



Appeal Decision

Site visit made on 12 June 2024

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 July 2024

Appeal Ref: APP/D0840/W/23/3332402

St. Mawes Rowing & Gig Club, Kings Road, St. Mawes, Truro, TR2 5DH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Pomery's Ltd against the decision of Cornwall Council.
 - The application Ref is PA23/01981.
 - The development proposed is rebuilding of the Pomery's building to create ground floor accommodation for the Gig Club to store their gigs and provide limited associated accommodation. First floor to provide accommodation for the community and the Heritage Group, which can accommodate a variety of uses as required by the brief. The upper floors provide residential accommodation.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. The Rowing Club lies within the St Mawes Conservation Area and Area of Outstanding Natural Beauty (AONB) and is itself considered by the Council to be a non-designated heritage asset.
3. The Application is made by Pomery's Limited on behalf of The Roseland Gig Club and the St Just and St Mawes Heritage Group each of which is a registered charity and who have jointly established "Pomery's Ltd".
4. The Appeal building was given to the Gig Club and the Heritage Group by Brenda Pye, a celebrated local artist who lived on the first floor of the building before her death in 2014. The building was bequeathed on the condition that the first floor would be used to display her collection of paintings, which include works from a number of Cornish artists which are currently in the care of Falmouth Art Gallery.
5. The application is made for full planning permission for the demolition of the Pomery's building and rebuilding to create ground floor accommodation for the Gig Club to store their gigs and provide limited associated space. Accommodation on the first floor would provide space for the community and the Heritage Group, which can accommodate a variety of uses, including a display of Cornish art from Ms Pye's collection. The second and third floor would provide residential accommodation to finance the building. I set out below my considerations in relation to viability.

Main Issues

6. Accordingly, the main issues for the appeal are:

- The effects of the proposal on the character and appearance of the St Mawes Conservation Area and the Area of Outstanding Natural Beauty;
- The effects of the proposal on the living conditions of adjoining residential occupiers;
- Whether the proposal makes adequate provision for waste storage; and
- The effects of the proposal on protected species.

Reasons

Character and Appearance

7. S72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 Act requires special attention to be had to the desirability of preserving or enhancing the character and appearance of that area. Together Policies 1, 2, 12 and 24 of the Cornwall Local Plan (LP) seek to ensure that the design of development is high quality and enhances Cornwall's distinctive historic character by sustaining designated heritage assets and takes opportunities to better reveal their significance. The Plan also seeks to maintain the special character and appearance of Conservation Areas. Of the policies put to me Policy CV3 of the Roseland Neighbourhood Development Plan (NP) seeks to preserve or enhance the special character of the area and to ensure new development is designed to respond to existing scale, height, form and massing, respecting the traditional pattern of frontages, vertical or horizontal emphasis, detailing and materials. These policies are consistent with guidance in the Framework and the statutory duty expressed in the Act.
8. The appeal site lies on the quayside frontage of the village. The original form of many of the original fishing related buildings remains, a large proportion have been altered over time and so taken together the streetscape provides a pleasing mix of modest cottages, grander Victorian statement buildings and more frugal postwar apartments. Gaps in the frontage provide glimpses of buildings behind as they rise up the hillside, and most buildings feature a high proportion of solid to void in the frontage. In longer range views the solid form of the sloping roofs is a predominant feature. Buildings vary in height, but those that are taller also occupy a wider footprint, so the frontage has a horizontal emphasis. Taken as a whole the varied streetscape provides a pleasing mix that defines the central part of the St Mawes Conservation Area.
9. Pomery's has previously functioned as a pilchard store, the sloping floor at ground floor level attesting to its original use. Later adaptations to facilitate use as a garage include the tall doors and high-level windows at ground floor and the oriel window at first floor which was inserted to provide for residential use above along with a utilitarian side extension. The building was considered for listing by Historic England in 2021 when it was concluded that whilst it is a relatively rare local survivor of its type, very little, if any, 19th Century fabric survives in the front elevation. Elsewhere, the building has been adapted, altered and replaced and little remains of the building to connect to its use in the fishing industry in St Mawes. The loss of the surrounding maritime buildings also reduces its contextual understanding. It was therefore concluded that the building does not have the special historic or architectural interest required for listing a building of its date and type.

10. Nevertheless, as noted at the time, the building has an “attractive unimproved vernacular character” and is clearly of local interest. The vintage petrol pumps, 1930’s fenestration and open storage of gigs outside provide a characterful tableau that is a pleasing element in the St Mawes streetscene. Despite its poor state of repair the building makes a positive contribution to the character and appearance of this part of the St Mawes Conservation Area. The parties agree that the Pomery’s building is a non-designated heritage asset.
11. Pomery’s is a relatively modest building and the height of the hipped roof is roughly in line with the adjoining flats at No 5. The proposed development would comprise the demolition of the original structure and its replacement with a building which, as a result of the projecting upper floors and the gable fronted façade at roof level, would be significantly higher and of a notably greater mass. In addition, due to the additional built form in the upper floors towards the rear, the existing space around the building would be lost. As a result, the scheme would present a significantly greater bulk within the streetscene and would appear more prominent in wider views of the quayside which are available from the beach and on arrival by boat.
12. In views along the street the projecting mass of the upper floors, which would be much larger than the modest balconies on the adjoining properties, would appear top heavy and bulky. The use of glazing within the apex on the top floor would not successfully reduce this perception of bulk. Instead, it would introduce a discordantly contemporary element which would appear out of place in a generally restrained roofscape. Taken together with the increased height and mass, and the extent to which the building would fill the plot and so obscure views of the hillside behind, the perception of the building would be that it is an overly large structure that sits uncomfortably within the plot, failing to assimilate into the existing streetscene.
13. To the rear there would be limited public views of the building and so the contrived form of the roofslope and the slanted north-east elevation would not be immediately apparent. Whilst I accept that existing views of the rear of the building are of a run down and largely utilitarian elevation, this is in part off-set by the space available around the building and the glimpsed views through to the quay which would be largely lost by the scheme proposed.
14. The Framework advises that in considering impacts in relation to non-designated heritage assets a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Whilst the appellant has referred to enabling development, as the scheme would lead to the loss of the asset, save for the petrol pumps, I take this to mean enabling the provision of a community space on site and the continued use by the Gig Club.
15. I noted on site that the building is in a very poor state of repair inside, and the Schedule of Dilapidations documents the very extensive works that will be required to renovate the existing structure. In this regard I have been advised that demolition and rebuilding with an additional floor is necessary to accommodate residential accommodation to finance the construction of the building. I have been provided with a viability assessment that seeks to demonstrate that the refurbishment of the building to include a single dwelling would not be viable. I have some reservations about this assessment. It provides no convincing justification for why provision for “preliminaries” and

“contingencies” is so high, and makes provision for developer profit of 20% which would appear to unduly high when occupiers for the Gig Club and the heritage use would appear to already have been secured.

16. Be that as it may, the assessment does not provide an up-to-date appraisal of the scheme before me, so is of limited use for this appeal. Whilst I am mindful of identified matters as community benefits, and also the benefits to be derived from the provision of additional housing, I am not convinced that these uses could not be provided within a scheme which also had a positive impact on the streetscene and thus the wider Conservation Area. I therefore conclude that the proposal would also conflict with the Framework and with the Act.
17. Local residents have also drawn my attention to potential harm to the setting of the Grade II* Braganza House, which sits above the properties along the quay and lower hillside. There are shared views of Pomery’s and this asset in wider views of the village from the open water. As I consider that it would form a detracting element in the streetscene, in these long-range views Pomery’s forms only a very small element in the overall townscape. I am therefore satisfied that the overall effect on this asset would be broadly neutral.
18. The Council have also referred to the effect of the proposal on the AONB. Insofar as the scheme would harm the character of the Conservation Area it would also have a small but nonetheless harmful effect on the AONB. It therefore follows that the scheme would fail to comply with Policy 23 of the LP, which places great weight on conserving the landscape and scenic beauty within or affecting the setting of the AONB. It would also conflict with Policy LA1 of the NP which seeks to conserve and enhance the diverse landscape and special qualities of the AONB.

Living Conditions

19. A number of residential properties lie within a short distance of the site. In particular properties on Bohella Road have very limited windows on their front elevation and instead derive most of their aspect and outlook from south-east facing views towards the site and beyond in gaps in the frontage to the quayside.
20. The appellant has provided a sunlight and daylight assessment that uses BRE guidelines¹ to assess the potential effects of the proposed development on daylight and sunlight to surrounding residential properties and amenity spaces. I note that the assessment is dated March 2022 and relies on a roof-plan which relates to a previous application. Notwithstanding the limited scope of the changes involved, given the very close juxtaposition of the properties to the rear this undermines my confidence in the conclusions of the report. The report concludes that the proposal would have a limited effect on two bedroom windows at No 8 Bohella Road, and that the same property would experience a reduction in sun on the ground in their amenity space. Given the limited outdoor space available and the number of bedrooms at the property I consider that both of these effects would have a harmful effect on the living conditions enjoyed by residents of the property.

¹ BRE (Building Research establishment) Report 209, ‘Site Layout Planning for Daylight and Sunlight: A guide to good practice’ (2011).

21. Furthermore, the report makes no judgements in relation to the effects of the proposal on the outlook enjoyed by existing residents. It seems to me that the increase in bulk across the plot would almost entirely remove any glimpsed views through the plot to the quayside and the seascape beyond. I acknowledge that loss of a view does not equate to a diminution of living conditions. However, in this case, taking into account the very heavy reliance on the south-eastern aspect to provide outlook and the extent to which available views of the quayside contribute to this, I am concerned that the extent to which the proposed building would reduce the quality of the outlook provided would amount to harm to the living conditions of those occupiers to the rear.
22. The rear elevation at second floor level includes a rear facing window that would result in oblique views into the rear windows of No 6A Bohella Road. Whilst I note that there is a high degree of existing overlooking, I see no reason why a reconstructed building should seek to replicate this existing level of intrusion. Residents have raised concerns regarding the effects of the proposal on the balconies and amenity spaces of dwellings on Kings Road. This would be prevented by the use of oriel windows and obscured glazing, although the position of these windows is nonetheless likely to be perceived as being intrusive, even if actual inter-visibility is very limited.
23. Taking into account the combined effects of loss of outlook, actual and perceived overlooking, and identified loss of sunlight and daylight to both internal accommodation and outdoor amenity space, the proposed scheme would have a harmful effect on the living conditions of existing occupiers. Of the policies put to me I consider the proposal would be contrary to Policies 12 of the LP which seeks to ensure new development protects individuals and property from overlooking and unreasonable loss of privacy, and overshadowing and overbearing impacts. It would also fail to comply with guidance in the Framework, which has similar aims.

Waste Storage

24. The Council consider the proposal to lack adequate waste and recycling facilities. The area shown on the submitted plans for waste and recycling storage is understood to be in common use by the Gig Club but is not shown as being within their ownership. For this reason, the Council considered that the proposal failed to demonstrate adequate waste and recycling storage facilities were available.
25. With the submission of the appeal the appellant provided an indicative plan showing that waste storage space could be provided within the ground floor of the building. The Council have subsequently indicated that they this provides a solution, and I would be satisfied that subject to an appropriate condition, arrangements for waste and recycling storage could be provided within the built envelope of the scheme. Accordingly, I find no conflict with Policy 13 of the LP which seeks high quality development which has sufficient and convenient space for storage for waste, recycling and compostables, or with the aims of the Framework, which has similar aims.

Protected Species

26. The proposal is accompanied by a Bat and Barn Owl survey, which was carried out on the 28th of June 2022. The survey states that it is valid until June 2023.

It found that there was no evidence of bats or barn owls in the building but as the building contains features that may provide roosting opportunities for bats care should be taken during demolition and if bats are present, works should be halted.

27. I note that the application was accepted as valid by the Council when it was received on the 8th of March 2023. The County Ecologist has indicated that further surveys are necessary, however, I note that the 2022 survey included a thorough search of the building, and that gaps behind fascia boards were reasonably assessed as being unlikely to currently provide a home for bats. Whilst it is possible that bats have taken up occupation of the building since the survey, I have not been provided with up-to-date and cogent evidence that this has happened, and so I would be content to proceed on the basis of the existing survey with a condition which requires a watching brief prior to works commencing.
28. Accordingly, on the fourth matter I find no conflict with Policies 1 and 23 of the LP, which together seek to avoid any adverse impact on biodiversity, or with the Framework which has similar aims.

Other Matters

29. The proposal would provide three dwellings which would contribute to meeting local and national housing need. This is a matter which must weigh in favour of the proposal. Furthermore, the proposal would provide a community space which amongst other things would be used for the display of Cornish artworks from the collection of a notable local artist and so provide an asset for use by the local community and a visitor attraction. These benefits weigh in favour of the proposal.
30. I note the various concerns of local residents, including their view that the building has been deliberately left to fall into disrepair, their view as to the lack of need for the community space and their concerns that the proposed dwellings will be used as holiday lets and will not meet local housing needs. These matters have not altered my concerns above.

Conclusion

31. The benefit of the scheme would not outweigh the harm the proposal would cause to the character and appearance of the Conservation Area, or the harm that would arise to the living conditions of existing residents. The material considerations put to me do not therefore indicate that the proposal should be determined otherwise than in accordance with the development plan in this case. Therefore, for the reasons outlined above, and having regard to all other matters raised, I conclude that the appeal be dismissed.

Anne Jordan

INSPECTOR