



Appeal Decision

Site visit made on 24 April 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2024

Appeal Ref: APP/D0840/W/23/3331838

The Old Shop, Waterloo Road, Falmouth, Cornwall TR11 3NU

- 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 Mrs Janet and Christine Oates against the decision of Cornwall Council.
 - The application Ref is PA23/04965.
 - The development proposed is the change of use of incidental residential studio to self-contained residential accommodation.
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Decision

1. The appeal is allowed and planning permission is granted for a change of use of incidental residential studio to self-contained residential accommodation at The Old Shop, Waterloo Road, Falmouth, Cornwall TR11 3NU in accordance with the terms of the application, Ref PA23/04965, subject to the conditions in the attached schedule.

Preliminary Matters

2. I observed on my site visit that work had already taken place to convert the building and that this had been done in accordance with the approved plans. As such, the development is retrospective in that regard.

Main Issues

3. The main issues are: (i) whether the development preserves or enhances the character or appearance of the Falmouth Conservation Area and (ii) the effect of the development on the living conditions of future occupiers and those of neighbouring residents.

Reasons

Conservation Area

4. The appeal site is located within the Falmouth Conservation Area, a predominantly residential area, close to the heart of the town. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of Falmouth and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings which are predominantly terraced dwellings, set close to the road. As such, the area immediately surrounding the appeal site has a fairly cramped and enclosed feel.

5. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, the development has involved the conversion of a studio building with no external alterations. In addition, the appeal site is not visible from the public realm. While I accept that a backland style of development is not reflective of the predominant character of the area, it does still accord overall with the rather cramped and tight knit urban form. I therefore do not find that the development appears incongruous or out of place with its surroundings.
6. As a result of these considerations, I am of the view that the development does not result in any harm to the character and appearance of the Conservation Area, and as such, the requirements of the Act are satisfied. Furthermore, there is no conflict with Policies 12 and 24 of the Cornwall Local Plan Strategic Policies 2010 – 2030 (LP) or Policies DG1 and DG4 of the Falmouth Neighbourhood Development Plan 2021 – 2030 (NDP). Taken together, the relevant aspects of these policies seek to ensure that development is well designed and that it preserves character and appearance, including that of designated heritage assets.

Living Conditions

7. The Nationally Described Space Standards set out that a one bedroom property with bedspace for one person should have a gross internal floor area (GIA) of at least 37 square metres if it has a shower room. While I acknowledge that the bedroom could fit a double bed, it seems appropriate to me to assess the proposal against that standard.
8. There is some disagreement between the parties about the GIA of the appeal building, with the Council suggesting that it is 34 square metres. However, even if I were to accept the Council's figure, I am satisfied that as a result of the layout and orientation of the building, along with the size and location of the window openings, the dwelling has a bright, airy and relatively spacious feel. While not shown on the plans, there is also sufficient space to provide the required built-in storage space. As such, the dwelling provides adequate living conditions for future occupiers with regards to space.
9. The remaining communal garden area for the existing flats is of an adequate size to fulfil its purpose. The bedroom window of the new dwelling faces this communal garden area and a wall and mature planting currently provides some screening between the two. In order to maintain privacy for all parties, reinforcement of this boundary would be helpful, and I am satisfied that this could be achieved without harming the outlook for future occupiers of the dwelling or reducing the amount of sunlight reaching the property. These additional boundary treatments can be secured through an appropriately worded condition. This is also the case where some additional planting or some other form of boundary treatment may be beneficial at the northern end of the private garden space.
10. While there would still be some overlooking of garden spaces and other areas, this already occurs to a large extent due to the tight knit urban form of the area. Furthermore, any additional opportunities for overlooking would likely be at oblique angles or over a reasonable distance. As a result, I do not find that this would result in harm to privacy for future occupiers or neighbouring residents.

11. I therefore conclude that the development would not result in harm to the living conditions of future occupiers or neighbouring residents. As such, it conforms with LP Policy 13, which in part seek to ensure adequate living conditions for all.

Other Matters

12. The Council's officer report notes that the site is within the zone of influence of the Fal and Helford Special Area of Conservation (SAC) which has been designated for its saltmarsh, intertidal mudflats and subtidal sandbanks, as well as its large shallow inlets and bays, estuaries and reefs. It is necessary for me, as the competent authority, to conduct an Appropriate Assessment in relation to the effect of the development on the integrity of the SAC.
13. The Cornwall European Sites Mitigation Supplementary Planning Document identifies an agreed mitigation strategy through funding for strategic access management and monitoring. The Council has confirmed that the required payment has been made by the appellant for this purpose. I am therefore satisfied that the contribution would sufficiently mitigate the level of harm likely to be caused by the development and would be pursuant to the Council's adopted strategy. I therefore find that the proposal would not result in an adverse effect on the integrity of the SAC.

Conditions

14. While the application is retrospective, I have still imposed the standard time condition and a condition to identify the relevant plans in the interests of certainty. In order to protect the living conditions of all occupiers, I have imposed a condition to require the submission and approval of a scheme for boundary treatments. Furthermore, given that the site is quite constrained, I have found it necessary to impose a condition that removes permitted development rights to ensure that the dwelling cannot be increased in size without separate approval from the Council.

Conclusion

15. The proposed development is in accordance with the development plan when considered as a whole. Having had regard to all matters raised, I conclude that the appeal should be allowed.

C Butcher

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: FAL0022 (Location plan); FAL0026 (Existing elevations); FAL0024 (Existing floorplan); and FAL0028 (Proposed floor plan).
- 3) Before the development hereby permitted is occupied, details of the proposed height, siting, appearance and construction of all boundary treatments shall be submitted to and approved in writing by the local planning authority. The approved boundary treatments shall be completed in accordance with the approved details prior to first occupation of the development and notice shall be given to the local planning authority when the approved scheme has been completed. The boundary treatment shall not thereafter be altered or removed, other than by necessary replacement.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking, re-enacting or modifying that Order), no development within classes A, B, C, D and E of Part 1 of Schedule 2 to the said Order shall be carried out without an express grant of planning permission.