



Appeal Decision

Site visit made on 18 February 2025

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 6 March 2025

Appeal Ref: APP/F0935/D/24/3355418

Ivy Cottage Lonsdale Place, Whitehaven, CA28 6DY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Mike Graham against the decision of Cumberland Council.
 - The application Ref is 4/24/2256/0F1.
 - The development proposed is alterations and extensions for a new master bedroom, living kitchen dining room and refunctioning of existing spaces.
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Decision

1. The appeal is allowed, and planning permission is granted for alterations and extensions for a new master bedroom, living kitchen dining room and refunctioning of existing spaces at Ivy Cottage Lonsdale Place, Whitehaven, CA28 6DY in accordance with the terms of the application, Ref 4/24/2256/0F1, subject to the conditions below.
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos 24/0405/05, 24/0405/06, 24/0405/07, 24/0405/08, 24/0405/09 and 24/0405/10.
 - 3) No development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the extension hereby permitted have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Main Issues

2. The main issues are the effect of the development on, firstly, the character and appearance of the area including the setting of nearby listed buildings and, secondly, the living conditions of neighbouring occupiers with particular regards to outlook and daylight.

Reasons

Character and appearance

3. Ivy Cottage is one of three properties occupying a somewhat unusual backland location between the A5094 New Road and A595 Loop Road North. The traditional but modest two-storey dwelling is the smallest of the three properties which front a narrow rear service driveway to the rear of Nos. 7-19 Lonsdale Place which are

listed buildings. To the rear of the appeal property is a small watercourse beyond which is a steep embankment. Because of this and its backland location behind dwellings fronting New Road, the appeal property has limited visual exposure in public views.

4. The appeal scheme seek permission for the erection of a contemporary two-storey extension to the front (west) of the property. The internal layout of the dwelling would be remodelled to add a large open plan living/dining/kitchen room on the ground floor and master bedroom, ensuite and sitting room on the first floor.
5. Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-2028 (the LP) seek to create high quality developments which respond positively to the character of the site and the wider setting. Policy DM18 seeks to ensure domestic alterations are of an appropriate scale and design, which is appropriate to their surroundings. The Council considers the proposed scale, built form and massing of the extension to the front of the dwelling would adversely alter the character and appearance of the existing dwelling and the street scene within this locality.
6. On any assessment the proposed extension would be a large and dominating addition to the host building which as previously noted is of fairly modest proportions. Nonetheless, given the set-back of Ivy Cottage from its immediate neighbour (Labroe Cottage) I consider there is scope to extend the building forward in the manner proposed. A reasonable amount of garden space would be retained to the front of the property which would not be dissimilar to Labroe Cottage in terms of its size and layout. Based on the foregoing, I find little to support allegations of overdevelopment.
7. The contemporary design would clearly result in a very different looking building. However rather than a negative, I see this as a positive attribute of the scheme given the existing building has a somewhat depressed and tired appearance and is not of any notable architectural merit. Although public views might be limited, the extension would nonetheless breathe new life into this secluded corner of Whitehaven, adding a new and vibrant element to the street scene.
8. Turning to heritage matters, the appeal site is located to the rear (east) of a terrace of Grade II listed two-storey Georgian properties which comprise Nos. 7-19 Lonsdale Place. The Council argue the proposed extension to Ivy Cottage would harm the setting of these buildings, that is the surroundings in which they are experienced. The Council has not quantified the level of heritage harm in the terms set out in the National Planning Policy Framework (the Framework) nor has a balancing exercise been carried out as required by paragraph 215.
9. The duty under section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing listed buildings, their setting or any features of special architectural or historic interest which they possess. The appeal scheme does not propose any works or alterations to the listed buildings themselves or their curtilages. It is rather whether the extension to Ivy Cottage would harm the setting of Nos. 7-19 Lonsdale Place.
10. In this regard there is no evidence before me of any historical association between the appeal site and the listed buildings. Ivy Cottage is physically divorced from the listed buildings by the rear service drive and forms part of a distinctive and

contained enclave of development to the east. On the ground this reads as something quite different and distinguishable from the listed buildings.

11. The listing description makes clear that the significance of Nos. 7-19 Lonsdale Place is derived from their facades which are fine examples of Georgian architecture. In contrast, the rear elevation has a more unplanned and irregular appearance through the introduction of rear extensions, outbuildings and/or alterations. The rear service road which is accessed through an archway from New Road appears to be private. While I accept that the public could venture along the service road, they would be unlikely to derive any meaningful enjoyment from the very limited views of the rear elevations of the listed buildings.
12. Intervisibility between the appeal site and the listed buildings is strictly limited due to high boundary walls, mature landscaping and various outbuildings. Because of this, only the rear roofslopes of the listed buildings are readily visible from the appeal site. Taking all these matters into consideration, I do not consider the appeal site can reasonably be considered as part of the surroundings in which the listed buildings are experienced and enjoyed.
13. The appeal scheme would bring the front elevation of Ivy Cottage into line with Labroe Cottage. Accordingly, built development to the rear of the listed buildings would be no closer than that which currently exists. I find the suggestion that the modern design of the extension would somehow detract from the significance of the listed buildings, which is largely confined to their front elevations, to be significantly overplayed for the reasons set out above. Taking all matters in the round, I consider the effect of the appeal scheme of the setting of the listed buildings would be neutral.
14. Overall, I conclude that the development would not harm the character and appearance of the area nor the setting of nearby listed buildings at Lonsdale Place. Accordingly, there would be no conflict with LP Policies ST1, DM10, DM18, ENV4 and DM27 of the Copeland Local Plan 2013-2028, Policies DS6PU, H14PU, BE1PU and BE2PU of the Emerging Local Plan or the relevant parts of the Framework or National Design Guide insofar as they seek to protect and conserve listed buildings and their settings and ensure that new development that is appropriate to its surroundings.

Living conditions

15. There are two windows within the side elevation of Labroe Cottage overlooking the appeal property. The smaller, first-floor window serves the landing while the larger second floor window serves a bedroom. While the outlook from both windows in the side elevation would change, this is a built-up area where a degree of encroachment into views and outlook is to be expected, particularly from side facing windows. The Council have not referenced any local separation distances that would be breached if I were to allow the appeal and there was no objection to the appeal scheme from the current occupiers of Labroe Cottage.
16. As previously noted, the proposed two-storey extension would bring the side elevation of Ivy Cottage in line with Labroe Cottage. The submitted elevational drawings demonstrate the height of the extension roof would sit below the height of the bedroom window at Labroe Cottage as well as the main roof to Ivy Cottage. On that basis alone it is difficult to understand how the Council came to the view

that there would be an unacceptable loss of daylight and outlook to the bedroom window.

17. In normal outward views there would be no discernible change in outlook from the bedroom window. That would only occur if one were to stand directly at the window and look down. Here, rather than direct views into the private garden of Ivy Cottage, the outlook would be towards the pitched roofs of the extension. Given the change of outlook would only apply to downward views at or close to the window, it would not be unacceptable.
18. While the bulk and mass of the extension would result in a loss of daylight to and outlook from the landing window, this is not classed as a habitable room and is therefore less sensitive to change. Appendix 2 to the Appellant's Grounds of Appeal shows the location of the landing window relative to the extension, I do not consider the change in outlook or daylight levels would be unacceptable given the pitch and angle of the extension roof.
19. On a wider point, the future extension of Ivy Cottage must have been considered a possibility at the time permission was granted for the side facing windows at Labroe Cottage. To think otherwise would have amounted to a *de facto* moratorium on two-storey development at Ivy Cottage. In my experience, side-facing bedroom windows overlooking the private amenity space of neighbouring properties are not ordinarily deemed acceptable. I therefore have sympathy for the Appellant's argument that the appeal scheme would help to address a historically unacceptable relationship between the side windows and the private amenity space of Ivy Cottage.
20. Given my findings above, I conclude that the appeal scheme would not result in an unacceptable overbearing impact and loss of daylight to neighbouring occupiers. Accordingly, there would be no conflict with LP Policies ST1, DM10 and DM18 and draft Policies DS6PU and H14PU insofar as they seek to ensure developments do not adversely affect the living conditions of neighbouring occupiers.

Conclusion

21. I have imposed time limit, materials and plans conditions to provide certainty and to ensure the satisfactory appearance of the development. For the reasons given above the appeal should be allowed.

D M Young

INSPECTOR