



Appeal Decision

Site visit made on 29 October 2024

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2024

Appeal Ref: APP/D0840/W/24/3336469

Masonic Temple, 25 South Street, St. Austell, Cornwall PL25 5BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant Technical Details Consent.
 - The appeal is made by Mr Paul Stephens (Masonic Building Trust) against the decision of Cornwall Council.
 - The application Ref PA23/04000 sought consent pursuant to Permission in Principle Ref PA22/10165.
 - The development proposed is the construction of four dwelling units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is for Technical Details Consent following the grant of Permission in Principle (PiP). The Planning Practice Guidance advises that this is an alternative way of obtaining planning permission for housing-led development. The PiP has established that the location, land use, and amount of development is suitable in principle. The Technical Details Consent that is the subject of this appeal can consider the remaining detailed matters but cannot reopen what has been agreed at the PiP stage. I have determined this appeal on that basis.
3. I have used the description of the proposed development given on the decision notice (without extraneous wording), as it more fully and accurately describes the proposal than that given on the application form.
4. An additional drawing, numbered 20046.004, was submitted with the appeal. This drawing shows a cross section through the site to demonstrate the relative heights of the existing and proposed buildings. It does not alter the proposed development, and the Council has had the opportunity to comment on it in its appeal statement. No other parties would be prejudiced by my consideration of it. I have therefore considered it in coming to my decision.
5. During the appeal, on 19 and 20 December 2023, the Government published revisions to the National Planning Policy Framework (the Framework). The alterations result in the paragraphs that are referred to on the Council's decision notice being renumbered. The wording, however, remains the same. Consequently, I have not found it necessary, in the interests of natural justice, to seek further written comments, and neither party would be prejudiced by my consideration of the revised advice in my determination of the appeal.

Main Issues

6. The main issues are:

- a) Whether the proposal preserves or enhances the character or appearance of the St Austell Conservation Area, including the settings of nearby non-designated heritage assets; and,
- b) The effect of the development on the living conditions of the occupants of 19 and 21 South Street, with regard to outlook, light, and privacy.

Reasons

Conservation Area and non-designated heritage assets

7. The appeal site lies in the St Austell Conservation Area (the CA), which is an extensive area covering the historic core of the town and other areas of significance, particularly related to its industrial past and subsequent economic growth. It falls within Character Area 5 – 18th and 19th century urban expansion¹, which was mainly created during the increase in commercial activity which followed the industrial expansion. The significance of this part of the CA lies in the strong sense of enclosure to streets; fine examples of residential terraces; dense commercial development of two to three storey high-quality buildings of varying styles with active frontages; and places of worship and assembly integrated in the area.
8. The site itself is an undeveloped piece of land that is set behind the built frontage and hemmed in by buildings on all sides. It is disused and overgrown, but as it is only partially visible from South Street, its current condition does not negatively impact on the appearance of the CA. Overall, therefore, the site makes a neutral contribution to the significance of the heritage asset. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
9. The site does not affect the setting of any listed buildings, but it is closely associated with the Masonic Hall and 19/21 South Street, both of which are identified as Locally Significant Buildings by the Conservation Area Appraisal. They are, therefore, non-designated heritage assets (NDHAs). Paragraph 209 of the Framework advises that the direct or indirect effects of a proposal on the significance of NDHAs should be taken into account, and a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset.
10. The Masonic Hall is an impressive stone building occupying a prominent position fronting South Street. It has a highly decorative roadside façade with carved stone inscriptions and window surrounds, stained glass windows, and other ornate features identifying its age and historic function. Its prominence, high-quality architecture, and obvious historical importance mark it out as a highly significant NDHA. 19/21 South Street is a more modest building, comprising a pair of red brick houses in a less prominent location. Whilst the houses have historic charm, they have less obvious architectural quality, and are of lesser significance. The primary elevations of both NDHAs face away from the appeal site, and they have a more mundane appearance to the rear.

¹ St Austell Conservation Area Appraisal (April 2017)

Consequently, whilst its current openness allows views of the NDHAs, the appeal site does not make a significant contribution to their settings.

11. The development would largely conceal the rear elevations of the NDHAs, but this is, to some extent, an inevitable outcome in view of the PiP that has been granted. Furthermore, the primary elevations of the NDHAs would still be experienced with their important street frontage settings largely unchanged.
12. However, the proposed two-storey building would occupy a substantial proportion of the site, and it would almost directly abut the access lane that runs along its southern boundary. As a result, it would be visible through the gap between the buildings from the busy public area around the South Street and Duke Street junction. It would, of course, be an obvious presence from the access lane itself. Its wide plan form would result in a rather shallow pitched roof compared with many of the surrounding historic buildings. It would also have a somewhat utilitarian appearance, with an assortment of window sizes with varying proportions, and an unattractive recessed galvanised steel stairway and balcony. Furthermore, it would be constructed in materials such as pebbledash render and uPVC, which are not reflective of the more robust traditional materials that are characteristic of the high-quality buildings in the CA.
13. Whilst the inappropriate materials could, to some extent, be addressed through a suitably worded planning condition, the uncharacteristic form and design of the building could not. I am mindful that the PiP has established the suitability of the site for residential development, and I recognise that development of the site would create an active frontage to the access lane. However, the proposed building would be an inferior addition to its historic surroundings, so would fail to preserve or enhance the special character of the CA.
14. The harm would be limited to a relatively small part of the CA, so it would be less than substantial for the purposes of paragraph 205 of the Framework. Nevertheless, paragraphs 205 and 206 state that great weight should be given to the conservation of heritage assets, and that any harm to, or loss of, their significance should require clear and convincing justification.
15. Paragraph 208 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the development. In this regard, it is contended that the development would generate income that would help to maintain the Masonic Hall. However, I have little evidence of the scale or cost of any necessary works to the building. Furthermore, there is no agreed mechanism in place that would ensure that the financial proceeds of the development would be put towards securing the future of the NDHA. Consequently, I can ascribe little weight to this suggested benefit.
16. Whilst not a public benefit, the appellant advises that a landscaped area that would be provided to the north of the building could be used by occupants of 19/21 South Street. Again, however, there is no mechanism in place that would secure unrestricted access to this land for the adjacent occupants in the event that I allowed the appeal. Consequently, I cannot ascribe any weight to this benefit.
17. Nevertheless, the proposal would provide additional residential accommodation in a sustainable location, where I am advised that there is a need for small,

rented units. It would also provide some economic benefits through employment during construction works, and the ongoing spend of future residents in the local area. Occupants would also provide social benefits through their support for local facilities and transport networks. However, I see no reason why similar benefits could not be secured through a more suitably designed building without harm to the CA. Consequently, although I give some weight to these public benefits, they do not outweigh the great weight that the Framework gives to the conservation of heritage assets.

18. In summary, the proposal would result in less than substantial harm to the CA, which is not outweighed by public benefits. The development would, therefore, be contrary to Policies 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (adopted 2016) (the Local Plan), and Policies C1 and TC4 of the Climate Emergency Development Plan Document (adopted 2023). Taken together, these policies seek to secure high quality design in new development, and to maintain the special character and appearance of Conservation Areas. The proposal would also fail to achieve the Framework's aims to achieve well-designed and beautiful places, and to conserve and enhance the historic environment.

Living conditions

19. 19 and 21 South Street lie to the north of the appeal site, and have window and door openings directly on the boundary. The proposed two-storey building would run parallel with the rear elevations of these houses, and would extend across their entire width. The additional drawing submitted with the appeal shows that the proposed building would be about half a storey lower than Nos 19 and 21. Nevertheless, there would only be about five metres between the buildings. So, whilst the first-floor windows would have a reasonably open outlook over the roof of the proposed building, the ground floor openings would look directly at the wide rear wall of the proposed dwellings at close quarters. Outlook from these openings is already limited by the dominant gable of No 29b at a higher level to the east, and by the Masonic Hall to the west. The proposal would, therefore, result in occupants of Nos 19 and 21 having an unacceptably restricted outlook from their ground floors, which would be harmful to their living conditions.
20. The presence of tall buildings to the east and west means that most of the light reaching the windows in the rear elevation of Nos 19 and 21 comes from the south, across the appeal site. Whilst the first-floor windows would still receive daylight and sunlight at a reasonably low angle, the proposed building would significantly obstruct daylight to the ground floor windows. The sectional drawing demonstrates that some sunlight may still reach these windows over the roof of the building, but only when the sun is quite high in the sky. No shadow analysis has been provided, but the evidence before me indicates that the ground floor windows would be heavily shaded at most times of the day, with little sunlight at most times of the year. This would result in poor living conditions for the occupants of 19 and 21.
21. Each of the four dwellings would have a bedroom window in the rear elevation directly facing Nos 19 and 21. As these would be the only openings in the bedrooms, they could not reasonably be obscure glazed. Consequently, the windows in the existing and proposed dwellings would look towards each other over a distance of only about five metres. Whilst they would be at different

levels, this would not reduce the loss of privacy that would ensue. The first-floor windows in the proposed building would look down into the ground floor rooms of the existing houses, whilst the first-floor windows in the existing houses would look down into the first-floor windows of the proposed dwellings. At such a short distance, this level of overlooking would result in a lack of privacy for both existing and proposed occupants, resulting in unacceptable living conditions.

22. I am mindful that the appellant has suggested alternative designs in an attempt to address this issue. However, I have determined the appeal on the basis of the submitted scheme, which would result in harm to the living conditions of the occupants of 19 and 21 South Street due to a loss of outlook, light, and privacy. The proposal would, therefore, be contrary to Policy 12 of the Local Plan, which seeks to ensure that development proposals protect individuals from overlooking, unreasonable loss of privacy, and overbearing impacts. It would also fail to meet the Framework's aim of creating places with a high standard of amenity for existing and future users.

Planning Balance

23. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that applications for planning permission, and therefore appeals, should be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the proposal would fail to preserve or enhance the character or appearance of the CA, and would harm the living conditions of the occupants of 19 and 21 South Street. The proposal would, therefore, be in conflict with the policies of the development plan as set out above.
24. Nevertheless, the benefits of the proposal must be weighed against the harm that I have identified. The Framework seeks to significantly boost the supply of homes, and encourages the effective use of land. Paragraph 70 says great weight should be given to the benefits of using suitable sites within existing settlements for homes. As the development would provide four dwellings that would meet minimum space standards in a highly accessible location, it would accord with these aims. However, in supporting development that makes efficient use of land, the Framework also highlights the importance of securing well-designed and beautiful, attractive, and healthy places.
25. The Framework makes it clear at paragraph 12, that where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Overall, the benefits of additional housing do not outweigh the conflict that I have found with development plan policies that seek to secure high-quality design, protect heritage assets, and avoid harm to the living conditions of existing occupants.

Conclusion

26. For the reasons given above, I conclude that the appeal should be dismissed.

Nick Davies

INSPECTOR