



Appeal Decision

Site visit made on 14 April 2026

by **N Perrins MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 June 2026

Appeal Ref: APP/D0840/W/26/3377235

Chypons Residential Home, Clifton Hill, Newlyn, Cornwall TR18 5BU

- 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 Geoffrey Knights (Chypons Residential Home) against the decision of Cornwall Council.
 - The application Ref is PA25/05909.
 - The development proposed is replacement of life expired flat roof to 1980's block with slate mansard incorporating care suite & enclosure of re-configured fire escape stair.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I am aware of the planning history, which includes two previous attempts to increase the height of the 1980s extension. One application was withdrawn and the other refused on grounds relating to the impact on the character and appearance of the Newlyn Conservation Area (NCA). I note the appellant's contention that the current design responds to Conservation Officer commentary provided in connection with the earlier refused scheme PA20/04363. However, concerns raised in the context of refusing a previous application do not amount to design advice or an indication that an alternative approach would be acceptable. I am therefore not satisfied that the current proposal can be said to have been shaped by positive conservation feedback, and I assess it on its own merits accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the Newlyn Conservation Area.

Reasons

4. The appeal site comprises a residential care home originally formed from the conversion of a mid-nineteenth century villa-style dwelling on Clifton Hill, Newlyn. A two-storey extension was added to the south-east of the main building in the 1980s, the roof of which was subsequently altered to a flat form.
5. The duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

Paragraph 212 of the National Planning Policy Framework (the Framework) requires great weight to be given to the conservation of designated heritage assets.

6. I understand from review of the Newlyn Conservation Area Statement (NCAS) that a key feature that contributes to NCA's special significance is the steeply sloping topography, which creates a tiered backdrop of buildings rising above the harbour with an inherent rhythm and grain. The NCAS further describes the town as presenting a 'fascinating jumble of small, grey-slatted roofs' and identifies the intimate scale and massing of buildings and roofscapes as a major component of its essential character. The NCAS advises that extensions should use pitched or lean-to roofs and that traditional form, massing and detailing will be required to be respected. Notably, the NCAS also states that flat roofs will be resisted.
7. The appeal site is visible from several public vantage points including the crossroads at the bottom of Chywoone Hill, from which the main building and extension are visible above the surrounding roofline, and the lane running behind St Peter's Church. The existing 1980s extension is incongruous in the context of the surrounding buildings due to its form and materials. The appellant contends that the existing flat roof makes a negative contribution to the NCA and that the proposal therefore represents an improvement. I accept that the extension is not a positive contributor to the NCA's significance, but by virtue of its low flat roof it currently sits below the general roofline and reads as an unassertive background element, such that its harm is limited.
8. In contrast, the proposal would replace the existing low flat roof with a mansard roof form incorporating a full additional storey, bringing it to a point approaching the eaves level of the main building. This represents a fundamental change in the scale and profile of the extension, from a low, recessive block to a substantially taller three-storey form.
9. I acknowledge the appellant's contention that the proposed roof creates a deliberate stepped sequence descending from the main villa through the mansard to the extension approved under PA22/01317. However, that stepping argument addresses relationships within the site itself and does not overcome the impact of the increased height and bulk when read within the wider hillside roofscape from public vantage points. Overall, I find that the proposal would result in the appeal building being significantly more visually dominant within its setting, to the detriment of the character and appearance of the NCA.
10. The appellant's photomontages confirm this assessment, and in particular viewpoints 2 and 4. In the existing views, the 1980s extension reads as a low, unassertive element tucked behind the foreground properties. In the proposed views, the mansard projects conspicuously above the surrounding roofline. Beyond its increased height, the proposed form bears no meaningful design relationship with either the principal villa or the recently approved extension under PA22/01317. The villa has a traditional roof form whilst the approved extension adopts a low mono-pitched form. The proposed mansard, with its curved somewhat bulbous profile, sits awkwardly between these two elements and reads as an incongruous insertion that compounds rather than resolves the design weaknesses of the existing block. The proposal would therefore make the extension materially more harmful in visual terms than at present.

11. The appellant contends that the mansard roof responds to the stepped roofscape character of the NCA more broadly and that Newlyn's townscape derives its character from variety rather than uniformity. Whilst Newlyn's roofscape is indeed varied, that variety operates within a consistent palette of traditional forms and materials, and a mansard is not a roof form found on any neighbouring property or as far as I understand elsewhere within the NCA. More fundamentally, the NCAS is explicit that extensions should use pitched or lean-to roofs and that traditional form, massing and detailing will be required to be respected. The proposed scale and profile of the mansard meets none of those expectations, and would introduce an intrusive and incongruous form, harmful to the intimate roofscape character that the NCAS identifies as a key element of the NCA's special significance.
12. Finally, whilst I accept that the use of natural slate is consistent with the prevailing material palette of the NCA and that the existing flat roof is not a positive contributor to its character, the material alone does not justify a roof form that is otherwise inappropriate in scale, profile and design.
13. In conclusion and for the reasons set out above, the proposal would neither preserve nor enhance the character and appearance of the NCA, resulting in harm to its special significance. I find that this harm would amount to less than substantial harm. Accordingly, the proposal does not accord with Policies 1, 2, 12 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 and Policies DDH1 and DDH2 of the Penzance Neighbourhood Development Plan 2020-2030, all of which amongst other matters seek to secure good design and safeguard and where possible enhance the character and appearance of Conservation Areas.

Other matters

14. Representations were received regarding loss of natural light, loss of privacy and overbearing impacts. I have no reason to disagree with the Council's assessment that the separation distances involved are sufficient to avoid significant harm to neighbouring occupiers and that the proposed obscure glazing and privacy screen adequately mitigate impacts on properties at Old Paul Hill. Finding no harm in these respects, however, does not provide justification for the harm identified.
15. I note that Penzance Town Council raised no objection to the proposal. Whilst I have had regard to this, the absence of a local council objection is not determinative and does not outweigh the harm to the NCA that I have identified.

Heritage Balance

16. I have identified that the proposal would result in less than substantial harm to the NCA, which I place towards the lower end of that spectrum, albeit not at its lowest. The site is visible from multiple public vantage points, and the proposal directly undermines specific attributes of significance including intimate scale, massing and roofscape grain that the NCAS identifies as central to the NCA's character. The proposal would also materially increase harm from the existing roof form, representing a meaningful degree of change even at the lower end of the range. For these reasons, I give no weight to any design benefits in the balancing exercise.
17. Paragraph 215 of the Framework requires that less than substantial harm be weighed against the public benefits of the proposal, including where appropriate securing its optimum viable use.

18. I acknowledge the evidence that the existing flat roof is life-expired. Whilst I am prepared to accept, without a structural survey, that a roof of this age may well be approaching the end of its serviceable life and that some form of replacement is likely necessary, the structural need alone does not explain why the replacement must take the particular form proposed. No comparative assessment of alternative roof forms has been placed before me, and it has not been demonstrated that a replacement of lesser scale and impact was considered and rejected for sound functional or economic reasons. I therefore attribute limited weight to maintenance need as a public benefit.
19. The appellant refers to the provision of improved care facilities, and I acknowledge that the new roofspace accommodation would enable the reconfiguration of outdated rooms elsewhere in the building, allowing smaller rooms to be consolidated into larger rooms with ensuite facilities that better meet contemporary care standards. I also note the appellant's case that the proposed accommodation would allow residents to receive visitors in a more comfortable and dignified setting, which is said to be particularly significant for those receiving end-of-life care. I accept that these reconfiguration and wellbeing benefits are positive aspects of the proposal and I give them some weight as potentially qualitative improvements to the standard of care provided at the home.
20. However, no evidence has been submitted to demonstrate any regulatory deficiency, requirement from the Care Quality Commission, or identified shortcoming in the existing facilities that the proposed works would remedy. I therefore give these benefits limited weight. I have also considered the operational benefits of enclosing the fire escape stair, but no evidence has been provided that the existing stair is inadequate, and I therefore give this benefit limited weight.
21. Furthermore, whilst I acknowledge that care homes form part of essential social infrastructure, no evidence has been submitted to demonstrate that the continued operation or viability of the home depends upon the proposed works or that any regulatory requirement necessitates them. The social infrastructure argument therefore adds little weight in this appeal. With regard to the appellant's assertion that Cornwall faces a chronic shortfall in specialist care accommodation, I note that the appellant's own case confirms that the proposal would not increase the number of bedspaces. The proposal therefore cannot be said to address any such shortfall, and I afford this argument no weight.
22. Taken together, the public benefits of the proposal are limited and fall short of the level required to outweigh the less than substantial harm identified, to which I must attribute great weight.

Conclusion

23. The proposal would neither preserve nor enhance the character or appearance of the NCA and would result in less than substantial harm to its special significance. No public benefits have been identified that are sufficient to outweigh this harm. For all the above reasons, the appeal is dismissed.

N Perrins

INSPECTOR