



Appeal Decision

Site visit made on 23 October 2007

by **S R G Baird** BA(Hons) MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
1 November 2007

Appeal Ref: APP/Z0923/A/07/2049337

Land adjacent to Plot 14 and Public Car Park, Fairladies, St Bees

- 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 Story Homes against the decision of Copeland Borough Council.
- The application Ref 4/07/2140/0, dated 26 February 2007, was refused by notice dated 27 June 2007.
- The development proposed is the replacement of Plot 14 with 4 apartments (2-storey in height) and the provision of a public car park (17 spaces for the public and 3 for adjacent apartments).

Decision

1. I allow the appeal, and grant planning permission for the replacement of Plot 14 with 4 apartments (2-storey in height) and the provision of a public car park (17 spaces for the public and 3 for adjacent apartments) at land adjacent to Plot 14 and Public Car Park, Fairladies, St Bees in accordance with the terms of the application, Ref 4/07/2140/0, dated 26 February 2007, and the plans (SH024:020:SI:LP; CP14: PH4 Rev C; CPSEC A-A: APA-PL14 Rev A and APA-PLP14 Rev A) submitted with it, subject to the following conditions:
 - 1) the development hereby permitted shall begin before the expiration of 3 years from the date of this decision;
 - 2) no development shall take place until samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details;
 - 3) no development shall take place until details of the materials to be used in the construction of the parking spaces to the east of the building hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details before the first occupation of the building hereby permitted;
 - 4) no development shall take place until full details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed with the local planning authority;

- 5) a landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved;
- 6) no development shall take place until a scheme showing construction details, including the provision of 2 fully accessible spaces, surface finishes, drainage and lighting, of the car park and footpath hereby permitted has been submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out in accordance with the approved details before the first occupation of the apartment block hereby permitted and thereafter shall be retained.

Reasons

Character and Appearance

2. Fairladies is a new housing estate and planning permission exists for a detached house on Plot 14, a bungalow on Plot 14A and a 17 space public car park to the rear of Plot 14A. This part of Fairladies is dominated by detached houses with the building line of Plots 9 to 13 slightly staggered. Whilst Planning Policy Guidance Statement 3 (PPS 3) Housing refers to development being well integrated with and complimentary to neighbouring buildings and the local area it does not mean that it must be more of the same. If that were the case, there would be no opportunity for variety in house types, designs or variety in the street scene.
3. Although the proposed flats would be taller and wider than adjoining houses they are designed to reflect the general appearance of nearby houses and finishing materials could be the subject of a planning condition. In my view, the scale and mass of the proposed building would be acceptably mitigated by the staggered nature of its layout and the open aspect to the north and west. The fact that the proposed flats would have a different style of parking arrangement than other houses in the estate is not a reason to dismiss the proposal. The width of the proposed parking area would be broadly similar to those houses on the estate where driveways abut each other. In this context, I do not consider that the nature or appearance of the proposed parking area or the proposed flats would appear incongruous or intrusive and would not conflict with the objectives of development plan Policy DEV 6 (formerly DEV 7) or national planning guidance. Indeed, the location of the car park adjacent to Fairladies would provide greater passive surveillance of the area.

Neighbour's Living Conditions

4. The proposed flats would be set almost due north of and partly behind the rear elevation of the adjoining property, Plot 13. In this location, there would be no material impact on the amount of sunlight received by the rear garden or habitable rooms of Plot 13. In terms of the effect on daylight, I consider any change would be acceptably mitigated by the degree of separation to the new building and the extensive open aspect to the north-west and west. Similarly, the respective positions and orientation of the buildings would ensure that the

new building would not be overbearing or dominant when viewed from the rear rooms or garden of Plot 13. In these circumstances, I consider the proposed development would not unacceptably affect the living conditions of adjoining residents and would not conflict with the objectives of development plan Policy DEV 6 (9).

Highway Safety

5. Although the highway authority has indicated that the proposed parking arrangement is not one it would wish to accept, there is no indication of what harm this arrangement would cause. Indeed, it appears to me to be little different to the arrangement of adjoining driveways next to a pavement elsewhere on the Fairladies. In these circumstances, I consider that cars reversing onto or off these spaces would not unacceptably affect the safety or free flow of pedestrians and vehicles. In terms of traffic generation, the net result would be 2 additional dwellings. I have no reason to conclude that the additional traffic generated would unacceptably affect highway safety.

Conclusions

6. I conclude that the proposed development would not have an unacceptable effect on the character and appearance of the area, neighbour's living conditions or highway safety. In these circumstances, the proposed development would not conflict with the objectives of development plan policy or national planning guidance. Accordingly, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Conditions

7. The Council has suggested conditions relating to the construction and laying out of the car park, parking spaces and landscaping. Although I consider the conditions are reasonable and necessary for the reasons set out by the Council, I have reworded them in the interests of precision and enforceability. In addition, the submitted plans do not show details of finishing materials. Thus, in the interests of the appearance of the area, I have imposed a condition relating to the submission of materials for approval.

George Baird

INSPECTOR