

PLANNING APPEAL DECISION

Lead Officer: John Groves – Strategic Nuclear and Planning Manager

To inform Members of a recent appeal decision in respect of a site at Woodlands, Hayescastle Road, Distington, Workington

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 Planning permission was refused for the erection of a single two storey dwelling on garden land to the dwelling Woodlands on 08 September 2014 for the following reason:-

“By virtue of its scale, design and layout, adjacent to existing residential properties of Woodlands and Little Beck Warren, the proposed dwelling would result in an overbearing and incongruous form of development which would adversely affect the living conditions and general amenity of the occupants of these properties and the appearance of the street scene and wider area in general contrary to the National Planning Policy Framework and Policies ST2 and DM 12 of the adopted Copeland Local Plan 2001-2016.”

1.2 The appeal has now been DISMISSED.

1.3 Character and appearance

The Inspector firstly noted that the parking area in front of the building adds to the concerns about the cramped nature of the proposal and the detrimental impact that the whole development would have on the spacious open green character of the area. In addition the Inspector commented that the appellant argues that this modern scheme would be in keeping with the existing mixed architectural landscape of Hayescastle Road. However despite the acknowledged variety of house types in this short road, he was not persuaded by this argument as the surrounding buildings are much more traditional and/or architecturally modest in style. In conclusion on this matter, he stated that the proposed development, due to its scale, design and location set behind and between the adjacent properties, would be an incongruous over-development that would harm the character and appearance of the area.

1.4 Living conditions

The Inspector did not agree with the appellants' statement that 'there are no windows in the guest house that can see the new dwelling and no windows in the new house that can see the guest house'. He stated that it was evident from the plans and the site visit that the adjacent properties would be seen from the windows at first floor level. In conclusion on this issue, he considered that the development would be detrimental to the living conditions of nearby residents by way of overlooking, loss of privacy and overbearing

impact. By failing to safeguard good levels of residential amenity, the proposal would be contrary to the objectives of Policy ST1 of the Local Plan.

Contact Officer: Simon Blacker – Planning Officer

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

Appeal Decision

Site visit made on 28 January 2015

by Anthony Lyman BSc(Hons) DipTP MRTPI

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

Decision date: 27 February 2015

Appeal Ref: APP/Z0923/A/14/2227046

Woodlands, Hayescastle Road, Distington, Workington, Cumbria, CA14 5YB

- 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 Robert Hoodless against the decision of Copeland Borough Council.
 - The application Ref 4/14/2249/OF1, dated 6 April 2014, was refused by notice dated 8 September 2014.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on, i) the character and appearance of the area, ii) the living conditions of the occupants of nearby properties with regard to potential overbearing outlook and loss of privacy.

Reasons

Character and appearance

3. The appeal site is part of the elevated rear and side garden to a recently constructed detached dwelling, Woodlands, occupied by the appellant. The proposal is to build a detached three bedroom house set into the sloping ground, with bedrooms on the ground floor and the main living accommodation on the upper floor. The house would be accessed from Hayescastle Road, sharing the newly constructed access and driveway to Woodlands. The site is on the periphery of Distington, although the Council confirm that it is within the settlement boundary of the village. Distington is a reasonably sustainable location with a small range of services.
4. Hayescastle Road is a short, no through road leading to a complex of farm buildings. The residential properties on this road include traditional stone and slate roof buildings, some of them barn conversions, and more modern bungalows and houses. The appeal site, together with the site of Woodlands, originally formed part of the extensive grounds to the adjacent property known as Littlebeck Warren, which is now a guest house.

5. The new dwelling would be set well back from the highway beyond the rear elevations of both adjacent properties. From Hayescastle Road the dwelling, in this elevated setting, would appear as a substantial infill building between the two existing properties. The proposal includes extensive areas of hardstanding across the front of the house to provide parking for four cars and space for vehicle turning. The submitted plans also illustrate a position to the front of the house for a double garage that the Design and Access Statement states could possibly be constructed at a future date. Although the garage is not before me, this and the level of parking in front of the building add to my concerns about the cramped nature of the proposal and the detrimental impact that the whole development would have on the spacious, open green character of the area.
6. The building would be contemporary in design, with a mono-pitched roof and a facade dominated on both floors by large areas of glass, including four sets of patio type doors and other almost floor to ceiling windows. There would also be a first floor balcony. Given the close proximity to the traditional Littlebeck Warren and this semi-rural location, the proposed building, due to its scale, elevated position and design would appear incongruous and out of character with the surroundings, even compared to the recently constructed, relatively substantial Woodlands. The appellant argues that this modern scheme would be in keeping with the existing mixed architectural landscape of Hayescastle Road. Despite the acknowledged variety of house types in this short road, I am not persuaded by this argument as the surrounding buildings are much more traditional and/or architecturally modest in style.
7. The National Planning Policy Framework (the Framework), amongst other things, seeks high standards of design in all development, encourages the effective use of land by re-using land that has been previously developed, and advocates resisting inappropriate development in residential gardens where, for example, development would cause harm to the local area. Policy ST1 of the Copeland Local Plan 2013-2018 (the Local Plan) sets out development principles, one of which seeks to direct development away from greenfield sites and, where possible, to re-use previously developed land. Policy DM10 of the Local Plan seeks high standards of design and, amongst other things, requires developments to respond positively to the character of the site in the immediate and wider setting and to enhance local distinctiveness.
8. I conclude on this issue that on this greenfield site, the proposed development, due to its scale, design and location set behind and between the adjacent properties, would be an incongruous over-development that would harm the character and appearance of the area. The development would not accord with the provisions of the Framework and the objectives of Local Plan Policies ST1 and DM10.

Living conditions

9. The appellant argues that the dwelling has been designed so that none of the windows overlook rooms in the adjacent properties. Drawings have been submitted to show the lines of vision from the first floor lounge window from which the appellant claims that there would be no overlooking of neighbouring private areas or habitable rooms. Nevertheless, from the front balcony to the lounge there would be a wider field of view including side views directly down into the remaining rear garden to Woodlands.

10. The forward projecting part of the dining room at first floor level is shown on the plans as a 'snug' with lounge type seating. The snug would have floor to ceiling glass almost the full width of the room giving expansive views over the adjoining properties. Although the views would encompass driveways and parking areas, the extent of the overlooking from this elevated site would be significantly detrimental to the private residential amenity currently enjoyed by the occupants of these properties. The existing occupants would be aware of the overbearing presence of the proposed building and would have to endure the constant perception of being overlooked from the extensive areas of glass at first floor level, despite the proposed landscaping. The appellant states that *there are no windows in the guest house that can see the new dwelling and no windows in the new house that can see the guest house*. I am not persuaded by this argument. It is evident from the plans and from my site visit that the adjacent properties would be seen from the windows at first floor level.
11. Littlebeck Warren is a guest house, and the appellant argues that, as this former dwelling is now in commercial use and is not a residential building, the provisions of Policy ST1 relating to residential amenity, do not apply. The owner of the guest house, however, states that she lives at the property and that the windows to her private rooms directly overlook the appeal site. Furthermore, the guest house could fully revert to being a private residence in the future.
12. The development would be detrimental to the living conditions of nearby residents by way of overlooking, loss of privacy and overbearing impact. By failing to safeguard good levels of residential amenity, the proposal would be contrary to the objectives of Policy ST1 of the Local Plan.

Conclusion

13. For the reasons given and having had regard to all other matters raised, the appeal is dismissed.

Anthony Lyman

INSPECTOR