

IN THE MATTER OF A PLANNING APPEAL

B E T W E E N:

Mr Jonathon Brown

Appellant - Referring Party

- and –

COPELAND BOROUGH COUNCIL

Refusal of planning Permission Decision reference 4/20/2291/001

Appeal to the Planning Inspectorate / Secretary of state in regard to a notice of refusal of planning permission for the erection of a two-storey dwelling and the creation of additional parking space for two plots of land at Weavers avenue, Frizington.

Appeal for the erection of two storey dwelling and the creation of additional parking space for two plots of land at Weavers avenue, Frizington.

Section 1

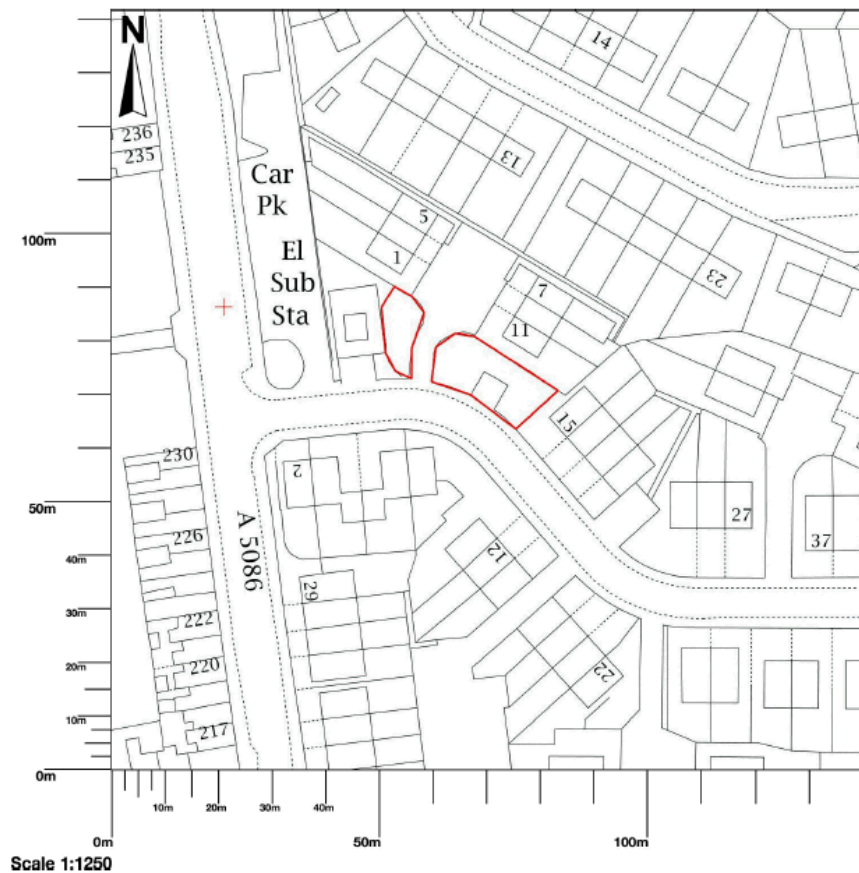
Copeland council; Reason for refusal 1

1. The Application Site comprises a parcel of amenity/open space and visitor parking spaces located in a prominent location at the entrance to Weavers Avenue. The Application Site comprises the only amenity open space serving this development and makes a positive contribution to the developed character of the wider estate. The loss of this open space would result in harm to the character of the estate and would result in a loss of important amenity space for residents. The erection of a 3no. bedroom detached dwelling would occupy a significant area of the Application Site. Any dwelling would not be well related to the existing dwellings to the north and east and would cause harm to the existing developed form and character of Weavers Avenue.
2. The development is in conflict with the requirements of Policy ST1 and Policy DM10 of the Copeland Local Plan 2013-2028 and Paragraphs 127 and 130 of the National Planning Policy Framework.

The appellant Mr J Brown's reasons for appeal to Refusal 1

3. The Local Authority (Copleland Borough Council) appear to of not given due consideration to the fact that, a second plot of land (Highlighted red on the left of the below snippet) owned by the appellant was offered as amenity and parking space for the community as part of the planning application.

Site Location, Two Plots of Land at Weavers Avenue, Frizington



4. The above land shown on the snippet of the OS Based site location plan is owned outright by the appellant, and the plot on the left and highlighted in red is offered as amenity land and or parking spaces as per the will of the local authority/ local community.

Section 2

Copeland council; Reason for refusal 2

5. Windows will be limited to the south and east elevation of any dwelling only, which is likely to result in substandard living accommodation and limited design interest. Any two storey dwelling is likely to result in some loss of light and overshadowing of the curtilage of the property known as No. 11 Weavers Avenue. The development is in conflict with the requirements of Policy ST1 and Policy DM12 of the Copeland Local Plan 2013-2028 and Paragraph 127 of the National Planning Policy Framework.

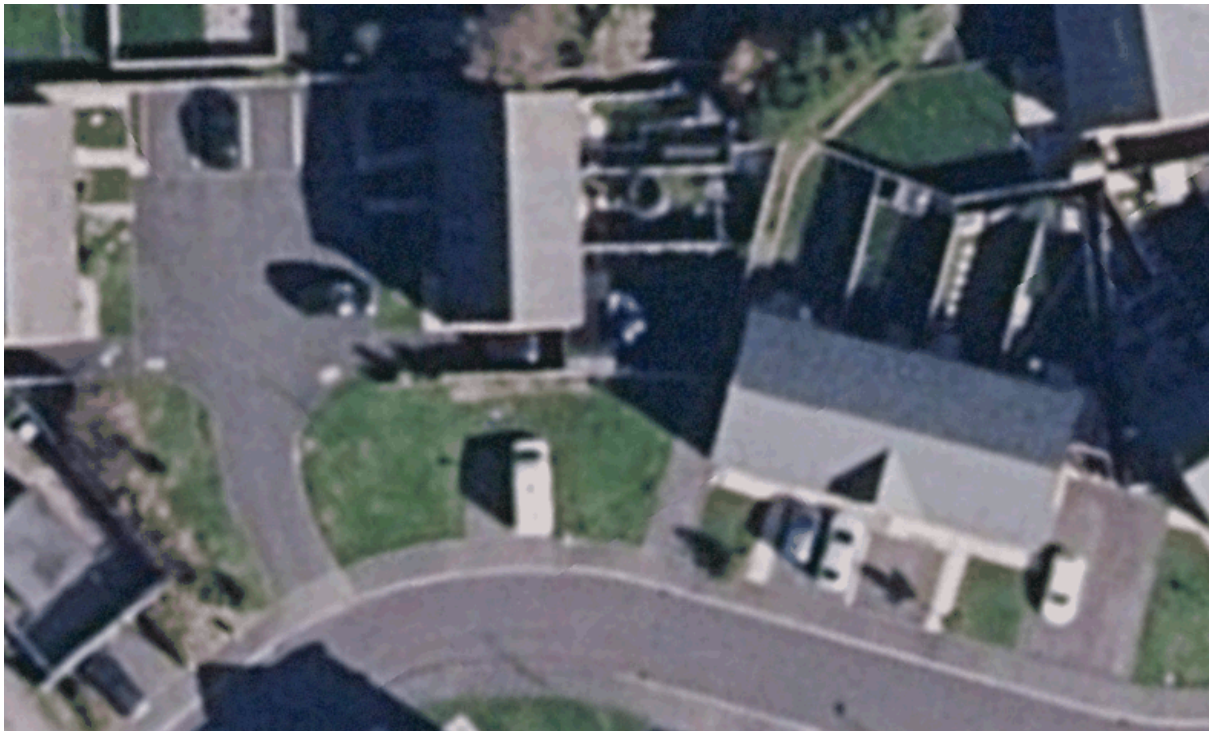
The appellant Mr J Brown reasons for appeal to Refusal 2

6. The Local Authority have given consideration only to windows, the appellant suggests that the local authority could award planning subject to conditions of roof light/

alternative light solutions being installed to the north and west elevations of the building, further to this the appellant also suggests that the property would not overlook adjacent properties any more so than the existing properties.

7. The Local Authority suggest that “Any two storey dwelling is likely to result in some loss of light and overshadowing of the curtilage of the property known as No. 11 Weavers Avenue” the appellant here would like to refute that statement by demonstrating the following point.

- 7.1 The Existing dwellings currently overshadow each other as can be seen in the below snippet which shows there is unlikely to be an additional loss of light to the properties and if there is it would be minimal due to the existing position of the properties.



Conclusion

8. The appellant would like to appeal the decision of the Local authority for reasons as set out above, which suggest that the Local authority have not taken into full consideration the land offered as alternative amenity land or parking spaces, and the local authority do not appear to have fully investigated issues surrounding the comments that they have made in regards to loss of light to existing properties, this is not the case and it can be seen from the above snippet that these properties are set out in a way where they are already blocking light from each other, and a new property constructed in the planned location would cause shadow to the car park and not adjacent properties.