



Appeal Decision

Site visit made on 22 November 2023 by S Wilson LL.B. MSc MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2023

Appeal Ref: APP/D0840/D/23/3320549

24 Pendarves Road, Penzance TR18 2AJ

- 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 Lucinda Phillips against the decision of Cornwall Council.
 - The application Ref PA22/10762, dated 5 December 2022, was refused by notice dated 9 February 2023.
 - The development proposed is formation of access and hardstanding.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. Whether the proposed development would preserve or enhance the character or appearance of the Penzance Conservation Area (PCA).

Reasons for the Recommendation

4. The immediate area around the appeal site is characterised by period dwellings that follow a consistency in their material palette and form. The south side of Pendarves Road is mainly terraced. Whilst the exact nature of boundary treatment varies, there is a uniformity to the building line with enclosed front gardens with, in some cases, gated pedestrian entrances. The north side varies slightly. The dwellings tend to be larger and semi detached but the set back and front garden arrangement predominates. Another notable difference on the north side is the spacing between the semi-detached pairs and vehicular crossover points, which are exclusive to this side. The PCA Appraisal advocates, amongst other things, the preservation of gardens and boundary treatments and seeks to ensure that development that falls under planning controls is sympathetic to the special character of the PCA.
5. At the western end of the road there are three pairs of semi-detached properties which, whilst they follow a similar form, use noticeably different materials to the rest of the road. This distinct group, which includes the appeal property, has a unified design and materials palette. They follow the same building line and have similar enclosed front gardens. As such the properties assimilate well with the period architecture and make a positive contribution to the character and appearance of the PCA.

6. The appeal proposal would require the demolition of parts of the front boundary wall, the provision of a vehicular crossover forward of the dwelling and an off-street front parking area laid out. None of these things exist on the south side of Pendarves Road. They would therefore be alien features that would harmfully disrupt the pleasant consistency to the street scene, adversely affecting the established pattern of development. They would consequently fail to preserve or enhance the character or appearance of the PCA.
7. The harm to the significance of the PCA as a whole would be less than substantial in the terms of the National Planning Policy Framework (2023) (the Framework) given its scale in context. Nevertheless, it is a matter of considerable importance and weight. The Framework requires that such harm be weighed against any public benefits of the proposal.
8. Upon my site visit I parked on Pendarves Road and there were numerous parking places available. I have not been provided with any evidence to demonstrate a parking problem in the area and therefore cannot be certain that one exists. Even if it does, the nature of the proposal is that it must create a vehicular crossover which would remove a minimum of one on-street parking place. As such the proposal would remove the benefit of on-street parking and replace it with that of off-street parking. This would thus be a neutral matter. In addition, Pendarves Road is a highly overlooked area and therefore natural surveillance is consistently provided throughout. Consequently, the perceived crime reduction benefits of the appeal scheme would attract limited weight.
9. There would not therefore be any public benefits worthy of sufficient weight to outweigh the harm to the PCA. Accordingly, the proposal would fail to comply with Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (2016), insofar as they seek to enhance the quality of place through high quality design and the protection, conservation and enhancement of the historic environment. In addition, the proposal fails to comply with Sections 2, 3 and 5 of the Cornwall Design Guide 2021, insofar as it seeks to maintain Cornwall's distinctiveness and requires development to respond to local features. Furthermore, the proposal fails to comply with the relevant historic environment paragraphs of the Framework.

Conclusion and Recommendation

10. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight (including the Framework) that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

S Wilson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

John Morrison

INSPECTOR