



Appeal Decision

Site Visit made on 30 June 2021

by **Alison Fish BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 August 2021

Appeal Ref: APP/D0840/D/21/3272246

Coombe, Paradise Road, Boscastle, Cornwall PL35 0BH

- 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 & Mrs Hodson against the decision of Cornwall Council.
 - The application Ref PA20/09325, dated 26 October 2020, was refused by notice dated 21 January 2021.
 - The development proposed is described as 'Demolish existing conservatory and construction of replacement sunroom, together with balcony above and associated works'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 20 July 2021. Given that there is no material change to the advice it contains in relation to this appeal, I have not found it necessary to invite further comments from either party but I have had regard to it.

Main Issue

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

Reasons

4. The appeal property is a split-level dwelling on one end of a terrace of 3 dwellings. It has an existing conservatory on the rear of the property with a Juliet balcony and bi-fold doors to the lounge area above.
5. During my site visit, I was able to stand with the doors open at the Juliet balcony. From there I had a clear and direct view of the whole of the rear garden to the attached neighbouring property of 'Sarum'. Therefore, there is already a significant level of overlooking from the appeal property. I was also able to see across to the side elevation of the detached property to the north known as 'Bolans Ridge' and its conservatory on the rear elevation but overlooking was to a lesser extent in relation to this property.
6. The demolition of the existing conservatory and its replacement with a flat roof sunroom of similar proportions would not have a harmful effect on the living conditions of the occupiers of the neighbouring properties. However, the appeal proposal also includes the provision of a balcony on top of the sunroom with steps down to the garden and it is this element which the

Council and neighbouring residents say will result in overlooking to a harmful extent.

7. The provision of a balcony would result in an area on which the occupiers of the appeal property could spend a considerable amount of time either standing, sitting out or entertaining on and this would result in a greater degree of sustained overlooking than currently exists from the Juliet balcony and for this reason I find that the provision of the balcony would result in a significant loss of privacy to the occupiers of Sarum.
8. The proposal acknowledges an impact on the privacy of the occupiers of Sarum through the provision of a 1.8m high obscure glazed screen on the end of the balcony closest to that neighbour. I do not agree that the screen itself will block light to Sarum as it is glazed and does not have the same degree of solidity that a wall would have at this height. It would assist with preventing overlooking of the rear garden of Sarum but only from one end of the balcony. It would not prevent overlooking and the sense of being overlooked from the remainder of the balcony and I am not satisfied that this would adequately mitigate the harm I have found. The appellant has advised that the obscure glazed screen could be extended further along the balcony but no details of this have been provided.
9. The projection of the balcony would also increase the degree of overlooking of Bolans Ridge. Whilst this would be to a lesser extent than the immediate neighbour, I find that it would result in an unacceptable level of overlooking and loss of privacy for the occupiers of that property.
10. It has also been put to me that the uses to which the balcony could be put including playing music and entertaining friends could result in noise and disturbance which would adversely affect the private enjoyment of the occupiers of the neighbouring dwellings. I have some sympathy with this view particularly in relation to the occupiers of Sarum and this adds weight to the harm I have found in respect of the impact on the living conditions of the neighbouring occupiers.
11. I have considered whether I could issue a split decision to allow the construction of the sunroom. However, as this is intrinsically linked and not severable from the balcony above, I have concluded that this is not an option in this instance.
12. Whilst I understand that the balcony will improve the flow of the host dwelling, by providing direct access to the rear garden from the main living area, rather than accessing it via the main bedroom, I have nonetheless identified significant harm to the living conditions of the occupiers of the adjacent dwellings with respect to overlooking and loss of privacy and as such, the proposal is contrary to policy 12 of the Cornwall Local Plan (LP) which seeks to protect residents from such impacts.

Other Matters

13. The appeal property is located within the Boscastle Conservation Area (CA) and the Cornwall Area of Outstanding Natural Beauty (AONB). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I give special attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 176 of the National Planning

Policy Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty. This is also the thrust of Policy 23 of the LP. The appeal proposal is a small scale, single storey domestic extension on the rear of the property which would be largely screened from public views and not dissimilar in scale or form to the existing conservatory. As a result, the appeal proposal would have a neutral effect on the CA thereby preserving its character. For the same reasons, I find that the proposal would conserve the special characteristics of the AONB.

14. The appeal property is also located in the River Camel Special Area of Conservation (SAC). As I am dismissing the appeal, an appropriate assessment under Regulation 63 of the Habitats Regulations 2017 in terms of the impact of the proposal on the SAC is not required.

Conclusion

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

Alison Fish

INSPECTOR