

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision in respect of a site at the former Central Dairy, Holborn Hill, Millom, Cumbria

Recommendation: That the decision be noted in the context of the Council's Local Plan Policies and also in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 Full planning permission to demolish the former central dairy building located at the rear of Holborn Hill, Millom and construct a pair of semi-detached houses in its place was refused on 25 March 2011 for the following reason:-

"By virtue of their scale, design and layout to the rear of existing residential properties on Holborn Hill and Victoria Street, the proposed dwellings would result in an overintensive form of development which would directly overlook rear private gardens/yards and adversely affect the living conditions and general amenity of the occupants of these properties. Furthermore, the development would not make a positive contribution to the character or appearance of the area in general, contrary to Policies DEV 6, HSG 4 and HSG 8 of the adopted Copeland Local Plan 2001-2016 and Planning Policy Statement 3 'Housing'.

- 1.2 A subsequent appeal against the decision has been DISMISSED. Whilst the Inspector does not believe the proposal would adversely affect the character and appearance of the area, he considers that it would harm the living conditions of the occupiers of neighbouring properties with regards to privacy, outlook, sunlight and daylight. Consequently, it would conflict with policies DEV 6 and HSG 8 of the adopted Copeland Local Plan 2001-2016.

Contact Officer: Rachel Carrol–Planning Officer

Background Papers: A copy of the Inspector's decision letter is appended.



Appeal Decision

Site visit made on 4 November 2011

by **C Gilbert MTCP(Hons) MRTPI**

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

Decision date: 5 January 2012

Appeal Ref: APP/Z0923/A/11/2157282

Central Dairy, Holborn Hill, Millom, Cumbria LA18 5BE

- 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 R Sheldon against the decision of Copeland Borough Council.
 - The application Ref 4/11/2051/0F1, dated 28 January 2011, was refused by notice dated 25 March 2011.
 - The development proposed is the construction of two dwellings.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposed development on:
 - the living conditions of the occupiers of properties on Holborn Hill and Victoria Street with regard to privacy, outlook, sunlight and daylight
 - the character and appearance of the area.

Reasons

Effect on living conditions

3. The appeal proposal is to demolish the vacant former dairy building on Finch Street and replace it with a pair of semi-detached houses. To ensure acceptable living conditions for neighbours, Policy HSG 8 of the adopted Copeland Local Plan 2001-2016 requires that for new residential developments, a minimum distance of 12m is retained between a dwelling's elevation containing windows of habitable rooms and a windowless gable elevation. It is clear that the south facing gable wall of the proposed development would fall substantially short of this length in terms of its distance to the ground floor rear elevation of No. 4 Holborn Hill and, to a lesser extent but nonetheless below the recommended distance, to the rear elevation at first floor.
 4. The appellant refers to another site where it is claimed planning permission was approved with shorter separation distances than those recommended in Policy HSG 8. I have not been provided with the circumstances of this case and although I acknowledge that exceptions to the policy can be allowed in town
-

centre locations where appropriate, each case has to be considered on its individual merits. In the case of the appeal proposal, the relatively short separation distance combined with the height of the proposed building, which would rise to at least twice that of the existing building at the line of the proposed flank wall, would unacceptably block out daylight to and have an overbearing effect on the rear of No. 4 Holborn Hill. The proposed development's overbearing presence would also be detrimental to the use and enjoyment of the small rear yard area to the rear of Nos. 4 to 8 Holborn Hill.

5. To the north, the blank gable end of the development would follow the line of the existing building. However, the existing building's north elevation rises to less than the height of one standard storey, with the roof sloping backwards from there to the pitch height of a single storey building. The proposed gable end would substantially exceed the existing elevation height, by more than three times in its central section. The distance to the facing two storey rear outrigger to No. 1 Victoria Street would fall short of the 12m minimum stated in Policy HSG 8, albeit on this side by only a small amount. Nonetheless, due to the height of the proposed development, it would have an overbearing effect on the rear of No. 1 Victoria Street and would overshadow the south-facing rear yard.
6. The first floor habitable room windows at the rear of the proposed dwellings, due to the proposed reduction in height of the existing boundary walls, would directly overlook the rear gardens and yards of neighbouring properties on Holborn Hill, adversely affecting the privacy of neighbours and their use and enjoyment of their private amenity space.
7. I am satisfied that the privacy of occupiers of Victoria Street in their yards would not be unacceptably affected due to the arrangement of the outriggers, the angles of vision from the rear windows of the proposed dwellings and potential screening from the intervening tall vegetation that exists to the north west of the site. Similarly, the privacy of occupiers of No. 6 Salthouse Road in their rear garden would not be unduly affected given the distance of the garden from the front elevation of the proposed new dwellings and the high wall that runs along the garden's western boundary.

Effect on the character and appearance of the area

8. The site sits within a residential area. There is an established pattern of houses with frontages along the eastern ends of Victoria Street and Holborn Hill running parallel to each other and divided by an access lane to the rear. However, the existing dairy and its curtilage, with frontage on Finch Street, breaks this pattern to some extent. The footprint of the proposed new dwellings would not exceed that of the dairy building and in that respect would not alter the extent of development. Furthermore, the built form along Finch Street has no defined prevailing pattern, comprising a mixture of ends of terraces, dwelling frontages and the side and car park of the Union/Kingdom Hall community centre. As such, the proposed dwellings would not detract from the existing pattern of built form and would not adversely affect the character and appearance of the area.

Conclusion

9. Although I have not found against the proposal in regard to the second main issue, by reason of the height of the proposed dwellings in such close proximity

to other properties on three sides, I have found that it would harm the living conditions of the occupiers of these neighbouring properties with regard to privacy, outlook, sunlight and daylight. Consequently, it would conflict with Local Plan policies DEV 6 and HSG 8, which amongst other things, seek to ensure that new developments are well designed to maintain reasonable living conditions. I have taken into account that the proposal would make use of a vacant site and remove a vacant building, that it would constitute an efficient use of the land, and that the dwellings would be of a scale consistent with and use materials in keeping with surrounding buildings. However, nothing outweighs my concerns regarding living conditions of neighbours and accordingly, the appeal is dismissed.

C Gilbert

INSPECTOR