



Appeal Decision

Site Visit made on 26 May 2021

by Alison Fish BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th June 2021

Appeal Ref: APP/D0840/D/21/3267149

14 Laregan Hill, Penzance TR18 4NY

- 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 Ms M Kohlweg and Mr N Richard against the decision of Cornwall Council.
 - The application Ref PA20/09544, dated 30 October 2020, was refused by notice dated 18 December 2020.
 - The development proposed is alterations and extensions to dwelling - amended scheme of PA20/04493 to incorporate balconies.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellants against Cornwall Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect on the living conditions of neighbouring occupiers with respect to privacy.

Reasons

4. The appeal property is a 3-storey dwelling with a lower ground floor, ground floor and first floor. This results in the ground floor effectively being located at first floor level when viewed from the rear garden of the host dwelling.
5. Planning permission has been granted by the Council for alterations to the dwelling including the installation of Juliet balconies. The appeal proposal includes the provision of projecting balconies at both ground floor and first floor level in place of the approved, but not yet installed, Juliet balconies.
6. From the sliding doors at ground floor and first floor level, there are views into the garden of 14A (The Retreat) so there is already an element of overlooking from the appeal property. However, the views are at an oblique angle and even with a Juliet balcony, those views would not be direct nor for a sustained period of time as the occupiers of the host dwelling would be standing within the confines of the property looking out. The introduction of projecting balconies extending beyond the width of the opening of the double doors at both levels would provide an area on which the occupiers could stand, sit out and spend a considerable amount of time on. In my view this projection would enable the occupiers to have a direct view into the rear garden of The Retreat which would

increase the level of overlooking to an unacceptable degree resulting in a significant loss of privacy to the occupiers of The Retreat.

7. The appeal proposal includes the provision of a 1.8m high obscure glazed screen to the first floor balcony. Whilst this would prevent overlooking from one end of the balcony, it would not prevent overlooking from the remainder of the balcony into the neighbouring garden and I am not satisfied that this would adequately mitigate the harm I have found.
8. During my site visit I also found that the balcony on the first floor would lead to a greater degree of overlooking towards the rear of 23 Larrigan Crescent and this further adds to the harm I have identified. Mitigation by way of allowing the boundary hedge to grow to a height of 4m has been suggested to me but based on the information provided, I am not satisfied that this would adequately mitigate the harm and could in itself, lead to additional concerns about the impact on the occupiers of 23 Larrigan Crescent.
9. For these reasons, I conclude that the proposed development would cause significant and demonstrable harm to the living conditions of the neighbouring occupiers with regards to privacy. As such, it would conflict with policy 12 of the Cornwall Local Plan and paragraph 127 of the National Planning Policy Framework which seek to prevent development which would result in overlooking and an unreasonable loss of privacy.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

Alison Fish

INSPECTOR