



Appeal Decision

Site visit made on 24 September 2024

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/D0840/W/24/3342019

10 Waterloo Close, St Mawes, Cornwall TR2 5BD

- 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 The Oliver Felton Trust against the decision of Cornwall Council.
 - The application Ref PA23/08904 is dated 23 November 2023.
 - The development proposed is roof extension to create first floor accommodation over existing footprint, and extension and alterations to the existing dwelling to create a fully disabled access dwelling, works to include two inset balconies.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is effect of the proposed development on the character and appearance of the area.

Reasons

3. Waterloo Close is suburban cul-de-sac of mostly bungalows at the upper edge of St Mawes. The homes share a simplicity in their design and finish materials, most notably the roofs, which are largely unembellished and hipped. They are set in a loose, open pattern with the aspect of the street directed southwest down towards scenic views of the entrance to the Carrick Roads. Whilst there are a pair of houses, 3 Waterloo Close is on the upward, east side of the slope, facing the Carrick Roads. 4 Waterloo Close is similar and hunkers down on the outside corner of the close. If anything, their more peripheral position provides a built backdrop which reinforces the aspect of the street towards the view.
4. No 10 is on the opposite, more exposed side of the road. It is part of a row of similar bungalows which present in a low profile, stepped arrangement seeking to harmonise with the terrain. The low profile and modest design of No 10 is particularly important given its prominent position on Waterloo Close's inside corner plot, within the immediate foreground of the vista of the Carrick Roads.
5. The proposed development would raise the ridge of the property in a manner at odds with the stepped design approach of the existing built form, in defiance to the topography. The combined introduction of strident glazed gables, dormers, multiple rooflights and also half hips would result in a contrived and cluttered appearance which would harmfully depart from the intended design of the existing bungalow and the other housing within the street. The effect of such would be especially jarring given the sensitive position of the property. I do not prescribe to the view that, because Waterloo Close has a restrained design concept of circa 1970s origin, it does not warrant protection from poor design.

6. My attention is drawn to the property Sea Craig in Carrick Way. However, despite their proximity, Carrick Way is very different in character to Waterloo Close, with a denser collection of larger buildings with far less simplicity or homogeneity in form. The Council has refused a scheme at 7 Waterloo Close, but this has had little bearing on my assessment, which has focused on the specific role that No 10 plays within the street scene. For the same reason, the other sites referenced by the appellant further afield are of little consequence.
7. Accordingly, the proposed development would have an unacceptable effect on the character and appearance of the area. It would conflict with the design aims of Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (adopted 2016), Policy HO9 of the Roseland Neighbourhood Development Plan 2015 – 2030 (made 2015) and the National Planning Policy Framework.

Other Matters

8. The site is within the Cornwall Area of Outstanding Natural Beauty¹ (AONB). Given the location of the proposed development within a built-up area, the landscape and scenic beauty of the AONB would be conserved.

Other Considerations

9. I am mindful of the personal circumstances of the person whom the appellant represents. I am aware that the person in question currently lives for the most part elsewhere in private sector care. Given the significant scope of proposed changes to the property, I am not persuaded that the understandable motivation to provide a private home could not be met in a less harmful way at No 10 or, failing that, at an alternative residence. Personal circumstances, by their nature, are subject to change, whereas the harm that would arise here would likely do so in posterity. Consequently, I only attach moderate weight to the personal circumstances relevant to this appeal as a consideration in favour of a grant of permission. I separately acknowledge that the scheme would also provide general modernisation and increased energy efficiency at the property.

Planning Balance

10. The harm to the character and appearance of the area draws the scheme into conflict with the development plan read as a whole. I attach substantial weight to this finding against the appeal.
11. I have had due regard to the Public Sector Equality Duty (PSED) set out under s149 of the Equality Act 2010, but the harm to the character and appearance of the area outweighs its benefits in terms of eliminating discrimination against persons with the protected characteristics of age and/or disability, advancing equality of opportunity for those persons and fostering good relations between them and others. In this respect I conclude that it is proportionate and necessary to dismiss the appeal.
12. Equally, I am cognisant of Article 19 of the UN Convention on the Rights of Persons with Disabilities and recognise that dismissing the appeal would interfere with the person in question and their family's rights to a private and family life and home, under Article 1 of the First Protocol and Article 8 as set out under the Human Rights Act 1998. However, those are qualified rights; interference with them in this instance would accord with the law and be in

¹ AONBs rebranded National Landscapes in 2023, but still referred to as AONBs for the purposes of planning policy.

pursuance of well-established and legitimate aims: the adherence to appropriate design standards and the protection of the character and appearance of an area affected by development.

13. Overall, there are no other considerations of sufficient magnitude so as to indicate that I should make a decision other than in accordance with the development plan in this case.

Conclusion

14. I shall therefore dismiss the appeal.

Matthew Jones

INSPECTOR