



Appeal Decision

Site visit made on 20 July 2021

by Matthew Jones BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2021

Appeal Ref: APP/N1160/D/21/3273679

58 Pegasus Place, Sherford PL9 8FB

- 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 Mr Stephen Daly against the decision of Plymouth City Council.
 - The application Ref 20/01952/FUL, dated 17 December 2020, was refused by notice dated 17 March 2021.
 - The development proposed is described as '*Remove existing pitch roof and replace with a balcony as previously approved under approval 15/00517/REM dated 20/05/2016*'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupants, with reference to privacy.

Reasons

3. 58 Pegasus Place is a three-storey dwelling. Its rear elevation faces over a parking area fronted by coach house style properties, including No 62 directly opposite. No 58 is in a row of housing with No 66 to the east, across the access road to the parking area, and No 56 'Smugglers Rest' close by to the west. The density of the housing has led to a moderate level of mutual overlooking between properties.
4. From the balcony it would be possible to overlook the rear gardens of Nos 56 and 66, and the principal windows of No 62. However, it is already possible to look quite clearly towards No 66 from windows within No 58's rear and side elevations. Given also the separation provided by the access road and the incorporation of the existing flank parapet wall detail into the proposed balcony, the impact on the privacy of the occupants of No 66 would be acceptable. Similarly, the overlooking of No 62 would be at a reasonable distance and comparable to the extent of overlooking which is already possible from both the second and third storeys of the appeal property. The impact on the privacy of the occupants of No 62 would therefore also be acceptable.
5. However, No 58 has a far more intimate proximity to Smugglers Rest. At present, the nearest rear windows at first and second floor level within No 58 are obscured glazed as they serve bathrooms. Overlooking of Smugglers Rest's rear garden is difficult from the other windows given the obliqueness of the angle and the depth of the windows within their reveals. By contrast, the balcony would provide clear, elevated and close overlooking towards the adjoining rear garden. Whilst the size of the balcony would logically restrict the

number of people who would use it at any one time, the overlooking from it would nonetheless significantly compromise the privacy of the occupants of Smugglers Rest in my opinion.

6. The appellant has suggested that the original planning drawings for the houses here include balconies such as that proposed. However, these drawings have not been provided to substantiate this situation and this matter has therefore had limited weight in my assessment. Reference has also been made to a balcony nearby. However, each scheme must be determined on its own merits, with issues of privacy requiring site specific assessment. As such, any overlooking from that balcony does not serve to justify my findings here.
7. I therefore conclude that the proposal would have an unacceptable effect on the occupants of neighbouring properties, with reference to privacy. It would conflict with the residential amenity aims of Policy DEV1 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (adopted 2019) and the National Planning Policy Framework.

Conclusion

8. The harm to the living conditions of neighbouring occupants draws the scheme into conflict with the development plan when read as a whole. There are no other considerations that outweigh the conflict with the development plan.
9. For the reasons outlined above, and taking all other matters raised into account, I therefore conclude that the appeal should be dismissed.

Matthew Jones

INSPECTOR