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## Appeal Decision

Site visit made on 14 March 2023

**by Penelope Metcalfe BA(Hons) MSc DipUP DipDBE MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 30<sup>th</sup> March 2023**

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**Appeal Ref: APP/D0840/D/22/3306976**

**56 Bedowan Meadows, Tretherras, Newquay, Cornwall, TR7 2SW**

- 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 and Mrs A Burt against the decision of Cornwall Council.
  - The application Ref PA22/01637, dated 16 February 2022, was refused by notice dated 30 June 2022.
  - The development proposed is remove existing rear conservatory and form a ground floor rear extension.
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### Decision

1. The appeal is dismissed.

### Main issue

2. I consider that the main issue in this case is its effect on the living conditions of neighbouring residents.

### Reasons

3. 56 Bedowan Meadows is a detached bungalow in a densely built up area of similar bungalows in a small cul-de-sac. The rear, northern aspect of the bungalows on this side fronts onto the road and the front entrance is accessed along a footpath to the south. In common with the majority of the bungalows, No. 56 has high boundary fences which provide a high degree of privacy and enclosure.
4. The relevant policies in this case include policies 2 and 12 of the Cornwall Local Plan Strategic Policies 2010-2030 (the local plan) and policy H1 of the Newquay Neighbourhood Development Plan 2019-2030 (the NDP). These policies seek, among other things, to ensure that development is of a high design quality and protects the amenities of the occupiers of properties.
5. The proposed extension would replace the existing small conservatory on the north (rear) side of the bungalow and continue the building line of the side elevation adjacent to the neighbouring property, No. 54. It would be the same height to the eaves as the existing building and be approximately 1.1m from the common boundary.
6. I consider that the proposal would have an overbearing effect on the rear garden of No. 54 and the outlook from any windows facing that garden and would increase the sense of enclosure generated by the boundary fences

because of its height, mass and siting. I accept that the proposed side wall of the extension would rise a relatively small amount above the existing fence and that the shallow pitch of the roof would reduce its impact. However, the wall would appear as a solid construction projecting approximately 6.45m along a considerable proportion of the rear garden in close proximity to the boundary.

7. There would be some degree of additional overshadowing of the rear garden of No. 54 at certain times of the year when the afternoon sun is low, compared with that already arising from the presence of the boundary fence. I do not consider that this would be sufficient reason, on its own, to justify dismissing the appeal as there is also a garden area to the south, but it adds weight to my finding regarding the overbearing effect of the proposal.
8. I have taken account of the appellants' requirements to accommodate growing members of the family. I note that the layout of the rear part of the site is such that it would not be possible to extend further to the west because of the location of the garage. In my opinion, some extension of the property would be acceptable, but I am not persuaded that this is the appropriate solution.
9. I conclude that the proposed extension would result in harm to the living conditions of the occupiers of No. 54, contrary to policies 2 and 12 of the local plan and H1 of the NDP.
10. For the reasons given above, the appeal is dismissed.

*PAG Metcalfe*

INSPECTOR