



Appeal Decision

Site visit made on 31 January 2023

by C Rose BA (Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2023

Appeal Ref: APP/D0840/W/22/3304876

Anchorage, 28 North Parade, Falmouth TR11 2TD

- 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 and Mrs Roberts against the decision of Cornwall Council.
 - The application Ref PA21/07358, dated 16 July 2021, was refused by notice dated 14 March 2022.
 - The development proposed is the demolition of existing building and erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The original description of development on the application form proposed five dwellings but during the course of the planning application the proposal was amended to four dwellings. For accuracy, and to reflect this change, I have amended the description of development in the banner heading above.
3. The appeal has been accompanied by a Unilateral Undertaking under Section 111 of the Local Government Act 1972 to mitigate the recreational impacts from future occupiers on the Fal and Helford Special Area of Conservation (SAC). This is a matter I will consider later.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

5. The existing dwelling and studio on the site front North Parade but are partly screened on approach by existing planting and boundary fencing. The site is noticeable in views on approach from the south-west along North Parade, where it is viewed in association with the estuary and marina that adjoin the site to its rear. From here the site is also viewed in association with the bungalows on the opposite side of North Parade and when closer to the site with the development further along North Parade.
6. Due to the landscaping, tapered nature of the site, low level of the dwelling fronting North Parade on land that steps down to the estuary, the extent of built form on the site is not prominent or highly noticeable from North Parade. When approaching the site from the south-west along North Parade, despite boundary fencing and the roof of the studio being visible, the site has a

generally undeveloped appearance. As a result, it provides a soft transition between the harbour, river, and the built development further along and opposite the site on North Parade. As this is the first developed site on approach from the south-west, it is a key gateway site to the development and town beyond.

7. The increased height and mass provided by Unit 4 on approach along North Parade, along with the built form coming closer to south-western boundary with deep footprint, would result in a stark and prominent built form. Combined with the loss of existing landscaping at the south-western end of the site and the considerable engineering works required to raise the levels of the site to allow the construction of Units 3 and 4 in particular, the proposal would result in the loss of the existing tapered and sloping nature of the south-western end of the site. The undeveloped soft transition that the site provides on approach to the built form on this key gateway along North Parade would be lost.
8. It is appreciated that there is boundary fencing and a studio to the southwestern boundary, but these are limited in scale. I appreciate that Unit 4 would step up in height, is proposed in suitable materials and that some landscaping could be secured to the side boundary to help screen this dwelling and soften the appearance of the development. However, this would not adequately mitigate the harmful visual impact as a result of the raised land to the rear to accommodate the development and built form that would be positioned closer to the southwestern boundary at a considerable depth and greater bulk than the existing dwelling on the site. On approach from the south-west, the side elevation of Unit 4 would be dominant and harsh resulting in the loss of the soft landscaped generally undeveloped narrow tapered end of the site and views beyond.
9. The 3D graphics forming part of the appellants Supplementary Statement of Case do not demonstrate the prominence of Unit 4 when viewed from further along North Parade closer to the site. From here, the development would become more visible and be more imposing.
10. From the river and marina, the engineering works required to raise the rear of the site would result in a retaining wall of a significant height and length at the river's edge. This is demonstrated by the plans of the Waterfront Retaining Walls submitted with the appellants final comments. Whilst there are retaining structures to the rear of the site at present, the narrowing nature of the site and variety of retaining structures at differing levels, reduces their bulk and prominence. In addition, and as with the view along North Parade, the tapered landscaped nature of the southwestern end of the site softens its appearance providing a subtle transition to the marina and bank adjoining the site to the south-west. The combination of the raised levels of the site, extent of retaining wall, the visual impact from Unit 4 in particular, and lack of potential for suitable replacement landscaping, would result in the retaining structure and Unit 4 being overly harsh and prominent when viewed from the adjoining marina and river resulting in the loss of the subtle transition.
11. I appreciate that from parts of the river and harbour at more distant views, the appeal proposal would be viewed in association with other sites along North Parade that have been developed and have retaining features fronting the river. However, the immediate site context is different for those sites that are adjoined by residential development to both sides with little planting and

generally smaller plots and retaining features. The appeal site is characterised by the soft planted boundary of No 26 with the river, the planted bank extending beyond the southwestern site boundary and by the considerable width and height of retaining walls on the site that change in levels therefore providing a softer frontage and different site context.

12. The built form would provide gaps between the dwellings that would break up the mass of the development and provide some limited views through to the river when directly facing the site on North Parade. On approach from the north-east along North Parade, the site would be viewed in association with existing and new development and as a result, would be read in context with this development. In light of this, and given that gable elevations can be found to properties in the area and above the bay windows to bungalows on North parade, when viewed from these locations, the proposal would be of a suitable height, scale, mass, materials, and design that would not be incongruous.
13. As a result of the extent of outdoor space, off-street parking and gaps between the proposed built form, the proposal would not represent over-development of the site.
14. In light of the above, I conclude that the proposal would significantly harm the character and appearance of the area. As such, the proposal would conflict with the requirements of Policies DG2 and DG4 of the Falmouth Neighbourhood Development Plan 2021-2030, Policies 2 and 12(1) of the Cornwall Local Plan Strategic Policies 2010-2030. Amongst other things, these state that development should incorporate a high quality of design, contribute to the 'sense of place' and reflect local distinctiveness, ensure a high-quality design, protect the landscape, provide continuity with the built form and respect and work with the natural environment. The proposal is also contrary to the National Planning Policy Framework that seeks to achieve well-designed places.

Other Matters

15. The site is well located in relation to services and facilities, would add to the supply of housing from a windfall site on previously developed land, provide some economic benefits during construction, energy efficient dwellings, result in financial payments under the Community Infrastructure Levy and provide some ecological benefits. However, given the scale of the proposal, such benefits would be moderate.
16. I note that the appellant has worked with the Council and even if I were to agree that the proposal would not harm the living conditions of neighbouring occupiers and would provide adequate new planting, parking, and drainage to serve the development, these matters would be neutral in my consideration.
17. A Unilateral Undertaking has been submitted with the appeal in relation to the potential effect of the development on the Fal and Helford Special Area of Conservation (SAC). A related financial contribution towards habitat mitigation has been paid to the Council. However, as I am dismissing the appeal, I do not need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

Conclusion

18. For the reasons given above I conclude that the proposal conflicts with the development plan taken as a whole and there are no other considerations,

including the provisions of the Framework, which outweigh this finding.
Therefore, the appeal should be dismissed.

C Rose

INSPECTOR