



Appeal Decision

Site visit made on 7 January 2025

by Nick Davies BSc(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/D0840/W/24/3342304

Merchants Manor, Western Terrace, Falmouth, Cornwall TR11 4QJ

- 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 and Mrs N and S Rudlin and Parry-Rudlin (Merchant Manor Ltd) against the decision of Cornwall Council.
 - The application Ref is PA23/05550.
 - The development proposed is conversion of ground floor gym to 4no letting rooms and construction of 6no letting rooms within proposed first and second floor extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of ground floor gym to 4no letting rooms and construction of 6no letting rooms within proposed first and second floor extension at Merchants Manor, Western Terrace, Falmouth, Cornwall TR11 4QJ in accordance with the terms of the application, Ref PA23/05550, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos 23070-PL-00-01 – Location Plan; 23070-PL-00-02 – Block Plan; 23070-PL-00-04 Rev B – Proposed Site Plan; 23070-PL-01-04 Rev B – Proposed Ground Floor Plan; 23070-PL-01-05 Rev B - Proposed First Floor Plan; 23070-PL-01-06 Rev B - Proposed Second Floor Plan; 23070-PL-01-07 - Proposed Ground Floor Plan; 23070-PL-01-08 - Proposed First Floor Plan; 23070-PL-01-09 - Proposed Second Floor Plan; 23070-PL-02-03 – Proposed Elevations; 23070-PL-02-04 - Proposed Elevations.
 - 2) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 3) No development above ground level shall take place until details / samples of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details / samples.

Preliminary Matters

2. On 12 December 2024, the Government published a revised National Planning Policy Framework (the Framework). The alterations result in some of the paragraphs that are referred to on the Council's decision notice being renumbered, however the wording remains the same. Neither party has indicated that the revisions to the Framework are material to my decision. I have therefore considered the revised advice in my determination of the appeal.

Main Issue

3. The main issue is whether the proposal preserves or enhances the character or appearance of the Falmouth Conservation Area (the CA).

Reasons

4. The appeal site comprises a long-established hotel within the built-up area of Falmouth. It lies within the CA, which is an extensive area covering most of the eastern side of the settlement, and nearly all of its coastal frontage. It is part of the Seafront Area as described in the Falmouth Conservation Area Appraisal (the FCAA). The FCAA explains that this area plays a key role in linking the older seafront Falmouth to its later reputation as a seafront of quality with accommodation and entertainment to match. I saw that this part of the CA has a diversity of buildings and architectural styles, with a considerable proportion of relatively recent additions. However, I also noted that the genteel origins of the area are still discernible in the surviving large-scale historic buildings occupying extensive plots, with mature landscaping and trees. It is from these surviving elements that the CA derives its significance.
5. The appeal building is described at paragraph 7.7.24 of the FCAA as “*the imposing Edwardian Greenlawns Hotel*”. However, the FCAA dates from 1998, and the evidence indicates that the building has undergone significant extension and alteration since then. The core structure has been subsumed on three sides by later additions that do not reflect the refined architectural character and detailing of the original historic building. Nevertheless, only the northeastern elevation of the building is readily visible from public view. When seen through the access off Western Terrace, the frontage of the original historic building is prominent, with the extensive additions beyond being largely hidden. Consequently, it can still be discerned as a characteristic remnant of the past. Furthermore, the building occupies a large, well-landscaped plot, with mature trees. Consequently, the site currently contributes positively to the significance of the CA.
6. 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.
7. The proposed ground floor letting rooms would be created by a conversion of the existing structure, so would have a negligible impact on the external appearance of the building. The proposed first and second floor accommodation would rise above an existing series of flat-roofed extensions that sit behind the original building. It is contended that the extensions would not be subservient to the core building, and in particular that the second storey would conflict with the original building. However, the extension would be a considerable distance back from the intact historic frontage of the building. It would also be considerably lower than the ridge of the core building. Consequently, when viewed from the public vantage points along Western Terrace, there would be no adverse impact on the visual dominance of the front elevation of the original building in the street scene.
8. The proposal would involve a rather contrived and awkward arrangement of flat and pitched roofs. However, it would be a further evolution of a much-altered building, which already comprises a complicated assemblage of roof-types of varying heights and materials. In this context, the proposal would not result in an

uncharacteristic addition to the roofscape. In any event, the significant mature planting in the grounds, and along most of the roadside boundaries, means that the extension, and its relationship with other parts of the roof, would not be easily seen from outside the site. Even when seen from the carpark within the site, the extension would be visually set apart from the core building, so would not affect any apparent integrity that it retains.

9. I am mindful that the proposal includes an area of flat roof at second floor level, which would be surrounded by a glass balustrade, so could be used as a roof terrace. In these circumstances, outdoor furniture or umbrellas may be positioned in this area. However, these would be hidden from easterly viewpoints by the second-floor extension itself. From southerly vantage points they would be screened by the mature planting within the site. They would not, therefore, become prominent roofscape features.
10. Overall, therefore, the proposal would not affect the remaining integrity of the core building, or its prominence in the street scene. Nor would there be any loss of the extensive mature landscaping within the site. Consequently, the key features that contribute positively to the significance of the CA would remain unaltered, so the character and appearance of the heritage asset would be preserved.
11. The Council contends it has not been demonstrated that the proposal is crucial to the continued viability of the hotel. However, as I have found that there would be no harm to the significance of the CA, it is not necessary to consider the public benefits of the proposal under paragraph 215 of the Framework. Policy 5 of the Cornwall Local Plan Strategic Policies 2010-2030 (November 2016) (the Local Plan) and Policy BE3 of the Falmouth Neighbourhood Development Plan 2020-2030 (the Neighbourhood Plan) are both supportive of proposals for the development of new tourism accommodation, without any requirement to demonstrate an identified need.
12. For the reasons given above, the development would preserve the character and appearance of the CA. The proposal would, therefore, accord with Policies 1, 2, 12 and 24 of the Local Plan, and Policies BE3, DG2, DG6 and DG7 of the Neighbourhood Plan. These policies, taken together, seek to support the development of new tourist accommodation that is suitably designed and protects the historic environment.

Other Matters

13. The proposal would provide ten additional bedrooms but does not include any extra car parking. However, I saw that the hotel has an extensive car park, and that any overspill could be accommodated on surrounding roads, where there is unrestricted public parking. Consequently, the proposal would not be likely to result in any highway danger or inconvenience to other road users.

Conditions

14. In accordance with the legislation, I have imposed a condition limiting the period within which the development must commence. I have also included a condition specifying the relevant plans, as this provides certainty. The Council has suggested two additional conditions, which I have considered against the advice in the Planning Practice Guidance.

15. As the submitted drawings do not provide comprehensive details, a condition is necessary to ensure that the proposed external materials protect the character and appearance of the area. The proposal is for an extension to the hotel, and is internally linked to that existing use. Any future intention to use the accommodation as separate residences would require a further planning application. Therefore, a condition limiting the use to holiday accommodation would be unnecessary and unreasonable.

Conclusion

16. For the reasons given above, I conclude that the appeal should be allowed.

Nick Davies

INSPECTOR