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# Appeal Decision

Site visit made on 9 January 2024

**by T Gethin BA (Hons), MSc, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 26<sup>th</sup> January 2024**

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**Appeal Ref: APP/D0840/W/23/3321560**

**Smile Dental Care, Tregenna Place, St Ives, Cornwall TR26 1SD**

- 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 P Dariwal against the decision of Cornwall Council.
  - The application Ref PA22/08843, dated 26 September 2022, was refused by notice dated 17 March 2023.
  - The development proposed is described as replacement windows and doors.
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## Decision

1. The appeal is allowed and planning permission is granted for alterations to shop front and replacement windows and doors at Smile Dental Care, Tregenna Place, St Ives, Cornwall TR26 1SD in accordance with the terms of the application, Ref PA22/08843, dated 26 September 2022, and subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Drawing 001); Planning - Existing Floor Plans (Drawing 002); Planning - Existing Elevations & Sections (Drawing 003); Planning - Proposed Floor Plans (Drawing 004A); Planning - Proposed Elevations & Sections (Drawing 005A); and Proposed Replacement Window Details (Drawing 006).
  - 2) Within three months of the date of this decision, a scheme giving details of the finishes of the new shopfront shall be submitted for the written approval of the local planning authority. Should the proposed scheme not be approved, a revised scheme shall be re-submitted within two months. Once approved, the scheme shall be implemented within three months and thereafter retained.

## Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2023. However, as its provisions that are most relevant to this appeal have not materially changed, no parties will have been prejudiced by my having regard to the latest version in reaching my decision.
3. The description of development in the banner heading above has been taken from the planning application form. However, the appeal form includes different wording which better captures the scope of the development, which has already been carried out, and reflects the description in the Council's decision notice. I have therefore used this revised description in my decision, although I have omitted words which do not describe acts of development.

4. As the proposal is in a conservation area (CA), I have paid special attention to the desirability of preserving or enhancing the character or appearance of that area, as set out in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Although the Council's Officer Report identifies that there is insufficient heritage-related information, the evidence submitted with the appeal includes sufficient detail to understand the potential impact of the proposal on the significance of heritage assets.

### **Main Issue**

5. The main issue is the effect of the proposed development on the character and appearance of designated and non-designated heritage assets.

### **Reasons**

6. The appeal site forms part of a terrace containing various ground-floor retail/commercial uses. It fronts on to Tregenna Place, which is a relatively narrow street within the historic, commercial centre of St Ives. Although shopfronts in the locality do include various modern designs, many incorporate traditional components such as stepped-back entrance doors, stallrisers and pilasters, whilst many historic shopfronts also remain. These respect the historic character of the surrounding area and its largely traditional, well-designed appearance. Before it was replaced with the appeal proposal, the previous shopfront – with its stepped back entrance door with mosaic floor insert, pilasters and console brackets, low stallriser and original timber windows – reflected these surrounding traditional designs and proportions. It also provided balance and rhythm to the host building, such as through the centrally positioned door reflecting the upper-floor fenestration. Despite the shopfront and materials allegedly being in a poor state, it therefore positively contributed to the surrounding area's character and appearance.
7. The site is within the St Ives CA. On the basis of the submitted evidence, the significance of this designated heritage asset stems from, amongst other things, its narrow streets, well-preserved buildings (of which several are listed) and traditional shopfronts with recessed thresholds. These, despite the presence of some modern shopfronts in the locality, still characterise the area and form an important part of – and positively contribute to – its historic character and well-designed appearance. Although the Council identify that there are several listed buildings nearby, it neither alleges that the site is within their settings nor that the development would harm their significance or any features of special architectural or historic interest. The submitted evidence does not indicate otherwise. However, the site is identified by the Council as a non-designated heritage asset. The available evidence indicates that this stems from the building's historic value, with features such as its traditional shopfront with wooden pilasters and mosaic floor insert contributing to this.
8. The shopfront now installed has a relatively modern appearance. However, with its stallriser and the submitted drawing 005A showing the proposed elevation including console brackets and space for pilasters, the proposed development does incorporate some traditional shopfront components, in-line with part of Policy BE3 of the St Ives Area Neighbourhood Development Plan 2015 – 2030 (NDP). Nevertheless, the revised entrance door is no longer central or recessed, the mosaic is not visible and the fascia is smaller. In addition, despite stallrisers on the street generally stepping down in line with the topography, the stallriser is now higher and, as I observed on my site visit, steps up

compared to the adjoining shopfront to the north. Along with the altered window sizes, the appeal proposal does therefore not include some of the traditional, well-proportioned elements which positively contributed to the visual amenity of the building and locality, whilst the building's regularity and balance of fenestration has also been eroded.

9. Accordingly, reading as less well-designed and sensitive to its setting, it no longer positively contributes to its historic, well-designed context within the St Ives CA and as part of a non-designated heritage asset. Despite the other more modern shopfront designs in the locality, the development cannot therefore reasonably be described as preserving or enhancing the CA's character or appearance. For the above reasons and despite it not making the building more prominent, the proposal also harms the significance of the non-designated heritage asset. However, with it using subdued colours and appropriate materials such as a timber framed door and windows, and incorporating some traditional shopfront components (some of which remain to be installed, the final details of which can be secured by condition), the effect is mitigated to some extent. The amended shopfront is also not a significant feature in the locality or CA. The level of harm caused is therefore limited and not significant.
10. Nevertheless, for the above reasons, I conclude that the proposed development would harm the character and appearance of designated and non-designated heritage assets as a whole. I therefore find that it conflicts with Policies 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (CLP) and NDP Policies GD1 and BE3 overall. Amongst other aspects, these expect development with a high-quality design which maintains and enhances historic character and quality of place, and which conserves and where appropriate enhances the significance of designated and non-designated assets; support development that is sensitive to its surroundings; and sets out that new shopfronts will be permitted provided that they relate to the scale and proportions of the building and frontage, and retain/replace traditional stall risers and pilasters. It would also be inconsistent with the provisions in the Framework in relation to achieving well-designed and beautiful places.
11. The Council also alleges a conflict with CLP Policy 1 with regards to this matter. However, my attention has not been drawn to any words in it that are relevant to this issue. The policy has therefore not been determinative in my decision.
12. In failing to preserve the character and appearance of the CA, I find that the appeal proposal would, in the words of the Framework, result in less than substantial harm to the significance of a designated heritage asset. I attribute considerable importance and weight to this. In such circumstances, the Framework and CLP require the harm to be weighed against the public benefits.
13. The submitted evidence indicates that the development provides a safer, more practical layout, with the door having been relocated to provide a workable and more usable reception area and as a fire safety measure to include a protected corridor with regards to building regulations. The appeal proposal has therefore created a safer, more functional layout for the public, including patients and staff, in the dental practice, which provides NHS dentistry in an area of need. It has also improved the conditions for business, in-line with part of CLP Policy 2 and therefore supports the local economy more generally. Although it has been put to me that a protected corridor could have been achieved with a central

doorway, I have little substantive evidence how this could have been achieved whilst providing a sufficiently safe means of escape.

14. Set against the above is the level of harm to the CA, which in this instance would be relatively localised and at the lower end of the scale given the size of the development and its context. Nevertheless, this still equates to less than substantial harm and this attracts considerable importance and weight. However, I find that the justification for the scheme is sufficiently clear and convincing and that the public benefits outweigh the less than substantial harm to the CA and the great weight given to the conservation of designated heritage assets. On a balanced judgement, taking into account the limited scale of the harm and the property's significance, I find that the effect of the appeal proposal on the non-designated heritage asset is also justified in this instance.

### **Conclusion and Conditions**

15. The proposed development would harm the character and appearance of heritage assets. The resulting conflict with various NDP and CLP policies leads me to conclude that the proposed development, despite its accordance with some development plan policies and parts of others, conflicts with the development plan as a whole.
16. However, I have found that the public benefits outweigh the harm to the CA and the non-designated heritage asset. The dental practice also provides an essential community service, with the available evidence indicating that there is a large waiting list in the southwest but little provision of NHS dental practices, and that the site is situated in an area of need. Reverting to the previous shopfront layout would clearly require the practice to close for a period. This would result in delays and reduced access for patients to dental care, and could result in poorer health outcomes for those in urgent need. The appellant has indicated that cost implications could also potentially risk either closure of the practice, or it turning private. Although attracting less weight because the above consequences would have been less likely to arise had permission been obtained before the new shopfront was installed, some negative public consequences would therefore also be likely to arise in dismissing the appeal.
17. Accordingly, material considerations in this instance outweigh the harm that would arise, the great weight given to the conservation of designated heritage assets, and the conflict with development plan policies. The appeal is therefore allowed because material considerations indicate that the development proposed should be permitted notwithstanding the conflict with the development plan as a whole.
18. In the interests of certainty and given that the development has not been completed, I have imposed a plans condition. Albeit with amended wording for clarity, I have also imposed the condition suggested by the Council. This will ensure that final details of the finishes of the shopfront, covering aspects such as pilasters, console brackets, cornice etc, are agreed and provided in the interests of the character and appearance of the locality and heritage assets.

*T Gethin BA (Hons), MSc, MRTPI*

INSPECTOR