

Appeal Decision

Site visit made on 4 November 2005

by **Jonathan Haines BA MRTPI**

an Inspector appointed by the First Secretary of State

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Date

12 JAN 2006

Appeal Ref: APP/Z0923/A/05/1187187

Site of former Scafell Hotel, Seascale, Cumbria

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Pinemoor Construction Ltd against the decision of Copeland Borough Council.
- The application (Ref 4/05/2016/0), dated 5 January 2005, was refused by notice dated 30 March 2005.
- The development proposed is for the erection of a single storey residential dwelling with attached garage.

Summary of Decision: The appeal is allowed and planning permission granted subject to conditions set out in the Formal Decision below.

Procedural Matters

1. This is an outline application with all matters being reserved for future approval. Two sketch indicative layouts have been submitted by the appellants which show that the site could be developed for the one dwelling proposed but they do not form part of the application and I have therefore accorded them little weight.

Main Issues

2. There are two issues in this case.
 - The first is the effect of the proposal upon the living conditions of residents or future residents at The Cottage and the new dwellings recently built on plots 7 and 8 of the development on the former Scafell Hotel site.
 - The second is the impact upon road safety of the access to the plot being taken from the unadopted road "The Banks".

Planning Policy

3. The development plan for the area includes the Copeland Local Plan (LP), which was adopted in 1997. The policy relevant to this appeal is Policy HSG4 which says that small scale housing development will normally be permitted subject, amongst other criteria, to the provision of safe vehicular access as well as to posing no problems of privacy or overlooking to either existing or future residents.

Reasons

4. Development has commenced to build a small estate of houses on the cleared site of the former Seascale Hotel which stands immediately north of the railway station in Seascale.

The appellants propose to build an additional dwelling in a landlocked corner of the site, the development of which was previously constrained. As many of the new houses on the site are already built, the only possible means of access to this plot is via an unmade road to the north of the site referred to in the Council's committee report as The Banks.

The first issue - Living Conditions.

5. The new and, at the time of the site inspection, unoccupied houses to the south and east of the proposed development have only small windows serving non-habitable rooms in otherwise blank gables facing the appeal site. As this is an outline application there can be no certainty as to where and how any dwelling on the site might be built; however both alternative sketch plans submitted by the appellant and the size, shape and location of the area of land suggest that, with careful design, it should be possible to accommodate a dwelling without impacting negatively upon the living conditions of any future residents of these houses.
6. "The Cottage", the other property on the eastern side of the plot, but further north, is separated from the appeal site by a small garden surrounded by a wall approximately 2.0 m high. At some time fairly recently a first floor balcony has been constructed on the westward facing side elevation of The Cottage that looks out across the appeal site and the railway to the sea. As the indicative sketch layouts suggest, the access drive and turning head serving any new dwelling would have to occupy the northern part of the appeal site. Any building would perforce have to be on its southern part and not immediately in front of The Cottage. The Council could in any event control this when they consider the application for the reserved matters. While any development on the appeal site would be seen from The Cottage's balcony it would not affect its sunlight or daylight or lead to any sense of either overlooking or enclosure.
7. I conclude that the living conditions of the residents of all the properties around the appeal site would not be adversely affected by its development and therefore there is no conflict on grounds of privacy with Policy HSG4 in the LP.

The second issue - Highway Safety.

8. The access track at The Banks is narrow, unsurfaced and unadopted. At present there is no turning head at the end of the track and therefore all vehicles have either to reverse in or out on to the main road: this is an unsafe access arrangement for the existing dwellings. However since any vehicles from the proposed additional dwelling on the appeal site would be able turn round within its own site, it would not itself have an unsatisfactory access. On the other hand I would consider it unreasonable to allow any additional traffic to enter the main road at this point unless the existing unsafe traffic conditions were to be addressed.
9. If a turning head at the end of the track, accessible to and usable by all residents on The Banks, were to be secured with the development, the highway authority has indicated that it would not maintain an objection to the development of one dwelling on this plot. This would improve the unsatisfactory conditions at the access road for all users, even taking account of vehicles to and from an additional dwelling. No obligation has been submitted with the application to ensure the provision of such a turning head but I consider that this can be controlled by condition. I therefore conclude that as long as the turning head is secured then the development of one dwelling on this plot would not conflict with the requirements in Policy HSG4 to ensure safe vehicular access.

Conditions

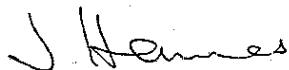
10. I note that the Council considers that all matters that required control would be covered by the standard conditions. However as the provision of a turning head upon the site accessible to and usable by all users at The Banks is necessary to make this application acceptable I also consider that a "Grampian" condition requiring the provision and continued availability of such a turning head is required.

Conclusions

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Formal Decision

12. I allow the appeal and grant outline planning permission for erection of a single storey residential dwelling with attached garage at the site of the former Scafell Hotel, Seascale, Cumbria in accordance with the terms of the application Ref. 4/05/2016/0 dated 5 January 2005, and the plans submitted therewith, subject to the following conditions:
- 1) Approval of the details of the siting, design and external appearance of the building, the means of access thereto and the landscaping of the site (hereinafter called "the reserved matters") shall be obtained from the local planning authority in writing before any development is commenced.
 - 2) Plans and particulars of the reserved matters referred to in condition 1 above, relating to the siting, design and external appearance of any buildings to be erected, the means of access to the site and the landscaping of the site, shall be submitted in writing to the local planning authority and shall be carried out as approved.
 - 3) Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.
 - 4) The development hereby permitted shall be begun either before the expiration of five years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
 - 5) No development shall take place until a turning head that will be accessible to and usable by all users of The Banks has been provided and it shall remain so available thereafter.



INSPECTOR