



Appeal Decision

COPELAND BOROUGH COUNCIL
DEVELOPMENT SERVICES

Site visit made on 15 February 2006 08 MAR 2006

by David C Pinner BSc(Hons) DipTP MRTPI

an Inspector appointed by the First Secretary of State

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RECEIVED

Date 07 MAR 2006

Appeal Ref: APP/Z0923/A/05/1192299

Site at Front Corkickle, Whitehaven

- 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 J Leslie against the decision of Copeland Borough Council.
- The application Ref: 4/05/2301/0F1, dated 26 April 2005, was refused by notice dated 22 June 2005.
- The development proposed is a dwelling.

Decision

1. I dismiss the appeal.

Reasons

2. The appeal site is within the Corkickle Conservation Area. Policy ENV26 of the draft Copeland Borough Local Plan requires that development in conservation areas preserves or enhances their character or appearance. This is in line with the requirements of s72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and can be given great weight accordingly.
3. The Conservation Area contains many fine examples of 18th and 19th buildings, with the group facing the appeal site being listed as being of special architectural or historic interest. The appeal site itself appears to be the former garden of 8 Front Corkickle, which is a very large house in a poor state of repair. It is just one of several similar garden plots. It follows that, if development of the appeal site is acceptable, development of similar garden plots would also be likely to be acceptable, although each case would have to be determined on its own merits.
4. The architectural detailing of the proposed dwelling attempts to reflect that of other buildings in the Conservation Area. However, I do not consider that a detached bungalow would be in keeping with the terraced character of the houses on Front Corkickle. The scheme represents a piecemeal development that would affect the setting of the listed buildings on Front Corkickle and would adversely affect the overall character and appearance of the Conservation Area. As it would neither preserve nor enhance those qualities, the scheme would be contrary to policy ENV25 of the emerging local plan and is thereby unacceptable.
5. I accept that the proposed dwelling would be served by an existing access. However, this access has limited visibility and its increased use would be likely also to increase the use of the junction of the side street with the heavily trafficked Back Corkickle. This junction provides very poor visibility. The additional traffic associated with the proposed dwelling would unacceptably exacerbate existing highway safety issues.

DC Pinner

INSPECTOR

08 MAR 2006

Appeal Decision RECEIVED



Site visit made on 13th February 2006

by **Sean Slack** BA LLB DipTP MRTPI

An Inspector appointed by the First Secretary of State

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Date

07 MAR 2006

Appeal Ref: APP/Z0923/A/05/1194212.

Rowlee (Poppybank Cottage), Nethertown, Egremont, Cumbria, CA22 2UJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant planning permission subject to conditions.
- The appeal is made by T C Properties Limited against the decision of Copeland Borough Council.
- The application Ref 4/05/2343/0F1, dated 9th May 2005, was allowed on 17th August 2005 subject to conditions.
- The development permitted is a dormer bungalow.
- The condition in dispute is No 2 which states that "within 3 months of this grant of planning permission translucent glazing shall be installed in the first floor windows of the southeast elevation. The translucent glazing shall not thereafter be removed or replaced without the prior, written consent of the local planning authority.
- The reason given for the condition is "to minimise the risk of overlooking and resultant loss of privacy to the neighbouring dwelling.

Summary of Decision: The appeal is dismissed

Main Issue

1. The issue is whether the condition is reasonable and necessary to protect the amenity of residents at the neighbouring bungalow at "Cumbria".

Reasons

2. The basis of the Company's appeal is that condition No.2 is unnecessary because no similar condition was imposed when permission was granted for a bungalow on the appeal site in October 2003 (Reference 4/03/1206/0). That development was not carried out in accordance with the planning permission and a further application was made under section 73A of the 1990 Act (as amended) for development carried out before the date of the application.(Reference 4/05/2343/0). It is said that the new application involved only a minor change to the siting of the bungalow as originally permitted. The new application also involved retrospective permission for the erection of a conservatory and a detached garage.
3. The window in dispute is in the gable wall of the bungalow and serves a first floor bedroom. The window is about 12 metres from ground floor windows in the neighbouring bungalow known as "Cumbria" and also overlooks the front garden to that property. This is well below the required separation distance of 21 metres between windows in habitable rooms as set out in policy HSG8 of the Deposit Copeland Local Plan 2001-2016. It would be possible for someone in the upper floor bedroom of the new bungalow to have a clear view into ground floor front rooms of "Cumbria". I am satisfied that this would result in a

severe loss of privacy to residents. This potential loss of amenity justifies a condition requiring the window to be fitted with translucent glazing.

Conclusion

4. My conclusion is that the condition has been properly imposed on the grant of planning permission and is reasonable and necessary to protect the amenity of residents in the nearby bungalow at Cumbria. This is consistent with the aims of the emerging policies HSG4 and HSG8 and national policy guidance on conditions in Circular 11/95. I do not consider the Council's omission in respect of the earlier application is sufficient reason to justify removal of the condition.
5. I have considered all other matters raised in the representations including the letter from the occupier of the nearby dwelling known as "Cumbria" who is concerned at possible loss of amenity through being overlooked. I have also considered whether the planning objections could be overcome by the imposition of a less onerous condition.

Formal decision

6. For the reasons given above, I hereby dismiss the appeal.

Sean Stock

Inspector



Appeal Decision

Site visit made on 21 February 2006

by **Terry Emm**

an Advertisement Appeals Inspector appointed by the First Secretary of State

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Date
07 MAR 2006

Appeal Ref: APP/Z0923/H/06/1196916

East Road Garage, East Road, Egremont, Cumbria CA22 2EB

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Primelight Advertising Ltd against the decision of Copeland Borough Council.
- The application (Ref 4/05/2737/oA1) is dated 27 September 2005. The advertisement proposed is a free standing internally-illuminated advertisement display unit.

Summary of Decision: The appeal is dismissed

Main Issues

1. I consider the main issues to be the visual impact of the proposed sign on the surrounding area and on the amenity of local residents.

Planning Policy

2. The Council have referred to the advertisement control policies contained in the Copeland Local Plan. The Regulations require that decisions are made only in the interests of amenity and public safety. Therefore the Council's policies alone cannot be decisive, but I have taken them into account as a material consideration.

Reasons

3. The appeal sign would be positioned in the northern corner of the forecourt of a petrol filling Station (PFS) situated on the eastern side of a large roundabout junction. East Road and the area around the roundabout are predominantly residential in character. The PFS includes an associated store, canopy and jet wash, and shares a site with a car showroom and garage.
4. With the exception of the occupants of number 3 whose side window would directly overlook it, the appeal sign would be positioned at sufficient distance and at such an angle to have little direct impact on the amenity of local residents. Nevertheless, the sign would be placed in a very open and exposed part of the forecourt. In my view it would relate poorly to the host premises and would stand out as a discordant and obtrusive feature in this largely residential setting to the detriment of the streetscene in general.

Conclusions

5. For the reasons given above and having regard to all other matters raised, I conclude that the display of the advertisement would be detrimental to the interests of amenity.

Formal Decision

6. I dismiss the appeal.

A large, stylized handwritten signature in black ink, consisting of several loops and a long horizontal stroke.

Advertisement Appeals Inspector