



Appeal Decision

Site visit made on 29 April 2025 by R Dickson BSc (Hons) MSc MRTPI

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 13 August 2025

Appeal Ref: APP/D0840/D/24/3355111

9 Sunnybank, Porthleven, Cornwall TR13 9EP

- 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 and Mrs P Hanks against the decision of Cornwall Council.
 - The application Ref is PA24/06199.
 - The development proposed is described as “alterations and extensions to dwelling to include loft conversion and extension (revised scheme)”.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area, with regard to the site’s location within the Cornish National Landscape; and,
 - The effect of the proposal on the living conditions of the neighbouring occupiers of 5 and 12 Sunnybank, with specific regard to overlooking.

Reasons for the Recommendation

Character and appearance

4. Sunnybank is a residential street where dwellings are situated along only one side of the road. While the front elevation presents as single storey, the land slopes downward toward the rear, with views over the village and the coast. As a result, the back of the properties are two-storey, with rear gardens positioned at a lower level than the front. There are several small cul-de-sacs accessed from Sunnybank, with dwellings positioned lower down the hill, and with more variation in their design than those on the upper road.
5. The dwellings within Sunnybank appear to have been constructed at a similar time and as a result follow a consistent design with harmonious detailing. The appeal site, No 9, is similar in height and design to the rest of the dwellings on the road. A

prominent feature of most of these dwellings are their large unbroken and uncomplicated roof structures with low eaves on their front elevation. This feature highlights that the dwellings on Sunnybank appear to only be single storey from the front.

6. The proposed extension would increase the height of part of the roof, and would introduce dormer windows on the front elevation. While there is a nearby development which incorporates dormer windows into its design, this is not the case for properties on Sunnybank. As such, the introduction of the dormer window on the front elevation would be a departure from the prevailing design and detailing found in the rest of the properties on Sunnybank.
7. The alterations would alter the form and massing of the roof, eroding its simplicity. The increased bulk would stand out from the other dwellings in Sunnybank among the otherwise uniform and cohesive roof structures, highlighting the host as being different, and introducing visual discord within the street scene. As a result, the proposal would harm the character and appearance of the area by disrupting the rhythm and consistency of the street.
8. From a lower elevation within Porthleven, the properties on Sunnybank are highly visible. It can be seen from here that all of the properties are two stories. While there is some limited variation between the rear elevations of the houses, such as the garage, window size and presence of balconies, their scale and proportions are highly uniform, with generally consistent window placement and a gabled section projecting from the rear elevation. The overall consistency of the rear elevations creates a visual coherence which contributes towards the character and appearance of the area.
9. As alluded to, the ridge height of the host would be increased. It would make the dwelling appear taller than the surrounding properties and would harmfully alter the proportions of the rear elevation. The result of the increased height would make No 9 prominent and incongruous when viewing the area as a whole, eroding the visual coherence of Sunnybank.
10. The proposal would introduce a large glazed window into the gable, a feature that I could not see replicated on any other dwelling in Sunnybank. A rear dormer window would also be created which again, is not a common design in the surrounding dwellings. Together, the windows within the proposed first floor would visually unbalance the rear elevation. Their placement, particularly the dormer window, would create visual discord with the existing windows on the ground floor and lower ground floor. Collectively, the uncharacteristic changes to the rear elevation would make No 9 stand out among the other dwellings in Sunnybank and be at odds with the prevailing character of the street scene.
11. Accordingly, the proposed extension would be harmful to the character and appearance of the area. As such, it would be in conflict with policies 1, 12 and 23 of the Cornwall Local Plan Strategic Policies 2010-2030 (Local Plan), and policy C1 (7) of the Climate Emergency Development Plan Document (2023) which collectively seek to ensure that developments are well designed and maintains local distinctiveness. The proposal would also fail to accord with the guidance set out within policy PD-P11 of the Cornwall Area of Outstanding Natural Beauty Management Plan 2022-2027, which seeks to ensure that development retains

vernacular scale and detailing, avoiding very extensive glazed elevations and an imposing presence.

Living conditions

12. Sunnybank slopes down towards the sea and has three small cul-de-sacs with dwellings positioned lower than No 9 and its garden. The garden of No 9, bound by a low fence and hedge, stretches the width of the dwelling, and is wider than it is long. As such, when standing within the garden of No 9, the lower dwellings appear to be quite close to the host. During my site visit, I viewed the garden and surrounding development from the ground floor window. From here, the elevated position of the appeal site above the lower dwellings was evident.
13. Nearest to the appeal site is 12 Sunnybank. No 12 predominantly faces away from the appeal site towards the sea views. However, there is an existing level of overlooking, particularly in respect of the small side balcony and part of the side and rear garden, owing to the height difference between the appeal site and No 12. Given the orientation of No 12, and the presence of an existing level of overlooking, the increased height and glazing proposed would be unlikely to significantly increase the actual, or perceived, level of overlooking to a harmful extent.
14. Positioned diagonally downhill from the appeal site behind a hedge sits 5 Sunnybank. Although there is some distance between the appeal site and No 5, when looking out of the ground floor windows there are existing views across to the lowest part of the garden. The garden of No 5 is largely shielded from overlooking by a hedge and planting separating the plots.
15. While there is a very low level of existing overlooking between the appeal site and No 5, there would be an increased potential for being overlooked from an elevated position and at close range, resulting in unacceptable loss of privacy for occupiers of No 5 whilst using their garden. The hedge and planting would offer less shielding from views at the elevated viewing angle resulting from the proposal.
16. The appellant contends that the proposed windows would be positioned to reduce direct visibility between the dwellings. While this may be the case compared to previous iterations of the scheme, based on the plans before me and my findings above, there would still be an unacceptable level of overlooking that would harm the living conditions of the occupants of No 5. The appellant has also suggested that additional privacy measures, such as obscure glazing, could mitigate the overlooking concerns. Given that the windows on the top level appear to serve an additional bedroom and a family room, I cannot be sure that a condition requiring obscure glazing would not result in significant harm to the living conditions of the future users of the proposal in terms of outlook.
17. Although the proposal would not have a significant harmful effect on the living conditions of the occupants of 12 Sunnybank, it would have a harmful effect on the living conditions of the occupants of 5 Sunnybank, with specific regard to overlooking. Accordingly, the proposal would be contrary to policy 12 of the Local Plan, which seeks to protect individuals and property from overlooking.

Other Matters

18. The appellant has directed my attention to a recent example of a nearby alteration at 1 Sunnybank. From the information provided to me, the development at No 1 did

not raise the ridge height, nor did it propose any windows higher on the rear elevation than already existing. It also appears to have retained the general pattern and placement of windows across the rear elevation. As such, the example provided is not comparable to the proposal before me, and I have considered the appeal based on its own merits.

Conclusion and Recommendation

19. The proposed development would provide very limited and temporary benefits in terms of employment opportunity during works. However, the benefits of the scheme would not, in my view, outweigh the harm identified above in relation to character and appearance and in respect of adverse effects on the living conditions of residents, and the resulting conflict with the development plan when taken as a whole, to which I attach significant weight in this recommendation.
20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

R Dickson

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Mr A Spencer-Peet

INSPECTOR