



Appeal Decision

Site visit made on 12 February 2025

by **G Roberts BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th February 2025

Appeal Ref: APP/D0840/D/24/3352810

6 Cornish Chough, Porth Way, Newquay, Cornwall, TR7 3LW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Blackburn against the decision of Cornwall Council.
 - The application Ref is PA24/03750.
 - The development proposed is replacing existing conservatory with two storey extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 12 December 2024 the Government published a revised version of the National Planning Policy Framework (NPPF). However, the policies that are relevant to this appeal have not changed and I have not, therefore, sought the parties comments on the revised NPPF.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of neighbouring occupiers.

Reasons

4. The appeal site comprises one half of a pair of small semi-detached properties which were granted planning permission, in conjunction with two similar pairs of properties to the north, in 1990. The appeal site occupies a corner location and to its south and east are detached two storey properties. The frontage to the appeal site includes a small driveway with off-street parking space that extends along part of the side (southern) elevation of the host. This leads to a gated side passage and at the rear a single storey conservatory with shallow mono pitch roof. The latter occupies the majority of the rear amenity area and sits at a lower level to the road to its east.
5. The other half of the pair, 5 Cornish Chough (No.5) lies to the north of the host and sits on a smaller plot. The only private amenity area to No.5 is located at its rear. The amenity area is small. It includes a storage shed, which abuts the common boundary with the host. Beyond the shed the amenity area is open and includes a side gate with ground floor door and windows (within the rear elevation of No.5).

6. The appeal proposal involves replacing the existing conservatory with a two storey extension, finished with a gabled roof. The eaves of the proposed extension would match that of the main roof to the host, with its ridge set well below existing. With a pallet of materials that include slate, white render and vertical cladding, the design would be sympathetic and in keeping with the host. The Council contend, however, that the proposal would harm the living conditions of the occupiers of No.5.
7. Whilst I accept that the footprint of the proposed extension would be less than the existing conservatory, the difference between the two, in my view marginal. As is clear from the submitted plans, compared to existing, the proposal would result in a significant increase in the scale, mass and height of built development close to the common boundary with No.5. Although part of the conservatory is already visible above the shed to No.5, the side elevation to the proposal would extend much higher right up to the existing eaves. It would, therefore, be highly visible not only from the rear windows and door but also the private amenity area to No.5. From these viewpoints, the combined height, massing and scale of the proposed extension, sited close to the common boundary, would be visually dominant resulting in an overbearing impact on the living conditions of the occupiers of No.5.
8. Notwithstanding, therefore, the findings of the submitted Sun Study the scale, mass and proximity of the new extension to the rear of the No.5 and its private amenity area would result in an unneighbourly form of development that would harm the outlook of and have an overbearing effect on the occupiers of that property.
9. As I confirmed earlier, the private amenity area to No.5 is already limited in terms of its size, which I agree increases the need for its amenity value to be protected. I accept that part of the amenity area is occupied by a shed and that the property is, I understand, a holiday let, but that does not negate the need to have regard to the impact of the proposed extension on existing and future occupiers living conditions.
10. Whilst I also sympathise with the Appellants personal circumstances, recognise the benefits of replacing the existing conservatory and the visual improvements that would arise from the proposed pallet of materials, these considerations are not sufficient to outweigh the harm I have identified.
11. Accordingly, I find that the proposed development would result in significant harm to the living conditions of the occupiers of No.5 contrary to policy 12 (2.b.) of the Cornwall Local Plan Strategic Policies 2010 – 2030, policy H1 of the Newquay Neighbourhood Plan 2019 – 2030 (NNP) and paragraph 135 f) of the NPPF. These seek to ensure, amongst other requirements, that new development does not result in harm to the living conditions of existing and future occupiers. Reference has also been made to policy G2 of the NNP. However, this seeks to ensure that new development is of a high quality and contributes positively to sustainability. It does not, therefore, appear to be directly relevant to the issue raised by this appeal.

Conclusion

12. For the reasons given above and having taken all other matters raised into account, I conclude that the appeal should be dismissed.

G Roberts

INSPECTOR