



Appeal Decision

Site Visit made on 10 November 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2020

Appeal Ref: APP/X1355/W/20/3252940

130 Greenways, Delves Lane, Consett, County Durham DH8 7DJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Miss Carol Crowther against the decision of Durham County Council.
 - The application Ref DM/20/00569/FPA, dated 29 February 2020, was refused by notice dated 29 April 2020.
 - The development proposed is to install two CCTV cameras.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development as given on the planning application form has been replaced by more concise descriptions on the Council's decision notice and the subsequent appeal form. In the heading above I have taken the description from the appeal form as I consider that this accurately describes the proposal.
3. In Certificate A of the planning application form, the appellant states that she is the owner of the land and buildings to which the application relates. During the course of the appeal, evidence has been submitted that the property is owned by Shenstone Properties. However, it is apparent that the property owner is aware of the proposal and has submitted comments on this appeal. In this instance, I consider that no prejudice would be caused by a procedural error in respect of land ownership certificates.
4. On the appeal form, the appellant requested that I visit the site to check the effect on privacy and the installation of the cameras. However, I was able to view the site from communal areas around the property and I have sufficient evidence to enable me to reach my decision.
5. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the Council's decision, it has adopted the County Durham Plan 2020 (CDP). The Council has confirmed that this supersedes the policies referred to in its decision notice and has also confirmed the policy of the CDP which is relevant to this appeal. The appellant has had the opportunity to comment on the new development plan. I have therefore considered the appeal against the relevant adopted policies and make no further reference to deleted policies.

6. It has been indicated that the application was submitted retrospectively. However, I saw that the cameras had been removed and I have determined this appeal on that basis.

Main Issue

7. The main issue is the effect of the proposal on the living conditions of nearby residents with regards to privacy.

Reasons

8. The appeal site consists of a first floor flat located in a small two-storey block. The cameras would be located to the rear of the flat and could potentially provide views of the shared access balcony which serves adjacent flats, as well as views of communal areas to the rear.
9. Evidence submitted by the company which installed the cameras refers to 'privacy masks' which obscure an extent of the view provided by the cameras. This also states that the cameras are fixed and do not pan or tilt. However, the photos provided by the company show that the cameras enable a direct view of the shared access balcony, which would enable an intrusive degree of monitoring of the comings and goings of neighbouring residents.
10. I am mindful that the privacy masks may be extended to prevent an intrusive degree of overlooking. However, even though the installation company states that the appellant does not have access to disable these masks, this would be very difficult to monitor and enforce. On that basis, I do not consider it would be appropriate to use a condition regarding privacy masks under paragraph 55 of the National Planning Policy Framework (the Framework) as this would not be enforceable.
11. Moreover, I consider that the existence of the cameras would lead to the perception by nearby residents of an intrusive degree of monitoring and loss of privacy, regardless of the extent of privacy masks. In that respect, I note the concerns regarding harassment as set out in the comments of external consultees in the Council Officer's report and the Council's reason for refusal. Paragraph 91 of the Framework emphasises that the fear of crime should not undermine the quality of life or community cohesion. The existence of the cameras and the effect on the perceptions of neighbouring residents as they go about their everyday activities would not meet this policy of the Framework.
12. I acknowledge that the cameras may provide a degree of comfort to the appellant. I have also had regard to comments raised in support of the proposal which refer to the history of the property. However, I consider that any benefits to the appellant would be outweighed by the harm I have identified to the living conditions of nearby residents.
13. I conclude that the proposal would lead to significant harm to the living conditions of nearby residents with regards to actual and perceived impact on privacy. The proposal would therefore be contrary to the amenity requirements of policy 31 of the CDP and the Framework with regards to promoting safe communities.
14. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross INSPECTOR