

**PLANNING APPEAL DECISION****Lead Officer:** Tony Pomfret – Development Control Manager**To inform Members of a recent appeal decision at 2 Standings Rise, Hillcrest, Whitehaven****Recommendation:** That the decision be noted in the context of the Council's local plan policies and in relation to performance monitoring.**Resource Implications:** Nil.**1.0 SUPPORTING INFORMATION**

1.1 Outline planning permission to erect a single dwelling on garden land between two neighbouring dwellings on Standings Rise and Hillcrest Avenue was refused in April this year on the following grounds:-

"The proposed scale and positioning of the dwelling would result in overdevelopment of this part of the estate to the detriment of its character and appearance. Furthermore, its proximity to neighbouring dwellings to the west would result in an overdominant form of development which would adversely affect the living conditions and general amenity of the occupants of these properties, 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. The Inspector concurred with the Council's view that a dwelling on this site would constitute over development, fail to reinforce local distinctiveness and would, as a result, be harmful to the character and appearance of the area. He also considered that a further harmful effect of this over development would be the impact on the outlook from no. 10. Although he recognised the required separation distances could be achieved he felt that the elevated position of the proposal would give it an over bearing presence when viewed from the windows and garden of this dwelling.

1.3 A copy of the Inspector's appeal decision is attached.

**Contact Officer:** Heather Morrison – Senior Planning Officer**Background Papers:** Planning application file ref 4/09/2051/001



# Appeal Decision

Site visit made on 23 September 2009

by **Richard McCoy** BSc, MSc, DipTP,  
MRTPI, IHBC

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

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Decision date:  
22 October 2009

**Appeal Ref: APP/Z0923/A/09/2107238**

**2 Standings Rise, Whitehaven, Cumbria, CA28 6SX**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr A Sparkes against the decision of Copeland Borough Council.
- The application Ref 4/09/2051/0, dated 19 February 2009, was refused by notice dated 2 April 2009.
- The development proposed is the erection of a new dwelling.

## Decision

1. I dismiss the appeal.

## Procedural matter

2. This application was submitted in outline, with only access and layout to be determined at this stage. I have dealt with the appeal on that basis.

## Main issues

3. I consider the main issues to be the effect of the proposal on the character and appearance of the area, and the living conditions of the occupiers of 10 Hillcrest Avenue from any loss of outlook.

## Reasons

4. The appeal site includes part of the front and rear gardens of 2 Standings Rise and part of the rear garden of 10 Hillcrest Avenue.
5. A strong feature of Standings Rise is the generous plots within which the majority of the dwellings stand, giving the locality its distinctiveness. I consider that the proposal, were it to be allowed, would materially change this local character as it would increase the sense of enclosure and built form on this part of Standings Rise from where it would appear to be "shoe-horned" into its site.
6. Consequently, the proposal would be an over-development of the site which would fail to reinforce local distinctiveness. It would therefore be harmful to the character and appearance of the area, contrary to Policies Dev6 and HSG4 of the Copeland Local Plan (LP) 2001-2016, adopted June 2006.
7. A further harmful effect of this over-development would be the impact on the outlook from No. 10. Although the proposed layout would achieve the separation distance recommended in LP Policy HSG8, I consider that the angle

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and elevated position of the proposal, relative to No. 10, would give it an overbearing presence when viewed from the windows and garden at the back of this dwelling. This would reduce the enjoyment the occupiers might reasonably expect from these areas which would not be mitigated by the existing, intervening dense planting, as this could be cut back or removed. Accordingly, the proposal would be harmful to the living conditions of the occupiers of No. 10, contrary to LP Policies Dev6 and HSG4.

8. For the reasons given above and having considered all matters raised, including the appellant's claim that the owners of No. 10 are in agreement with the development, I conclude that the appeal should be dismissed.

*Richard McCoy*

INSPECTOR