



Appeal Decision

Site visit made on 17 July 2023

by C Cresswell BSc (Hons), MA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2023

Appeal Ref: APP/D0840/W/22/3312475

2 Pembroke Cottages Fore Street, Newlyn TR18 5JU

- 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 Davidson Ltd against the decision of Cornwall Council.
 - The application Ref PA21/10094, dated 5 October 2021, was refused by notice dated 1 September 2022.
 - The development proposed is the construction of 2 new semi-detached dwellings on adjacent vacant site, together with associated works including extension and alterations to the existing dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the development in the heading above is taken from the Appeal Form as this provides a more concise description of the proposal than that provided on the Application Form.

Main Issues

3. The main issues in this case are:
 - the effect of the proposal on the character and appearance of the area.
 - the effect of the proposal on the living conditions of the occupiers of No 2 Pembroke Cottages, having particular regard to outlook.

Reasons

Character and appearance

4. This part of Fore Street is characterised by open views to the sea on one side of the road and a steeply sloping hillside on the other. Development here is predominantly low density, being interspersed with trees, vegetation and open spaces. This gives the road a particularly green and open appearance as it leads out of Newlyn towards the countryside.
5. While architectural styles are mixed, including some larger contemporary dwellings further up the hillside, housing along this part of the road frontage is relatively modest in scale. This includes Pembroke Cottages, which are a pair of historic semi-detached cottages. Although I am informed that the appeal property (No 2 Pembroke Cottages) is not entirely original, it nonetheless maintains a distinctly traditional and low-key appearance.

6. While the development would include some traditional design elements, the balconies and extensive glazing would provide the new dwellings with a contemporary appearance. However, considering that there is a mix of architectural styles in the vicinity, this would broadly be in keeping with the wider surroundings. I am also aware of an unimplemented planning permission¹ for a contemporary style development on the hillside near the site. This reinforces my view that the proposed balconies and glazing would be compatible with the nature of development in this area.
7. As the proposed dwellings would be set back from the road frontage, they would be mainly obscured by intervening development when approaching the site in either direction along Fore Street. This is illustrated in the 3D drawings supplied by the appellant. However, the new dwellings would be substantially taller and bulkier than Pembroke Cottages. This would become apparent in close proximity to the site, when both Pembroke Cottages and the proposed dwellings would be seen together in the same setting.
8. I recognise that No 2 Pembroke Cottages is a particularly small dwelling and any new housing on the site would need to be larger in order to comply with modern building standards. Nonetheless, the proposed development would loom over the existing cottage, dominating the local street scene in this part of the street. In my view, the degree to which the proposed dwellings would be set back from the road would be insufficient to reduce the perceived scale of the development in relation to the cottage. Standing outside the site, the proposed dwellings would appear visually imposing. While there are some sizeable buildings in the vicinity of the site, including further up the hillside, they are more distanced from the road frontage.
9. Although Pembroke Cottages are not protected by any specific designations, this part of Fore Street is a highly scenic location nonetheless. During my visit, I noticed that that site is passed by walkers and cyclists heading along the coast. It therefore has a reasonably high degree of visual exposure, even if it is not a particularly prominent feature in long range views. For the reasons given above, the proposed new homes would, by virtue of their scale, visually dominate the street frontage outside the site and reduce the sense of openness along this part of Fore Street. As a consequence, the proposal would undermine the distinctive characteristics of the area.
10. The development would offer some visual benefits, including removal of the existing garage building and the renovation of No 2 Pembroke Cottages. However, this does not outweigh the harm to character and appearance that would arise through the construction of the proposed new houses. Besides, it seems to me that similar advantages could be achieved through a more sympathetically designed scheme.
11. I am mindful that the development has been modified in negotiation with the Council's planning officers, who supported the current proposal. However, my assessment of the proposal is based on my own observations of the site and the additional evidence provided in relation to this appeal.

¹ Council Ref: PA21/07043

12. I conclude on this issue that the proposal would harm the character and appearance of the area. There would be conflict with Policies 1, 2, 12 and 24 of the Local Plan² which all seek appropriate standards of design.

Living conditions

13. The side elevation of the proposed dwellings would extend well above the height of Pembroke Cottages. It would be seen from the rear elevations of both existing cottages, and would be directly adjacent to No 2 where it would become a prominent feature in views from the rear of that property. While the new dwellings would reduce the existing outlook from the cottages, they would be positioned to the side rather than directly behind No 2. This would enable a relatively open aspect to be maintained from the rear windows of the cottages. The provision of formal garden space to the rear No 2 would also help to secure a sense of openness for the occupiers of that property.
14. As the terrace areas of the new dwellings would have privacy screens, opportunities for overlooking would be very limited. Similarly, the windows in the side elevations facing the cottages would be small and would serve stairwells. This would not facilitate harmful overlooking.
15. A study has been provided to show that the level of daylight entering the cottages would remain satisfactory. In the absence of technical information to the contrary, I have little reason to question the findings of that report. Although the development would increase the number of residents living in this part of Fore Street, it would be unlikely to cause excessive noise. The scheme is relatively small insofar as it would only result in two additional units of accommodation. Moreover, this is an established residential area where people may be expected to sit outside in gardens or balconies.
16. I therefore conclude on this issue that the proposal would have an acceptable effect on the living conditions of the occupiers of No 2 Pembroke Cottages. There would be no conflict with Policy 12 of the Cornwall Local Plan which seeks to protect individuals from loss of privacy and overbearing impacts.

Other matters

17. I recognise that the proposal would make a positive contribution to the local housing supply and there would be some economic benefits arising from the construction process. However, these contributions would be relatively modest considering that the proposal is only for two new dwellings plus the renovation and extension of an existing property.

Conclusion

18. While the proposal would have an acceptable effect on the living conditions of neighbouring occupiers, I have found that it would harm the character and appearance of the area. The benefits of the scheme are insufficient to outweigh this harm. The appeal is therefore dismissed.

C Cresswell

INSPECTOR

² Cornwall Local Plan Strategic Policies 2010 - 2030