



Appeal Decision

Site visit made on 21 May 2025

by **B Astley-Serougi BA(Hons) LLM MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 July 2025

Appeal Ref: APP/D0840/W/24/3358282

Boldmere, 13 Spernen Wyn Road, Falmouth, Cornwall TR11 4EH

- 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 Will Jackson against the decision of Cornwall Council.
 - The application Ref is PA24/06495.
 - The development proposed is described as demolition of existing house and the construction of a self-build dwelling with associated new vehicular access, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 outlines the statutory duty in respect to any buildings or other land in a conservation area. Given that the appeal site is located outside of the Falmouth Conservation Area (the CA), the statutory duty is not directly relevant in this case. Consequently, I have therefore had regard to development within the setting of the CA as outlined in the first main issue below.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area, including the significance of the CA through development within its setting; and
 - whether the proposed development would provide an adequate space heating demand with regard to local policy.

Reasons

Character and Appearance

4. The existing dwelling at the appeal site is located in a residential area of Falmouth and the surrounding area is mainly characterised by detached dwellings. A number of the dwellings on Spernen Wyn Road are relatively large including the existing dwelling at the appeal site. The dwellings are on the whole typical 1930's design with the existing dwelling containing steeply pitched hipped slate roofing, tall chimneys, hanging slate, render and bay windows. These design features also feature in neighbouring dwellings and the surrounding area.

5. The appeal site is located in Character Area 10 Post War Recovery and Growth (CA10) and is directly opposite Character Area 6 Seaside Resort and Wooded Suburbs (CA6) according to the Falmouth Neighbourhood Development Plan 2021-2030 (the FNDP). The Council in its Officer Report consider that the classification of the existing dwelling within CA10 is an error, given it dates from around 1932-1939. This is further supported by the age of the dwellings on the opposing side of Spernen Wyn Road which are included in CA6.
6. CA6 is characterised by large buildings and gardens whereas CA10 is described as post war housing estates, including Radburn Layouts and uniform designs. Additionally, the Cornwall and Scilly Urban Survey for Falmouth: Historic characterisation for regeneration May 2005 (CSUS) also describes the character of the area – seaside resort and wooded suburbs as larger buildings and gardens as well as wooded grounds.
7. Consequently, based on the evidence before me, the appeal site and existing dwelling should, in my judgment, be assessed against CA6 of the FNDP.
8. CA6 of the FNDP as well as the CSUS highlight, amongst other things, that design for any further new build in the area should be based on detailed characterisation to avoid further erosion of character including materials.
9. The proposed development would introduce a relatively shallow pitch of roof design. However, the appeal scheme would have a footprint of approximately 307.42m². This would be greater than the average dwelling in the immediate vicinity of the site and significantly greater than the footprint of the existing dwelling.
10. The Cornwall Design Guide 2021 (the CDG) outlines that Cornish buildings tend to be simple in their use of materials and finishes, rarely using more than two or three different materials in one building and that traditional and contemporary forms should take their cue from this. In my judgement, the use of two or three differing materials can be seen in a number of the dwellings in the immediate streetscape.
11. The appeal scheme would use multiple external materials that are not overly prominent in the immediate surrounding area, such as washed brick, wooden cladding, timber, living wall and a standing seam and solar roof. When viewed together these would, in my judgement, result in unacceptable visual clutter. Furthermore, the addition of features not overly prominent within the immediate streetscape such as the integrated chimney which would curve towards the eaves as well as circular windows would further reduce the overall assimilation of the appeal scheme within the immediate surrounding area.
12. The appellant highlights that according to the CSUS, Falmouth's distinctiveness is somewhat firmly based on the overall diversity of architectural styles, periods, scales and materials. Therefore, as a consequence the appeal scheme has drawn upon 'Ruination' and 'Weather Architecture' both of which resonate with the Arts and Crafts movement that was historically present in Falmouth.
13. However, the CSUS further outlines that the real character and unique sense of place results from the organic mix and juxtaposition of elements which has emerged over four centuries. Whereas the distinctiveness has mostly been eroded where the essential subtlety of this mix has either been ignored or rendered poor pastiche in later twentieth century developments. Consequently, due to the proposed number of external materials and architectural features in conjunction

with the overall footprint, scale and massing of the proposal, it would, in my judgement, erode to an unacceptable level the aforementioned subtlety. Accordingly, it would result in an incongruous addition to the street scape and fail to adequately prevent further erosion of the character of CA6.

14. The appeal scheme would result in the replacement of the small front boundary wall and hedge with a granite wall and gates. It would be higher than the existing wall and whilst the proposed softening via planted hedging would help to lessen its impact, it's scale would still result in a hard urban edge that would, in my judgement, fail to adequately assimilate with the landscape of the immediate locality.
15. The hipped roof design would not result, in unacceptable harm to the character and appearance of the surrounding area when viewed in isolation, given similar designs are present in the immediate locality of the appeal site. Nevertheless, it remains, in my judgment, for the reasons given above, that despite the lower roof height when compared to the existing dwelling, the appeal scheme would still result in unacceptable harm to the street scape.
16. The CA is adjacent to the appeal site and its significance derives in part from its historical and landscape context, as well as its use of local materials which provide colour, tone, texture and visual interest.
17. Paragraph 219 of the Framework outlines that proposals that preserve those elements of the setting of heritage assets that make a positive contribution to the asset, or which better reveal its significance, should be treated favourably.
18. The Falmouth Conservation Area Appraisal 1998 describes the dwellings within the CA on Spernen Wyn Road as each different to the other but retaining a design theme that is harmonious.
19. Some of the proposed materials can be seen in other areas of Falmouth. However, when assessed within the immediate setting of the CA, the appeal scheme would, due to its scale and massing as well as the use of a varied range of materials which are not prominent within the immediate locality, result in an incongruous addition. The modern development and materials would, in my judgement, detract from the traditional materials and consequent character of the adjacent dwellings as well as the character of the adjacent CA and the overall design theme present on the road. Consequently, regardless of the existing or neighbouring dwellings not being listed or locally listed, the appeal scheme would, to my mind, result in harm to the significance of the CA through development within its setting and not accord with paragraph 219 of the Framework.
20. I acknowledge that there are other dwellings near to the appeal site that are larger in footprint than the proposed development such as 8 Spernen Wyn as well as dwellings with larger footprints than the existing dwelling such as 11&13, 15 & 17 Pennance Road. Additionally, my attention has also been drawn to the contemporary design and scale of the Liner which consists of multi-storey apartments and food store in a prominent position and within the CA.
21. I do not know the circumstances which led to these developments and therefore cannot be certain that they are wholly comparable. Nevertheless, each application is determined on its own merit and having regard to the specific design features of

the appeal scheme and in light of my reasoning above, their existence does not lead me to a different conclusion.

22. The appellant highlights that external materials and boundary treatments acceptable to the Council could be achieved via an appropriately worded condition. However, given that I have also found the overall scale and massing of the proposed dwelling would contribute to the overall harm of the character and appearance of the surrounding area, including the CA, a suitably worded condition would not, in my judgement, adequately overcome the harm I have identified.
23. Whilst the appeal scheme would not be overly prominent in public views due to the design reflecting the topography of the site, for the reasons given above the appeal scheme would still result in a development that would unacceptably harm the character of the street scape.
24. Paragraph 139 of the National Planning Policy Framework establishes that significant weight should be given to developments that (a): reflect local design policies, government guidance on design and supplementary planning documents amongst other things. I have identified above that the appeal scheme would not adequately reflect local design policies; (b) outstanding or innovative designs which promote high levels of sustainability or help raise the standard of design more generally in the areas, so long as they fit in with the overall form and layout of their surroundings.
25. Whilst I acknowledge that the design would be relatively innovative and the support for the appeal scheme from the Falmouth Civic Society, it remains in my judgement, that the appeal scheme would not raise the standard of design generally in the overall form of the surrounding area for the reasons given above. I note the appeal scheme would utilise low-impact, low carbon materials in its construction. However, it has not been adequately demonstrated that the design promotes a high level of sustainability. Therefore, in my judgement, the appeal scheme would not accord with paragraph 139 of the Framework.
26. Reference to paragraph 130 of the Framework is not determinative for this case given that it relates mainly to achieving appropriate densities and the best use of land which the Council has not cited as a reason for refusal.
27. Given all of the above, the proposal would result in unacceptable harm to the character and appearance of the surrounding area, including the significance of the of the CA through development within its setting. It therefore would conflict with Policies 1, 2, 12, 21(online version) and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the CLP), Policies HR3, HR4, DG1, DG2, DG3, DG4, DG6 and DG8 of the FNDP insofar as they seek to ensure the design of a development is high quality, promotes local distinctiveness, assimilates with the character of the surrounding area, is of an appropriate scale and massing and maintains the special character of heritage assets.
28. It is for the same reasons that the appeal scheme would fail to accord with the overall aims of the Falmouth Conservation Area Appraisal 1998.

Space Heating Demand

29. The appeal scheme would benefit from a southern orientation which would contribute to the heating of the development. However, it would also include a pool

hall which would be integrated into the main dwelling as well as being directly connected to the greenhouse. Policy SEC1(2b) of the Climate Emergency Development Plan Document 2023 (the DPD) requires that new residential developments are Net Zero Carbon and as part of this, demonstrate a space heating demand of less than 30kWh/m²/annum amongst other things.

30. The appeal scheme including the pool hall would have a space heating demand of approximately 51.7kWh/m²/annum. However, when the pool hall is omitted from the calculation, the space heating demand for the appeal scheme would be approximately 20.4 kWh/m²/annum and thus comply with the DPD. This would be, in part, due to the thermal performance of the building envelope, construction, insulation and ventilation with heat recovery.
31. I acknowledge that the pool hall would likely operate independently of the rest of the appeal scheme regarding heating, ventilation and humidity control and that the walls between the dwelling and the pool have an increased U-value. However, in my judgement, it remains part of the overall appeal scheme given that it would be integrated into the main dwelling physically as well as being directly connected to the proposed greenhouse. Future occupants would be able to access the pool hall via the residential dwelling. Therefore, it follows that the pool hall is part of a residential development and subject to the relevant requirements of Policy SEC1(2b).
32. Moreover, Policy SEC1 assesses the total energy performance of the development. Therefore, whilst I acknowledge that there may be other methodologies used under international standards such as Passivhaus, it remains that Policy SEC1 focuses upon total operational energy use.
33. I also acknowledge the proposed design strategies such as the use of basalt tie rods, increased insulation thickness and exposed brick walls to enhance thermal mass would contribute to the reduction of heat demand in habitable areas. Nevertheless, it remains that the total operational energy use would exceed the Policy requirement of a space heating demand of less than 30kWh/m²/annum.
34. The appellant has brought to my attention that the pool hall could have been excluded from the appeal scheme and submitted as a non-residential development and therefore the Policy requirements of SEC1(2b) would not require the space heating demand of less than 30kWh/m²/annum. However, limited details of such a scheme is before me and without such information a full and detailed comparison with the appeal scheme and the relevance of Policy SEC1(2b) cannot be made. Additionally, there is limited evidence before me to adequately demonstrate that the alternative scenario has a greater than theoretical possibility of being implemented and therefore, in my judgement, I attach limited weight to it in the determination of this appeal.
35. Furthermore, whilst I acknowledge the appellant's frustration regarding the perceived strict implementation of Policy SEC1(2b), there are exceptions contained within the policy regarding schemes in which it would be technically unfeasible or economically unviable to achieve the space heating demand of less than 30kWh/m²/annum. However, there is limited substantive evidence before me to adequately demonstrate that either would be the case in relation to the appeal scheme when including the pool hall.

36. SEC1(5) of the DPD establishes that all dwellings should achieve an estimated 110 litres/person/day. Compliance with SEC1(5) would not overcome the harm of the conflict between the proposed development and Policy SEC1(2b) of the DPD as outlined above.
37. Given all of the above, the appeal scheme would not provide an adequate space heating demand required by local policy. It would therefore conflict with Policy SEC1 of the DPD insofar as it requires new residential developments to achieve a space heating demand of less than 30kWh/m²/annum.

Other Matters

38. The appeal site is in the Zone of Influence of the Fal and Helford Special Area of Conservation (SAC). I have a duty under the Conservation of Habitats and Species Regulations 2017 to assess any impact the proposed development would have upon the SAC. Had I been minded to allow the appeal this would have been a matter requiring further exploration. However, as I am dismissing the appeal for other reasons no further consideration is required.
39. Reference has been made to Policy G2 of the CLP however, there is no policy of that name contained within the document. Nevertheless, compliance with other Policies such as Policy 13 (Development Standards) (online version) and a lack of harm regarding biodiversity, the living conditions of neighbouring residents and future residents in relation to privacy, daylight/sunlight, noise and disturbance as well as health and wellbeing are neutral factors in this case given the Council has not raised concerns regarding these matters.
40. The Council has not indicated concerns regarding the principle of the replacement of the dwelling and matters regarding previously developed land. Therefore, accordance with Theme Four, Objective Nine of the CLP insofar as it relates to maximising the best use of land is also a neutral factor in this case.
41. There is limited substantive evidence to adequately demonstrate that the appeal scheme would significantly reduce the overall energy consumption when compared to the existing dwelling located at the site. Nevertheless, it is likely that the appeal scheme would improve the energy consumption to some extent. However, given that the appeal scheme is for one dwelling, I attach limited weight to the appellant's claimed benefits.

Planning Balance

42. The appeal scheme would result in a development that would harm the character and appearance of the surrounding area, including the significance of the CA through development within its setting. It would also not provide an adequate space heating demand with regard to local policy.
43. The proposal would be for one self-build dwelling in a relatively sustainable location and would contribute to the mix of housing types and tenures in the area as well as use locally sourced and/or sustainable materials. Given it is for one dwelling, the benefits associated with the appeal scheme would be limited and do not outweigh the conflict with the development plan that still exists when read as a whole.

Conclusion

44. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

B Astley-Serougi

INSPECTOR