



Appeal Decision

Site visit made on 20 February 2023

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 March 2023

Appeal Ref: APP/D0840/W/22/3301190

Mayfield, Chymbloth Way, Coverack TR12 6TB

- 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 Ms Deborah Crush against the decision of Cornwall Council.
 - The application Ref PA21/09516, dated 17 September 2021, was refused by notice dated 1 April 2022.
 - The development proposed is demolition and re-construction of dwelling and detached garage with guest room.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition and re-construction of dwelling and detached garage with guest room at Mayfield, Chymbloth Way, Coverack TR12 6TB in accordance with the terms of the application, Ref PA21/09516, dated 17 September 2021, and the plans submitted with it, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to:
 - (i) the Coverack Conservation Area (the CA), and,
 - (ii) the Cornwall Area of Outstanding Natural Beauty (the AONB).

Reasons

3. Mayfield is a relatively modest hipped-roofed bungalow that occupies a large plot on the coastal slope on the western edge of Coverack. It lies at the top of a private drive that rises steeply up from the road serving the historic part of the village and its harbour to the east. It sits at a higher level than the other dwellings served by the drive, which are generally larger two-storey buildings on similarly spacious plots. The proposal involves the demolition of the bungalow and its replacement with a flat-roofed two-storey dwelling, sited in roughly the same position, but with a larger footprint extending further to the north and east. A separate two-storey building, comprising a garage with living accommodation above, in the same architectural style, would be provided on the north-western side of the site, some distance from the house.
4. The site lies within the CA, which encompasses the entire village, the coastline, and the coastal slopes beyond the built-up edge of the settlement. I have not been provided with a Character Appraisal that sets out the defining characteristics of the CA. However, I saw that it comprises a historic settlement

of tightly packed traditional two-storey houses, set above a beach and harbour, within a cove that is sheltered by headlands. On both sides of the cove, larger dwellings on more spacious plots occupy the slopes above the historic core, and there are some areas of undeveloped scrub and woodland, giving the village a rural setting. The significance of the CA therefore lies in the surviving historic buildings around the harbour, and their landscape setting within a cove enclosed by vegetated coastal slopes.

5. It is not contested that the existing dwelling is of little architectural or historic merit. However, it is of modest proportions, and occupies a large plot that contains a range of trees, shrubs, and lawns. It therefore contributes to the low density, verdant character of the coastal slope on this side of the cove. Being single storey, it does not intrude into views of the open fields on the higher land to the west, which are included within the CA. It does not, therefore detract from the rural setting of the village. Overall, although the existing dwelling is not a positive feature within the CA, its inconspicuous nature, and its spacious, vegetated plot, means that the site makes some contribution to the significance of the heritage asset, as part of the landscape setting of the historic settlement.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
7. The site also lies within the AONB, which is an extensive area covering the Lizard Peninsula. It is within landscape character area CA08 North East Lizard Peninsula as defined by the Cornwall and Isles of Scilly Landscape Character Study. The area is described in this document as a high plateau incised by several small valleys, influenced by its proximity to the coast. In this case, the site lies within a landscape that is enclosed by the coastal slopes and the headlands to either side of the cove. It is, therefore, visually separated from the plateau landscape to the west. Consequently, the site does not make a significant contribution to the scenic beauty of the wider AONB. This enclosed landscape is, nevertheless, highly attractive, and the site makes some contribution to its value, as part of the low-density urban fringe adjacent to the open coastal slope above.
8. Paragraph 176 of the National Planning Policy Framework (the Framework) says great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues. Policy 23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) is consistent with this guidance, and also seeks to ensure that development recognises and respects landscape character of undesignated landscapes.
9. The site occupies an elevated position on the hillside on the southern side of the cove. Due to the topography, and intervening buildings, the existing bungalow is not readily visible from the historic core of the village. However, it has a degree of prominence in views from the northern side of the cove, including the B3294 road leading into the village, and the public carpark at North Corner. From these viewpoints Mayfield is seen as part of a group of buildings, of diverse designs, occupying large plots on the hillside. Many of the other dwellings are larger, two storey buildings, and are therefore more

visually dominant. Consequently, although it is further up the slope, it is a relatively inconspicuous component of the disparate collection of buildings.

10. The proposed replacement dwelling would be wider, with a more expansive footprint, and would be further forward on the plot. However, rather than increasing its prominence, moving it forwards would allow the new dwelling to have a lower floor level than the current bungalow. Combined with its flat-roofed design, this would result in the overall height being considerably lower than the existing ridge. Although wider, much of the new dwelling would be hidden behind the far larger buildings in front of it. Consequently, the increased footprint and bulk of the replacement dwelling would not result in a concomitant increase in its prominence.
11. The form, materials, and contemporary design of the dwelling would be a departure from the generally traditional appearance of the surrounding buildings, where render and slate/tiled roofs predominate. Although larch cladding is not a material used in the surrounding buildings, it would be deeply recessed in a matt dark grey façade, with natural stone at the lower level. This mix of materials would break up the visual mass of the front elevation of the building, and allow it to recede into the backdrop of trees. There is no significant coherence or uniformity in the detailed design of the surrounding buildings, so the proposed dwelling would only add to this variety. Its low-profile form means it would not be visually dominant, and it would sit comfortably within this mixed group of buildings.
12. The flat-roofed design of the building could have resulted in it having a horizontal emphasis, at odds with the verticality of some of the surrounding buildings. However, the front facade is articulated into three separate elements, with vertically proportioned windows, which would effectively avoid such conflict. It is contended that these windows would result in significant light-spill and prominence at night. However, the front elevation would be visually well-balanced, and would have a window to wall ratio that would be little different to many of the more traditional surrounding buildings. The ground floor windows would be lower than those in the existing building, and those on the first floor would be partly concealed by the buildings in front. Consequently, and bearing in mind the plethora of windows of all shapes and sizes in the surrounding buildings, they would not lead to the dwelling being particularly prominent, nor would they significantly add to the amount of light-spill on this coastal slope.
13. The detached garage with guest room over would be at a considerably lower level than the dwelling, and would be on a part of the site that is surrounded by trees and hedges. Although some trees would be directly affected by the construction of the building, those around the perimeter of the site would screen it. Furthermore, it would be hidden from most viewpoints by the larger surrounding buildings. In view of the considerable distance between the two proposed buildings, the annex would not add to the apparent bulk of the dwelling.
14. The drawings show a proposed 2.4 metre fence along the northern boundary of the site. At my visit, it appeared that this had already been installed. Due to the topography, and the surrounding buildings, it was not readily visible from many public viewpoints. From North Corner, only a very small section was visible between the intervening houses. From here it is seen in the context of a

collection of large residential buildings, with various other domestic paraphernalia, so has a negligible impact on the character and appearance of the coastal slope, and its contribution to the significance of the CA.

15. For the above reasons, I find that the proposal would not diminish the contribution that the site makes to the landscape setting of the historic settlement, so would not be harmful to the significance of the CA. The proposal would preserve the landscape character of the coastal slope, and would not harm the wider plateau landscape or the overall scenic beauty of the AONB. The development would, therefore, accord with Policies 1, 2, 12, 23 and 24 of the Local Plan which, taken together, seek to protect the landscape character of both designated and undesignated landscapes, sustain designated heritage assets, and maintain and enhance Cornwall's distinctive natural and historic character. The proposal would also accord with the Framework's aims to achieve well-designed places, and to conserve and enhance the natural and historic environment. As the proposal would conserve the designated landscape, there would be no conflict with the policies of the Cornwall AONB Management Plan 2022-2027.

Other Matters

16. In arriving at my decision, I have considered the other issues raised in the representations that were made in respect of the planning application. The development proposed is a single replacement dwelling. Consequently, any future proposal to use the detached garage with guest room as a separate dwelling would amount to a change of use requiring a further planning application.
17. Whilst concerns were raised about surface water drainage, a considerable proportion of the site would remain undeveloped. The application form indicates that surface water would be dealt with through a sustainable drainage system. There is no expert evidence before me that suggests this would not be feasible.

Conditions

18. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested three further conditions to cover other matters. I have considered these against the advice in the Planning Practice Guidance (the PPG). I have agreed that two of the conditions are necessary, but I have altered them, in the interests of clarity and precision, and to reflect the guidance in the PPG that pre-commencement conditions should only be used where there is a clear justification.
19. A condition requiring the submission of external materials for approval is necessary to ensure that the dwelling sits comfortably in its surroundings. A condition requiring the submission, and subsequent implementation, of a scheme of landscaping, is necessary to safeguard existing trees and shrubs where possible, and to secure additional planting, to ensure that the site continues to contribute to the verdant character of the coastal slope.
20. I have considered whether the Council's suggested condition requiring a Demolition and Construction Method Statement is necessary. Paragraph 56 of

the Framework says that pre-commencement conditions should be avoided unless there is a clear justification. The development proposed is of a relatively modest scale. The construction of the buildings is likely to result in some temporary disturbance and inconvenience to residents. However, this would be true of most development in a residential setting, so I am not persuaded that this provides the clear justification that is necessary for a pre-commencement condition.

Conclusion

21. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR

Schedule of 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: 722/1 – Site and location as existing; 722/2E – Site and location proposed; 722/3A – Elevation overlays; 722/4G – Plans and elevations proposed; 722/5D – Garage/annexe layouts; 722/6 – Comparative elevations incorporating previous scheme and planning comments.
- 3) Development shall not proceed above damp-proof course level until details of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to, and approved in writing by, the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) Development shall not proceed above damp-proof course level until a scheme of landscaping has been submitted to, and approved in writing by, the local planning authority. The scheme shall include:
 - details of all existing trees and hedgerows on the land, showing any to be retained, and measures for their protection to be used during development;
 - planting plans;
 - written specifications (including cultivation and other operations associated with plant and grass establishment);
 - schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate; and,
 - an implementation programme.

The landscaping works shall be carried out in accordance with the approved details before any part of the development is occupied, or in accordance with the agreed implementation programme. Any trees or plants which, within a period of 5 years from the completion of the

development, die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.