



Appeal Decision

Site visit made on 23 August 2019

by Thomas Bristow BA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 September 2019

Appeal Ref: APP/D0840/D/19/3232457

Cothelstone, off Dunders Hill, Polzeath, Wadebridge, Cornwall PL27 6SU

- 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 & Mrs A Boyes against the decision of Cornwall Council.
 - The application Ref PA19/00554, dated 21 December 2018, was refused by notice dated 8 May 2019.
 - The development proposed is to extend the existing first floor balcony area to the south west of the dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. Cothelstone is modern in design. I understand that its present form results from the redevelopment of a mid-century bungalow, following planning permission Ref PA11/02783 approved in 2011. The 2011 permission followed earlier proposals.¹ I have been referred by the occupants of the neighbouring property to the south, Sundown, to their previous representations in that context.
3. Nevertheless each proposal must be determined on its merits in accordance with the development plan unless material considerations indicate otherwise. The development plan includes policies of the Cornwall Local Plan Strategic Policies (adopted 22 November 2016, the 'CLP') and of the St Minver Parishes Neighbourhood Development Plan (made 28 June 2017, the 'STMNDP'). I have also had regard to various other material considerations including the National Planning Policy Framework ('NPPF') and the Planning Practice Guidance ('PPG').

Main issues

4. The main issues are the effect of the proposal (i) on local character and appearance, and (ii) to the living conditions of the occupants of Sundown in respect of outlook.

Reasons

5. Now a two storey property, Cothelstone falls within the built form of Polzeath. It is accessed via a narrow lane, perhaps private, which serves several other properties off Dunders Hill. That lane declines as it tracks north-west from Spindrift through to Cothelstone, Westering, and beyond. As the name of the road indicates, Dunders Hill rises as it winds eastwards away from Polzeath

¹ PA11/00129, E1/2010/00415, E1/2007/00203.

beach, around which the village is primarily nestled in the topography. As with Cothelstone and its neighbours, properties have been arranged and remodelled over time so as to make best advantage of expansive coastal views. That has occurred in a piecemeal and incremental manner. Balconies of varying sizes are commonplace. They are readily apparent features of various properties nearby, many of which are likewise modern replacements or infill.²

6. That context has informed layout. Properties tend to be set within spacious plots with comparatively limited planting and boundary features.³ That lends the area a relaxed, low-density and open feel. Cothelstone, and other properties along that side of the lane are substantially set-back in plots of greater length than width, very close to eastern boundaries. They are arranged along what remains a consistent line, which increasingly diverges from parallel with the lane towards the north. Notwithstanding the varied design of dwellings nearby, that building line is nevertheless readily apparent on the ground (particularly when travelling along the lane from Dunders Hill). Consequently the main areas of outside space associated with properties have an open seawards aspect, as do most balconies.
7. Part (iv) of STMNDP policy 2.7 is that new development will 'have a height, mass and external finish that avoids disharmony with other properties...'. Part 1.a, 1.b, and 2.b of CLP policy 12 'Design', in summary, and not without due flexibility, seek to ensure that the design of development integrates appropriately with its surroundings (including via avoiding unreasonable overbearing impacts). Similarly criterion (f) of NPPF paragraph 127 sets out how development should be sympathetic to local character and ensure a high standard of amenity for all, as is reflected in relevant elements of the PPG.⁴

Character and appearance

8. The proposal is shown on plan AFA/1496/18. It is to extend the first floor balcony, inherently a relatively lightweight structure, forward of the existing principal elevation. A minimum separation distance of around 1.8m to the common boundary with the garden of Sundown demarcated by a blockwork wall would be maintained. There is a slight step-down in ground level from Sundown to Cothelstone, reflecting the changing landform.⁵
9. The lane via which Cothelstone is accessed serves relatively few other properties. That effectively limits the effect that the proposal would have in the wider area, by contrast to a scheme near a thoroughfare. The topography and boundary features would also obscure, or partially obscure, the extension from view from certain nearby vantage points. I have explained above how balconies are, understandably, often present, that the design of nearby buildings varies, and that Cothelstone is set back from the lane.
10. However, given the open character of the area, the proposal would nevertheless be readily visible from various surrounding vantage points

² Including, I saw, at Sundown, Artemis and Apollo (it appears two properties resulting from the recent redevelopment of Caradon) Restor, Benwood, Treverbyn, Sheerwater and Waterbeach (one of a number of properties on, or adjacent, the site of the former Seascape hotel).

³ Potentially so as not to interfere with views, on account of the coastal climate, or to minimise ongoing maintenance (as the case may be).

⁴ Including Reference ID: 26-024-20140306.

⁵ Around a metre, or fractionally more, as shown on plan AFA/1496/18.

(between around Artemis and also from the west). The extension to the balcony proposed would be significant. The increase in balcony area would be some 13 square metres.⁶ That is roughly double that which presently exists. Whilst the deck would lead out from the existing dwelling some 2.55 metres above immediately adjacent ground level, obscure-glazed screens would be installed facing Sundown and its plot.

11. For privacy those would be some 1.8m tall. Therefore in place of an existing privacy screen of around 1.78m in depth, the proposal would result in screening of approximately 5.28m in depth, or roughly triple. That would reach a height of some 4.35m. Relative to the existing balcony, and in absolute terms, the scale of the balcony proposed would represent a significant change.
12. I was unable to identify other balconies in the immediate vicinity of comparable dimensions, or subject to as significant privacy screening as is proposed. To the contrary, most balconies, including those at Cothelstone, Sundown, Artemis and Apollo appear as integral to the design of a property, either broadly in line with elevations or enclosed under projecting eaves. Consequently balconies nearby tend not to disrupt the consistency of the building line, thereby also assisting in preserving a sense of openness.
13. Conversely the development proposed here would project some 3.5 metres forward of the foremost elevation of the existing property. As set out above that would be readily apparent, particularly when occupied by domestic paraphernalia or in use. It would represent a structure of significant scale, its visual prominence and awkwardness relative to the existing layout exacerbated by substantial privacy screening. The balcony would in that context be read as an incongruous afterthought that pays little regard to the symmetry of the principal elevation to Cothelstone, or to the broad harmony in the relationship of balconies to properties elsewhere.
14. I have noted various factors that would moderate the effect of the scheme. There is also no indication that the surrounding area is formally protected in respect of the qualities of its built or natural environment. Nevertheless, for the above reasons, the proposal would be discordant in prominence, scale and design relative to its surroundings, resulting in harm to local character and appearance. That would be in conflict with the relevant provisions of the development plan and NPPF cited in paragraph seven above.

Living conditions

15. To some extent my earlier reasoning has a bearing here. As the proposal would be out-of-keeping with prevailing character, its inter-relationship with neighbouring Sundown would be atypical. I acknowledge the area has an open character and that neither privacy, sunlight nor outlook within gardens is absolute. There are also several front-facing windows at Sundown, which has a relatively lengthy front garden orientated south-westwards.
16. However I saw that the deck of the present balcony at Cothelstone leads out about level with the windowsills of two ground floor bedroom windows at Sundown, notwithstanding the changing ground level. One of those windows faces south-west, likely within a modest later side addition recessed from the

⁶ Based on the figures of 3.5m length by 3.65m width given in paragraph 5.1.2 of the appellants' statement.

foremost elevation of the original property (the latter being broadly level with that of Cothelstone). The other window faces directly towards Cothelstone.

17. I have set out above that the development would roughly triple the existing extent of obscure glass facing the common boundary. At around 4.35m high, that would also be approximately level with the eaves of that element of Sundown. The consequence would be that from within the bedroom referred to above, and to a lesser extent within an area of garden nearby, the proposal would result in an enclosing presence, reducing coastal outlook. As noted earlier, I did not see any other balconies nearby with as significant privacy screening as is proposed here.⁷
18. Given the open character of the area and the natural outlook west and north-west, which properties have evidently been orientated to take advantage of, the proposal would, in my view, result in an adverse sense of enclosure and unacceptably reduce outlook to occupants of Sundown. That is relative to the prevailing baseline. Whilst the affected room would not be a living room, where individuals are likely to spend a greater proportion of time, nevertheless a bedroom is a habitable room where some degree of outlook is advantageous and reasonably expected given the surrounding context.
19. As in relation to character and appearance, there are various moderating factors. Nevertheless even relatively minor changes to the built environment may have a significant perfective effect, particularly where they would run counter to a prevailing benchmark. Moreover NPPF paragraph 127 sets out how development should ensure a 'high standard' of amenity for all, a relatively strict test. For the above reasons, I therefore conclude that the scheme would conflict with the provisions of STMNDP policy 2.7, part 2.b of CLP policy 12 and criterion (f) of NPPF paragraph 127.

Other matters

20. The proposal would clearly be beneficial to the occupants of Cothelstone in enabling the creation of additional useable external floorspace, and thereby greater opportunity to appreciate the surroundings. However such benefits would be essentially private, whereas planning operates in relation to the public interest. Moreover such benefits would result in a degree of detriment to local character and to the outlook of the occupants of Sundown, which merit safeguarding to an appropriate extent. As such no other matters are sufficient to outweigh the harm that I have identified would result.

Conclusion

21. For the above reasons, having considered the development plan as a whole, the approach in the NPPF, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

⁷ Nor have comparable examples in that regard been advanced by the appellants.