situation as it stands. As such, it is my conclusion that the proposal would have a significant detrimental effect on the living conditions of the occupiers of No.23, through its visual impact, the loss of sunlight and daylight, and overlooking. The proposal falls contrary to CLP Policy 12 in that it would fail to protect adjoining occupiers from such effects.

Conclusions

11. While the proposal need have no harmful impact on the host property or the surrounding area, the Penzance Conservation Area, or nearby Grade II listed buildings and their settings, it would have a significantly detrimental effect on the living conditions of the occupiers of No.23 New Street by reason of its visual impact, the loss of sunlight and daylight, and overlooking.
12. As a result of these negative impacts, the proposal is in my view unacceptable, and contrary to the development plan, read as a whole. There are no material considerations that would justify a decision contrary to the provisions of the development plan, in this case.
13. For all those reasons, I conclude that the appeal should be dismissed.

Paul Griffiths

INSPECTOR