



Appeal Decision

Site visit made on 19 May 2025

by **C Cresswell BSc (Hons) MA, MBA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 05 June 2025

Appeal Ref: APP/D0840/W/24/3357572

Littlecote, Porthrepta Road, Carbis Bay, Cornwall, TR26 2LD

- 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 Professor Lesley Roberts against the decision of Cornwall Council.
 - The application Ref is PA24/04181.
 - The development proposed is demolition of existing bungalow and garage and the erection of new dormer bungalow and associated services.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - the effect of the proposal on the living conditions of neighbouring occupiers, having particular regard to privacy.
 - the effect of the proposal on the character and appearance of the area.

Reasons

Living conditions

3. Littlecote is a modestly sized bungalow situated in an established built-up area. Although the rear elevation of the bungalow can be partly seen from the rear of Paladin (the bungalow to the immediate east) there is little opportunity for any mutual overlooking due to the low height of both properties and the presence of fencing and vegetation along the boundary.
4. The proposed replacement dwelling at Littlecote would incorporate a first-floor balcony which would extend across much of the rear elevation. While the balcony would be positioned well below the ridge height of the existing dwelling, it would nonetheless provide more elevated views than exist at present.
5. During my visit, I stood in the rear garden of Paladin and looked at the position of the proposed balcony as indicated on the plans. I recognise that the fencing and vegetation would help to partially screen views from the balcony into some parts of Paladin, as depicted on the photographs provided by the appellant.
6. Nonetheless, it would still be possible for those standing on the balcony to look towards the outdoor decking and rear facing glazed doors of Paladin. These doors serve a room which functions as the kitchen and main living space of that property and, despite the separation distance, it is likely that users of the proposed balcony

would be able to see into that room. Furthermore, given that the balcony would serve the master bedroom and living area in the newly built property, it is likely to be well used. Consequently, the potential for actual and perceived overlooking would be high.

7. While I appreciate that a degree of overlooking may be expected in urban areas such as this, the proposed balcony would undermine the privacy of the occupiers of Paladin to a significant extent. On the strength of evidence provided, I am not convinced that the development could be made acceptable through the use of planning conditions. Although Little Tamarisk has a rear balcony, it does not have the same impact on Paladin as the proposed balcony would and so does not serve as a precedent for the current scheme.
8. I therefore conclude on this issue that the proposal would have a harmful effect on the living conditions of neighbouring occupiers. It would conflict with Policy 12 of the Local Plan¹ which seeks to avoid unacceptable overlooking.

Character and appearance

9. The area is predominantly residential and characterised by bungalows, although there are also a number of larger, two-storey houses in the vicinity. Due to the size and arrangement of the properties, Porthrepta Road and the surrounding streets maintain a relatively green and open appearance.
10. Littlecote contributes to these qualities as it is a small and simply designed bungalow, being set back from the road behind a front garden. The proposed replacement dwelling would be two stories in height and would have a far more complex design, including gables with extensive glazing. It would not reflect the appearance of the existing property, nor other bungalows in the area.
11. That said, Little Tamarisk (the neighbouring property to the south) is a two-storey dwelling with a contemporary appearance. Manora, (the neighbouring property to the north) is also two storeys in height. Although Manora maintains a relatively simple appearance, it seems to me that this particular section of Porthrepta Road is characterised by two-storey dwellings of mixed design. As such, the proposed dwelling would be in general keeping with this part of the street scene. Littlecote faces a garden and churchyard on the opposite side of Porthrepta Road, so the green and open qualities of the street would be maintained, despite the proposed new dwelling being bulkier and taller than the existing bungalow.
12. I therefore conclude on this issue that the proposed development would have an acceptable effect on the character and appearance of the area. There would be no conflict with Policies GD1 and BE12 of the Neighbourhood Plan² as far as they seek to protect local character. For similar reasons, there would be no conflict with Policy C1 of the Climate DPD³.

Other matters

13. I recognise that the proposed dwelling would be more energy efficient than the existing bungalow and its construction would contribute to the local economy.

¹ Cornwall Local Plan Strategic Policies 2010-2030

² St Ives Area Neighbourhood Development Plan 2015 – 2030

³ Climate Emergency Development Plan Document, Cornwall Council, February 2023

However, since the proposal is only for a single dwelling, the impact would be very modest and so I give these benefits limited weight in my decision.

Conclusion

14. Although the proposal would be acceptable in terms of character and appearance, it would substantially harm the living conditions of neighbouring occupiers. This harm is not outweighed by the benefits of the proposal. Consequently, the proposal would conflict with the development plan as a whole.
15. However, I understand that the Council cannot demonstrate a five-year supply of deliverable housing sites. Therefore, according to paragraph 11(d) of the Framework, the relevant development plan policies are out-of-date. Although Policy 12 of the Local Plan is focused on design, it has the effect of restricting where housing may be developed. As such, the policy should be considered relevant to the supply of housing land and hence considered out of date.
16. The Framework places emphasis on good design. In this particular case, I have found that the design of the proposed dwelling would cause substantial harm to the residential amenity of Paladin through loss of privacy. Policy 12 is entirely consistent with the objectives of the Framework in this respect and so still carries a high degree of weight. The proposed replacement dwelling would not contribute to local housing supply and I have found that the benefits of the scheme would be modest. Therefore, in my view, the adverse impacts of the proposed development would significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
17. This leads me to conclude that the proposal is in conflict with the development plan and there are no material considerations, including the Framework, that outweigh this conflict. The appeal is therefore dismissed.

C Cresswell

INSPECTOR