

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision at 3 Moor Place, Frizington

Recommendation: That the decision be noted in the context of the Councils local plan policies and in relation to performance monitoring.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

1.1 Planning permission was refused for the erection of a front porch extension to this terraced property on 07th October 2011 on the following grounds:-

By virtue of its size and design the proposed front extension is considered to represent an incongruous feature which would cause demonstrable visual harm to the parent property in particular and the terrace of houses of which it forms part generally, at variance with Policy HSG20 and DEV6 of the adopted Copeland Local Plan 2001 – 2016.

1.2 A recent appeal against this decision has been DISMISSED. The Inspector concurred with the Councils view that the extension would materially harm the existing character and appearance of the appeal and adjoining properties contrary to the relevant provisions of the adopted Copeland Local Plan 2001-2016. In particular he considered that the size of the proposed extension would be such that it would unbalance the appearance of the terrace as a whole and be seen as a rather ungainly and visually jarring addition to the front elevation of the appeal property. This would be compounded by the prominence of the terrace when viewed from the highway and other public viewpoints. However he did not agree that the extension would lead to any material overlooking or loss of privacy to adjoining properties.

1.3 A copy of the Inspectors appeal decision is attached.

Contact Officer: Nick Hayhurst – Senior Planning Officer

Background Papers: Planning application file ref 4/11/2407/0F1



Appeal Decision

Site visit made on 10 January 2012

by **Martin Joyce** DipTP MRTPI

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

Decision date: 16 January 2012

Appeal Ref: APP/Z0923/D/11/2166236

3 Moor Place, Frizington, Cumbria CA26 3PL

- 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 T Harrison against the decision of the Copeland Borough Council.
 - The application, Ref: 4/11/2407/OFI, dated 18 August 2011, was refused by notice dated 7 October 2011.
 - The development proposed is a "Golden Oak" uPVC porch with solid roof.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are:
 - a. The effect of the proposed development on the character and appearance of the appeal and adjoining properties; and,
 - b. The effect of the proposal on the living conditions of neighbouring occupiers in terms of overlooking and loss of privacy.

Reasoning

3. On the first issue, the appeal property is a mid-terrace two-storey dwelling in a row of four, set in an elevated location to the north of the main access road into Moor Place, a development of about 50 dwellings built in blocks of three or four. The proposed porch would extend across approximately two-thirds of the front elevation of the house, covering the existing living room window and the front door.
4. The character and appearance of the appeal and adjoining properties is that of a rather plain and functional row of two-storey houses. Pebbledash render, variously coloured on the four houses, and horizontal uPVC windows of differing styles, provide a little variation, as does garden vegetation and boundary treatment. None of the four properties has any forward extension, but I noted that two other houses in the estate (Nos 8 and 62) have large front porches, albeit that they are sited in less prominent parts of the overall development.
5. The Council do not object to the principle of a front porch, but consider that the proposed extension is too large and would be out of scale with the existing terrace. In this context, Policy HSG 20 of the adopted Copeland Local Plan 2001-2016 (LP) states that proposals for extensions to existing dwellings will

be permitted provided, amongst other things, that the scale, design and choice of materials respect the character of the parent property.

6. In this case, I consider that the size of the proposed extension would be such that it would unbalance the appearance of the terrace as a whole and be seen as a rather ungainly and visually jarring addition to the front elevation of the appeal property in particular. This would be compounded by the prominence of the terrace when viewed from the highway and other public viewpoints. The proposal would therefore materially harm the existing character and appearance of the appeal and adjoining properties contrary to relevant provisions in the LP.
7. Turning to the second issue, Policy HSG 20 also requires that proposals for extensions to existing dwellings would not create privacy or overlooking problems for adjacent dwellings. In this case I note that neighbouring occupiers of No 1 have objected to the development on the grounds that it would result in increased overlooking of their front garden area. However, whilst this view appears to be supported by the Council, it did not form a reason for refusal of the planning application.
8. Front gardens areas in this, and other, parts of the estate have very little privacy, being open to view not only from neighbouring houses, but also from the footway network in the vicinity. Views from the proposed front porch would therefore make very little difference to this situation. The objector suggests that the proposal would be an extension of the front living room but, whilst this is not denied by the appellant, the application plans do not show any internal layout for the property. In any event, even if internal access were made available from the existing living room of No 3, I do not consider that this would lead to any significant increase in overlooking and loss of privacy for any neighbouring occupier. My conclusion on this issue is that the proposal would not lead to any material overlooking or loss of privacy and it would thereby comply in this respect with Policy HSG 20 of the LP. However, this does not overcome the harm found in relation to the first issue.
9. All other matters raised in the written representations have been taken into account, but they do not outweigh the conclusions reached on the main issues of this appeal.

Martin Joyce

INSPECTOR