



Appeal Decision

Site visit made on 20 April 2023

by Lewis Condé Msc, Bsc, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 June 2023

Appeal Ref: APP/D0840/W/22/3306707

**Penmorva, Bar Road, Helford Passage Hill, Mawnan Smith, Cornwall
TR11 5LE**

- 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 Monks against the decision of Cornwall Council.
 - The application Ref PA22/00939, dated 2 February 2022, was refused by notice dated 14 June 2022.
 - The development proposed is described as 'Replacement two storey dwelling with basement and detached garage and associated hard and soft landscape works following demolition of existing house'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellants requested that the appeal be dealt with by way of a hearing. However, following my assessment of the evidence I am satisfied that I have sufficient information to determine the appeal through written representations.
3. Since the determination of the original application the Mawnan Neighbourhood Development Plan has been made (June 2022). Both main parties have had appropriate opportunity to comment upon the relevant policies of the Mawnan Neighbourhood Development Plan, whilst the Council in its original decision also referred to the Referendum Version of the Plan. Accordingly, I am satisfied that no party has been prejudiced by the change in policy position.

Main Issues

4. The main issue is the effect of the proposed development on the character and appearance of the area, including the Cornwall Area of Outstanding Natural Beauty.

Reasons

5. Penmorva is a largely undistinguished dwelling, comprising a dormer bungalow that appears to have been heavily extended in the past. This has resulted in a dwelling that has an elongated form and contains both two-storey and single storey elements. The two-storey element includes the use of dormers within the roof space, while the maximum ridge height extends across only a limited portion of the existing dwelling.
6. The appeal property lies to the south, and near the end of, Bar Road, a no-through road that serves several residential properties that are laid out in a

linear arrangement. Bar Road is characterised by detached houses of varying scale and design, which are built on a hillside overlooking the Helford Estuary to the south. Dwellings on the hillside, including the appeal site, are set amongst mature trees and vegetation and are largely served by sizeable plots. The overall character is of low-density housing, in a verdant setting that is located within an impressive estuarine landscape. Indeed, the rear garden serving Penmorva enjoys expansive views over the Helford River.

7. The site lies within the Cornwall Area of Outstanding Natural Beauty (AONB). The Cornwall and Isles of Scilly Landscape Character Study (2007) categorises the site as falling within the 'CA09 Helford Ria'. The associated CA09 Landscape Character Assessment (2008) highlights that the key characteristics of the area include; sheltered deepwater ria; steep sided valleys covered in dense mature broadleaved woodland; dramatic scenery of varying scale; extensive river views from higher land; and the recreational use of the river including for tourism.
8. Under Paragraph 176 of the Framework great weight should be given to conserving the landscape and scenic beauty of AONBs. Additionally, Section 85 of the Countryside and Rights of Way Act 2000 places a general duty on public bodies to have regard to the purpose of conserving or enhancing the natural beauty of an AONB. The national advice is broadly reflected in Policy P23 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (the Local Plan) and Policy 5 of the Mawnan Neighbourhood Development Plan (the Neighbourhood Plan).
9. The replacement dwelling would maintain a largely linear form. Additionally, the proposed ridge height would not exceed the height of the current property. However, the proposed development would result in a dwelling that would appear appreciably larger than the one it would replace. This is due to the significant increase in bulk and massing, particularly at first floor level. The single continuous roofline of considerable length, alongside the inclusion of several sizeable gable projections accentuate the overall bulk of the proposed building.
10. I appreciate that there are other sizeable properties along Bar Road. However, from my observations the proposed dwelling would be a far more dominant form of development, that would be disproportionate in scale and appearance to the surrounding built form. This is due to its overall bulk, massing and lack of design subtlety.
11. In coming to the above view, I recognise that the proposed dwelling would utilise local materials and have a smaller overall footprint than the existing property. The proposal would also be set off the shared boundaries, whilst the dwelling is set lower than Bar Road. Nonetheless, this does not overcome my concerns with the design and appearance of the proposed dwelling.
12. The appeal site is visible from various public viewpoints on the opposite side of the estuary, as illustrated within the appellants' landscape and visual impact assessment. Nonetheless, from my observations, the proposal would not be particularly appreciable from the relevant public vantage points on the Helford side of the estuary. This is due to the separation distances involved, alongside the level of intervening vegetation, and the intermittent nature of the views.

13. The appeal scheme would also not be visible from many public vantage points on the Helford Passage side of the estuary, due to the local topography and the presence of mature vegetation.
14. However, I also observed the site from the passenger ferry that operates between Helford and Helford Passage, which I understand is a frequently used service, particularly during the summer period. Clear views of the appeal site were available from the water. Although the hillside contains other sizeable dwellings, they tend to sit rather unobtrusively in the landscape when viewed from the estuary. In contrast the proposed dwelling due to its bulky form and contemporary features would have a particularly prominent, striking, and outward appearance when viewed from the estuary. To my mind it would draw a particular focus to the site that does not currently exist. It would also not assimilate well against its backdrop or blend harmoniously into its surroundings, this is despite the proposal not breaking the skyline.
15. Additionally, close range views of the proposed dwelling would be available to the front of the site along Bar Road. I appreciate that views along the street would be extremely localised and to some extent would be obscured by existing vegetation. Despite this, where visible, the proposal would be visually obtrusive and not fit well within the streetscene.
16. The visual impacts of the proposal could be mitigated somewhat through additional landscaping. However, I do not consider the use of landscaping measures to screen otherwise unacceptable development to be an appropriate solution. This is because there can be no guarantees that the landscaping will remain in perpetuity. Furthermore, given the fine views available over the estuary, there is a particular risk that vegetation at the site and relevant neighbouring properties would be managed to maintain an expansive outlook, or not retained in the long-term. I therefore disagree with the findings of the LVIA, that suggest that the proposal, including through the proposed landscape works, would provide a beneficial impact upon the local landscape character.
17. Turning to the proposed glazing, despite the absence of technical reports, I am satisfied that the proposal would not lead to any significant harm in terms of glint, glare, or light spill. This is largely due to the proposed level of glazing being only marginally greater than within the existing property. Additionally, whilst the glazing to the southern elevation would be arranged in a more concentrated manner, the inclusion of a deep overhang on the central bay is likely to prevent any significant harmful impacts arising. I also note the appellants' intention to incorporate electrochromic glass that can be automatically controlled.
18. Nevertheless, whilst I am content with the likely impacts of the proposed glazing arrangements, this does not overcome my concerns with the design of the proposed development, particularly its bulk.
19. Overall, I find that the bulk and massing of the proposed dwelling would not integrate well with its surroundings. It would therefore detract from the character and appearance of the area and would run counter to the protection of the landscape and scenic beauty afforded to the AONB. The proposed development is therefore contrary to Policies 2, 3, 12 and 23 of the Local Plan and Policies 4 and 5 of the Neighbourhood Plan. Together these policies, amongst other matters, seek to ensure that the design of development

respects and enhances the quality of its location, including the landscape and scenic beauty of the AONB.

20. Likewise, the proposal is contrary to the aims of the National Planning Policy Framework (the Framework), the Cornwall Design Guide 2021, and the Cornwall Area of Outstanding Natural Beauty Management Plan 2022 – 2027, in respect of promoting high-quality design and conserving and enhancing the landscape and scenic beauty in AONBs

Other Matters

21. The site is located within the setting of the Grade II* Listed Heyle and associated Grade II garden terrace walls, steps and pergola. The Council has not raised concerns with the proposal's impact upon the heritage assets. From my observations on site, I am also satisfied that the significance of the listed building would be conserved. This is due to the level of separation between the heritage assets and the appeal property, a general lack of intervisibility and the nature of the proposed works.
22. I note the appellants' references to a previous planning permission at the site from 2013 (ref: PA13/06250). I have only limited details of that previous permission. Nonetheless, from the evidence before me, I understand that scheme was determined under a different policy context, while it seems the Council has subsequently embraced a greater emphasis on design. For example, through the adoption of the Cornwall Design Guide (2021) and the production of the Chief Officer Advice Note on Goof Design in Cornwall (2022). Furthermore, based on the information before me, I understand that the 2013 permission has since expired and therefore does not represent a suitable fallback option. Accordingly, the previous permission does not weigh in favour of the current proposal.
23. The enhanced sustainability of the proposed dwelling is a factor to which I give little weight as there is no reason to suppose that similar results could not be achieved by a building more fitting to its surroundings. Similarly, I give little weight to the appellants' claim that the proposal could provide benefits in the form of improved bat habitats, given that this could also be achieved alongside a more suitably design building.
24. The proposal would result in economic benefits associated with the delivery of the development. These are likely to be limited given that the scheme is for a single replacement dwelling. Accordingly, such benefits do not outweigh the harm that has been identified.

Conclusion

25. For the reasons given above, the appeal scheme would conflict with the development plan. There are no material considerations, individually or cumulatively that are worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal is therefore dismissed.

Lewis Condé

INSPECTOR