
Appeal Decision

Site visit made on 30 October 2025

by **C Butcher BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/D0840/D/25/3363546

Fable, Road from Portloe to The Yard, Portloe, Cornwall TR2 5QZ

- 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 Simon Edwards against the decision of Cornwall Council.
 - The application Ref is PA24/08266.
 - The development proposed is the construction of rear balcony above existing rear extension, with wooden balustrade posts.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposed development on the character and appearance of the area, having special regard to the effect on relevant designated heritage assets and the Cornwall National Landscape; and (ii) the effect of the proposed development on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook, light and noise.

Reasons

Character and Appearance and Heritage Matters

3. The appeal site is located within the Portloe Conservation Area. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the development of the village of Portloe over many years, and the architectural styles and tastes of the time. It has an aesthetic value due to the appearance of the buildings that comprise the Conservation Area, and the relationship of the buildings with the dramatic coastal landscape. In combination, the elevated location of the dwelling known as Fable, and its appearance, ensures that it contributes positively to the significance of the Conservation Area.
4. The dwelling known as Cliff Garden, a Grade II listed building, is located next to Fable. Its own significance is derived from its historic appearance, with stone walls and sash windows with red brick lintels above.
5. In order to assess the potential impact of the proposed balcony upon the character and appearance of the area, including the designated heritage assets, the appellant has provided a Landscape and Visual Appraisal, produced by Planix.uk in August 2024 (the LVA), and a Heritage Impact Assessment which has been incorporated into the Design and Access Statement, and also produced by

Planix.uk in October 2024 (the HIA). The respective documents conclude that the proposed balcony would not cause harm to the significance of the heritage assets or the character and appearance of the surrounding landscape.

6. The LVA notes that the balcony would be at least partially visible from various vantage points. One such viewpoint is the public footpath which rises gently on the opposite side of the harbour to the appeal site, towards the headland known as Jacka Point. During my site visit I was able to observe Fable from this location. Indeed, it was notable that this viewpoint is particularly important as it provides extensive views of both the dwelling and the wider surrounds, and therefore enables an appreciation of much of the Conservation Area.
7. From that viewpoint, other existing seating areas are visible within the vicinity of Fable, including the decking area associated with Cliff Garden. However, these seating areas or terraces tend to be set behind houses, and as such they blend into the surrounding landscape meaning they are not overly conspicuous. In contrast the proposed balcony would be set forward of the cliff face and the proposed glass balustrade and wooden backboard, which would be visible above the ridge of the roof, would be a much more obvious feature. Indeed, given its proposed position immediately above the roofline of the host dwelling, it would clearly be seen as a highly incongruous and unusual feature within the street scene which would detract from the overall view of the Conservation Area from the footpath. As noted in the LVA, the proposed development would also be glimpsed from other vantage points in the area. It is therefore abundantly clear that the proposal would result in harm to the CA. Given the proximity of Cliff Gardens to the proposed development, it is inevitable that this harm would also extend to the setting of the Grade II listed building.
8. As such, I find that the LVA and HIA underplay the harm that would be caused. The appellant has provided a number of examples of steps, seating areas and the use of more modern materials such as glass within the village. In particular, they note that a modern style home with two large terraces or balconies was recently given planning permission (Council ref: PA24/06632). However, while there are many examples of such design features or materials in the surrounding area, these tend to have been installed or utilised in a way that does not detract from the character of the area. I have set out why the siting of the proposed balcony, above the roof of the host dwelling, would result in harm in this instance.
9. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the appeal site is located in a prominent position within the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. Furthermore, Section 66 of the Act sets out that special regard must be had to the desirability of preserving the setting of the listed building.
10. The proposal would have a negative effect on the significance of the two designated heritage assets and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must

be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.

11. In this instance, the benefits of the scheme would be almost wholly private in nature by providing the occupiers with outside recreation space. There may also be some economic benefits associated with the construction phase. However, these benefits are very limited in scale. I therefore conclude that the public benefits would not outweigh the less than substantial harm I have identified.
12. The appeal site is also located within the Cornwall National Landscape (the NL). Paragraph 189 of the Framework states that great weight should be given to conserving and enhancing landscape and scenic beauty within NL's. Furthermore, the Levelling Up and Regeneration Act 2023 requires decision makers to actively seek to further the statutory purposes of NL's. In this instance, the identified harm to the designated heritage assets would also harm the character and appearance of the area more generally, including the scenic beauty of the NL.
13. In conclusion I therefore find that the proposal would result in harm to two designated heritage assets, as well as the wider character and appearance of the area. As such, it would conflict with Policies 2, 12, 23 and 24 of the Cornwall Local Plan Strategic Policies 2010-2030 (the LP), as well as Policies LA1, LA2, CV1, CV3, GP1, GP2 and H09 of the Roseland Neighbourhood Plan 2015-2030 (the NP). Taken together, the relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including designated heritage assets and the scenic beauty of the NL. It would also conflict with Policy PD-P11 of the Cornwall National Landscape Management Plan 2022-2027 which also seeks to conserve and enhance the special qualities of the NL.

Living Conditions

14. As part of their appeal statement, the appellant has provided a response to comments made by neighbouring residents (D3 Architects, April 2024). A photograph within this response clearly demonstrates that the elevated position of the proposed balcony would provide the occupiers with views over certain parts of the garden associated with Cliff Garden, thereby affecting privacy. However, it is clear that Cliff Garden benefits from a relatively large private outdoor space, and it is highly likely that much of it would retain its existing private and secluded nature. As such, the harm caused by the proposal in this regard would be limited. The same photograph also shows a window within the eastern elevation of Cliff Garden which serves an en-suite bathroom. Again, it is clear that the proposed balcony would provide views to that window. Nevertheless, given the distance involved, the level of harm would also be limited.
15. A window also exists within the western elevation of the neighbouring dwelling on the other side, known as Vine Cottage. This window would be situated in very close proximity to the proposed stairs and balcony. As such, given the lack of substantive evidence to the contrary, it seems inevitable that there would be some loss of privacy, outlook and light for the occupiers of that home. However, given that this window appears to serve a stairwell within the house rather than a primary living space, this harm would be limited. The appellant has questioned whether this window has planning permission. Such matters are outside of the scope of this

appeal, and in any event, given the harm that I have identified elsewhere in this decision, the outcome of the appeal does not turn on this particular matter.

16. The proposed balcony would be situated close to the roof of Vine Cottage. It is therefore likely that noise emanating from the balcony would be heard within the first floor rooms to the rear of that dwelling. Nevertheless, part of the garden space of Cliff Garden is also in fairly close proximity to the roof of Vine Cottage, and so any additional harm in relation to noise resulting from the proposal would also be limited.
17. As a result, despite the limited nature of the harm to neighbouring living conditions, the proposal would still conflict with LP Policy 12 and NP Policy H09. The relevant aspects of these policies seek to ensure that new developments, including extensions, preserve existing living conditions.

Conclusion

18. The proposed development would result in harm to character and appearance, including the setting of designated heritage assets and the scenic beauty of the NL. It would also harm the living conditions of neighbouring occupiers. As a result, it would conflict with the development plan when considered as a whole. While the proposal would provide private recreation space for the occupiers of the host dwelling, and deliver some economic benefit during the construction phase, any such benefits are very limited. Accordingly, there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR