

PLANNING APPEAL DECISION

Lead Officer: Tony Pomfret – Development Control Manager

To inform Members of a recent appeal decision at Rose Cottage, High Street, Whitehaven

Recommendation: That the decision be noted in the context of the Councils Local Plan and Local Development Framework policies.

Resource Implications: Nil

1.0 SUPPORTING INFORMATION

- 1.1 Planning permission was refused on 26 February 2010 for the erection of a detached annex to provide a two bedroomed bungalow on garden land to Rose Cottage, High Street, Whitehaven. The application was refused due to the restricted plot size and its siting in close proximity to neighbouring dwellings resulting in an overdominant form of development considered contrary to Policies DEV 6 and HSG 4 of the adopted Copeland Local Plan 2001 – 2016.
- 1.2 A recent appeal against this decision has been DISMISSED as the Inspector agreed with the Council concluding that the proposal would appear as a cramped overdevelopment of the site and that the development would not make a positive contribution to the character and appearance of the area. In addition, he noted that since the revision of Planning Policy Statement 3 – Housing (PPS3) earlier this year, the appeal site is no longer designated as previously developed land.
- 1.3 A copy of the Inspectors appeal decision is attached.

Contact Officer: Simon Blacker – Planning Officer

Background Papers: Planning application file ref 4/10/2002/0F1



Appeal Decision

Site visit made on 27 September 2010

by **Anthony Lyman** BSc(Hons) DipTP
MRTPI

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

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Decision date:
19 October 2010

Appeal Ref: APP/Z0923/A/10/2131164

Rose Cottage, High Street, Whitehaven, Cumbria, CA28 7PY

- 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 Chris Massey against the decision of Copeland Borough Council.
- The application Ref 4/10/2002/0F1, dated 22 December 2009, was refused by notice dated 26 February 2010.
- The development proposed is a detached annex.

Decision

1. I dismiss the appeal.

Main issues

2. The main issues are the effect of the proposed development on, i) the character and appearance of the area, ii) the living conditions of nearby residents.

Reasons

Character and appearance

3. The appeal site forms part of the curtilage of the appellant's house, Rose Cottage, within a residential area of Whitehaven. The proposal is for a detached, single storey, residential annex on an elevated part of the garden approximately 15m higher than Rose Cottage and about 30m away. The appellant states that the building would house elderly parents and visitors from abroad.
4. The building would have its own independent vehicular access across private land to James Pit Road. The only linkage to Rose Cottage, which is not readily visible from the site, would be via an inclined footpath and steps. The accommodation would be entirely self-contained and, with its own access and private car parking, would be capable of occupation independently of Rose Cottage. It would be tantamount to a new detached dwelling.
5. Since the revision of Planning Policy Statement 3 – *Housing* (PPS3) earlier this year, the appeal site is no longer designated as previously developed land. Therefore, the proposal would not satisfy Policy HSG4 of the Copeland Local Plan (CLP) which permits housing redevelopment involving previously developed land within settlement boundaries.

6. Policy DEV 6 of the CLP requires, amongst other things, development to show high standards of design where building scale, density and proportion, landscaping and overall layout contribute to creating or maintaining a strong sense of place. The appeal site is small and part sloping and the building's facade would occupy most of the width of the plot with the forecourt area largely given over to car parking. There would be only small areas of amenity space and the proposal would appear as a cramped overdevelopment of the site. I consider that this small development would not make a positive contribution to the character or appearance of the area, contrary to Policy DEV 6 and the high design standards advocated in PPS3.

Living conditions

7. Although the proposed building would be only 6m from the corner of the nearest dwelling, Westwinds, and only about 2m from the common boundary wall, the Council confirm that the proposal would meet the separation distances specified in Policy HSG8 of the CLP. Furthermore, due to the fall in the land levels around Westwinds, I am satisfied that, subject to suitable boundary treatment which could be controlled by condition, the level of privacy currently enjoyed by neighbours and hence their living conditions would not be significantly harmed by this single storey building. Nevertheless this does not outweigh my concerns outlined above.

Other matters

8. The adequacy of the car parking area for vehicle turning has been questioned by a neighbour. However, I note that the highway authority have raised no objections to the proposal. The use of the access and the question of rights of drainage over private land have also been raised, but these are not matters before me.

Conclusion

9. I have sympathy for the appellant's wish to provide accommodation for elderly relatives. However, the building and its impact on the locality would remain long after the personal circumstances have changed. Therefore, for the reasons given and having had regard to all other matters raised, I dismiss the appeal.

Anthony Lyman

INSPECTOR