



Appeal Decision

Site visit made on 20 February 2023

by Neil Pope BA(HONS) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01st March 2023

Appeal Ref: APP/D0840/D/22/3305376

Penmaykin, Liskey Hill Crescent, Perranporth, Cornwall, TR6 0HP.

- 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 Williams against the decision of Cornwall Council.
 - The application ref. PA22/04293, dated 5/5/22, was refused by notice dated 26/7/22.
 - The development proposed is described as *"Design amendments to approval PA20/08697 (for a loft conversion and rebuilding of garage) to enable the Juliette balcony to be replaced with a cantilevered balcony."*
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Preliminary Matter

1. This is a Householder Planning Appeal and permission ref. PA20/08697 has been implemented. A more concise description of the proposal is a balcony.

Decision

2. The appeal is allowed and planning permission is granted for a balcony at Penmaykin, Liskey Hill Crescent, Perranporth, Cornwall, TR6 0HP. The permission is granted in accordance with the terms of the application ref. PA22/04293, dated 5/5/22, and subject to the following conditions:
 1. the permission hereby granted shall be undertaken within three years of the date of this decision;
 2. the development shall be undertaken in accordance with the details shown on approved plan ref. 1801 2 B;
 3. the balcony shall not be used until the 1.8 metre high privacy screens, shown on the approved plan, have been provided and these shall comprise obscure glazed or PVC panels which shall be retained in situ thereafter.

Reasons

3. The proposed balcony would measure approximately 4.6 metres (long) x 1.8 m (wide) and would be attached to the rear elevation of the appellant's enlarged dwelling. Notwithstanding the trees and shrubs growing within the garden of 'The Bungalow' and a tall fence along the boundary with 'Chalcotts', there would be some overlooking of neighbouring properties from the balcony.
4. However, those using the proposed balcony would be likely to take advantage of the attractive, distant views of Perranporth Beach and Chapel Rock rather than peering down into neighbouring gardens. The proposed privacy screens would also limit the extent of any increase in overlooking.
5. Furthermore, as I noted during my visit, it is already possible to see into parts of the rear gardens of 'The Bungalow' and 'Chalcotts' from the garden of 'Penmaykin', as well as through the sizeable first floor windows/sliding doors

that have been provided under permission ref. PA20/08697. In addition, parts of these neighbouring gardens are also likely to be overlooked from some dormer windows and an existing balcony on other dwellings to the east.

6. The proposal would be unlikely to result in any significant increase in overlooking or harmful loss of privacy for neighbouring residents. 'Penmaykin' is a single, private dwelling and those using the proposed balcony would also be unlikely to generate harmful noise or other disturbance to neighbours. I note that there were no objections from those living alongside.
7. The appeal site lies within an area that includes dwellings of different sizes and designs, with variation in the roofscape. Balconies are not an unusual feature within the area and the proposal would not be unduly conspicuous. There would be no harm to the character or appearance of the local area.
8. The proposed development would accord with the provisions of Policy 12 of the adopted Cornwall Local Plan and the provisions of the National Planning Policy Framework that are aimed at safeguarding amenity and environmental quality.

Conditions

9. In addition to the 'standard' condition requiring development to be undertaken within three years, in the interests of certainty a condition would be necessary specifying the approved plan. To safeguard the privacy of neighbouring residents, a condition requiring the privacy screens to be provided and retained thereafter would also be necessary.

Conclusion

10. Given all of the above, I conclude that the appeal should succeed.

Neil Pope

Inspector