



Appeal Decision

Site visit made on 8 January 2025

by N Perrins MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th February 2025

Appeal Ref: APP/D0840/W/24/3351866

Queensbury, Pannier Lane, Carbis Bay, TR26 2RF

- 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 Mr & Mrs T Williams against the decision of Cornwall Council.
 - The application Ref is PA23/04170.
 - The development is a proposed replacement dwelling incorporating Solar PV, rainwater harvesting system, surface water soakaway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework (the Framework) was published in December 2024. The updated Framework does not raise any new matters that are determinative to the outcome of this appeal.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area, (ii) the living conditions of neighbouring properties and (iii) parking provision.

Reasons

Character and appearance

4. The appeal site comprises a dwelling located on the eastern side of Pannier Lane where the land slopes downwards towards the sea. The appeal property extends over 2 floors albeit appears in the street as a single storey dwelling due to being set within the downward slope of the land. The character of the area comprises a mix of styles with many dwellings displaying traditional vernacular along with others with a more modern appearance.
5. The proposal would replace the existing building with a three-storey dwelling. The dwelling would be set within the slope and step downward from Pannier Lane towards the sea. The design of the proposal is contemporary and incorporates various different design features including extensive glazing on the proposed front and rear elevations.

6. The character of the seaward side of Pannier Lane where the appeal site is located comprises mainly modestly scaled dwellings set within the slope that have an understated and simple vernacular. In contrast to this, the appeal proposal would significantly increase the height of the building within the plot by around 2.8m from the existing situation. The bulk and mass of the property when viewed in the street would be significantly increased due to the full width third floor and shallow pitch roof. The increased height, bulk and mass of the property would also result in the proposal being around 1.48m taller than the neighbouring property Kya La Mina, which is currently higher than the appeal property. This change in height and massing between the two properties would be highly visible and result in the proposed dwelling appearing as an overly large and incongruous addition out of character with the lower profile properties on this part of the street.
7. The frontage design, whilst innovative, includes extensive glazing, curves and other detailing. Whilst there is scope for a contemporary dwelling given the variety of styles in the locality, the proposal's complexity and form would only serve to accentuate the excessive height, scale and visual impact of the building. I do not agree that the front boundary fence or opportunity for permeability through the glazing would adequately mitigate the harm identified given the discordant bulk, scale, height and mass of the proposed structure. My view in this regard is supported by the CGIs provided.
8. I have considered the comparisons drawn to other properties on the seaward side of Pannier Lane nearby such as St Andels, Faerystone, Teneriffe and Spernen Wyn. However, these are in a different section of Pannier Lane where the group of properties are generally larger than where the appeal site is located and the context is, therefore, not the same. Furthermore, whilst the dwellings on the opposite side of the road to the north are generally larger properties, they also do not justify the scale of development proposed in this case given there is a marked contrast in character between the two sides.
9. I have also had regard to the examples of other developments granted planning permission in the area including at the adjacent property Bos Kembro. These other examples, however, are either on different streets where the context is different to that in this appeal, were of lesser overall scale on their top floors or had simpler appearing designs. None of the examples provided are directly comparable to the appeal proposal's context and, therefore, do not justify the harm identified to the character and appearance of the area.
10. I note the appellant suggests there is a permitted development fallback that would result in a building with a higher height than is proposed in this appeal. There are no details before me to demonstrate what any permitted development fallback would entail or whether there is a realistic chance of it being pursued. As such, I give limited weight to this in this decision.
11. I do agree with the appellant, however, that the proposed layout, building line and use of materials is acceptable and would not result in any material harm to the character and appearance of the area in these regards. However, finding no harm on these aspects does not justify the harm identified earlier in this decision.
12. To conclude, the proposal's complicated contemporary design and excessive scale at third floor and roof level would result in a dwelling that would appear as an overly prominent and incongruous addition to the street scene. As such, the proposal is

contrary to Policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (CLP), Policy C1 of the Climate Emergency Development Plan Document 2023 (CEDPD) and Policy GD1 of the St Ives Neighbourhood Plan 2015-2030 (SINP). These policies amongst other matters require to development to deliver sustainable development, demonstrate a cultural, physical and aesthetic understanding of its location, be of size and scale sensitive to its surroundings. For these reasons, the proposal would also not accord with Paragraph 135 of the Framework or the guidance within the Cornwall Design Guide 2021.

Living conditions

13. From the information before me it is evident that the Council are concerned that the proposal will adversely impact the living conditions of the immediately adjacent dwellings, Kya La Mina and Bos Kembro.
14. The significant increase in both scale and height would result in a dwelling that would be unduly prominent and dominating to the garden areas of both the adjoining properties. The proposed glazing on the rear would also be extensive and installed across most of the width of each floor. Due to the scale and height of development, the glazing would be highly visible and increase the perception of overlooking to neighbouring properties. When the excessive scale, height and glazing are considered together, the proposal would be unacceptably overbearing and intrusive to the detriment of the living conditions to both adjoining properties.
15. I note the appellant contends that boundary treatments including timber fencing and planting would obscure the dwelling once constructed and set within the slope. However, due to the scale of development proposed and topography of the site, I am not satisfied that normal boundary treatment would have this effect to the extent that the harm identified would be adequately mitigated.
16. I have also had regard to the appeal decision provided by the appellant ref: APP/D0840/D/21/3281341. However, from the limited information before me it is not directly comparable as the main issue of overshadowing in that case is not relevant to this appeal. In the case of overlooking, the impact in appeal ref: 3281341 was mitigated by a condition to require balcony balustrades to be obscure glazed, which would not appropriate in this case due to the scale and extent of glazing proposed. As such, appeal ref: 3281341 is not sufficiently comparable to justify the harm I have identified.
17. In conclusion, the proposal's scale and excessive glazing would result in an unacceptably overbearing and dominating form of development that would harm the living conditions of neighbours contrary to Policy 12 of the CLPSP and GD1 of the SINP, which require development to protect individuals and property from overbearing impacts and be sensitive to its surroundings. The proposal would also not accord with Paragraph 135 of the Framework that seeks to ensure development has a high standard of amenity for existing and future users.

Parking provision

18. The proposal is required under Policy T2 of the SINP to provide two on-site parking spaces for vehicles. Only one space has been shown on the proposed plans. I note the appellant advises that there is space to provide the additional space within the front garden area. The appellant also indicates that two spaces may not be necessary in any event due to the sustainability of the location.

19. Had I been minded to allow the appeal, parking provision would need to be resolved in this decision including assessing whether it is technically possible to include an additional space on the site as suggested by the appellant or to consider the other points made. However, as I have found the appeal to be unacceptable for other reasons I do not need to consider this issue further in this decision.

Other matters

20. Concerns have been raised regarding the potential commercial use of the property, overshadowing and construction impacts. From the information before me I am satisfied that the property would be occupied as a dwelling only and not for any separate commercial uses. I am also satisfied that there would not be any material harm from overshadowing given the orientation of the proposal in relation to neighbouring properties. Construction impacts would only be temporary and evidently capable of being managed appropriately given that other development has taken place along the road and nearby.
21. I also note the appellant's concerns with the design journey undertaken to negotiate changes and the overall process experienced. While I understand that this may have been frustrating for the appellant, it is a neutral factor in this appeal and does not influence my decision either positively or negatively, which I have made on assessing the planning merits of the proposal against relevant development plan policies. I also acknowledge the sustainability credentials of the proposal albeit this is a neutral factor and does not outweigh the harm identified.

Conclusion

22. Taking account of all material planning considerations, I conclude that the development does not accord with the development plan. I, therefore, dismiss the appeal.

N Perrins

INSPECTOR