
Appeal Decision

Site visit made on 18 October 2016

by W Fabian BA Hons Dip Arch RIBA IHBC

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

Decision date: 27 October 2016

Appeal Ref: APP/M0933/W/16/3154208

Barcaldine, Leighton Drive, Arnside, Cumbria LA7 7BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
 - The appeal is made by Mr Brian Nelson against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0060, dated 25 January 2016, sought approval of details pursuant to condition No 2 of a planning permission Ref SL/2013/1143, granted on 24 January 2014.
 - The application was refused by notice dated 27 April 2016.
 - The development proposed is a single dwelling.
 - The details for which approval is sought are: appearance, landscaping, layout and scale (reserved matters).
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Decision

1. The appeal is allowed and approval is granted for reserved matters details at Barcaldine, Leighton Drive, Arnside, Cumbria LA7 7BE in accordance with the terms of the application, Ref SL/2016/0060, dated 25 January 2016, subject to the conditions in the schedule attached to this decision.

Procedural Matters

2. The outline planning permission¹ to which this appeal against refusal of reserved matters relates was granted following an allowed appeal² that granted planning permission in full for a single dwelling on the appeal site. That full permission and the outline permission both established the acceptability in principle of a single new dwelling on the site. The access and driveway position in this appeal proposal were approved in broadly the same position in the allowed appeal and the access position approved with the outline permission is also similar.

Main Issue

3. The appeal site is on a steep hillside within a sizeable residential enclave at the edge of Slack Head village. There is a wide variety of styles of detached houses and bungalows, all set in generous plots and characterised by luxuriant mature trees, shrubs and hedges. The site is located in the Arnside and Silverdale Area of Outstanding Natural Beauty, but given the residential

¹ Ref SL/2013/1143, granted on 24 January 2014

² APP/M0933/A/10/2122277 issued on 16 November 2011

character of the surroundings and the variety of architectural styles already existing, the Council has raised no objection to the proposed appearance of the proposed dwelling and I share this assessment. Having regard to the extant previous permissions referred to above, the principle of development and the location of the access proposed are also not in dispute. The proposal accords with policy CS8.10 of the South Lakeland Local Development Framework Core Strategy, which seeks to ensure that development is of a form and character appropriate to its setting. It also complies with the objectives of saved policy S2 of the South Lakeland Local Plan, 2007, which seek a similar outcome.

4. Accordingly, the main issue is the effect of the proposal on the living conditions of adjacent residential occupants with reference to outlook and privacy.

Reasons

5. The appeal site is part of the large secluded rear garden behind Barcaldine, which slopes downhill from northwest to southeast. The proposed two storey house would be set 4.5m from the joint rear boundary with Belvedere, a neighbouring bungalow, and 10.5m from the south east downhill boundary. It would be formed as a pair of gabled two storey volumes linked by a central stairway beneath a pitched roofed at right angles to the two main parts of the house. Each of these three elements would be set at a separate floor level, stepping down the hillside. The ridge of the stairs element would be lower than the uphill element and a little lower than the downhill part. It would be cut slightly into the ground to accommodate the slope.
6. In each southwest facing gable there would be large expanses of glazing at both ground and first floors. At the upper level where this glazing would not be screened by the proposed boundary fence, this could lead to a sense of overlooking for the occupants of Barcaldine. However, this effect would sufficiently mitigated by the generally lower level of the proposed house relative to Barcaldine and the separation between the dwellings here of around 28m, such that it is not an overriding concern in this appeal.
7. At the rear the downhill part of the house would be some 9m or so from the side of the adjacent bungalow, Belvedere. At ground floor there would be a utility and WC. At first floor the proposed bedroom would have no windows at this side and the ensuite would have obscure glazing, such that issues relating to privacy would not arise. While the dwellings would be close at this point, the relative levels would be such that the eaves of this part of the proposal would be less than 1m higher than that of Belvedere. Although the roof pitch would be steeper and the ridge higher by around 2m, this additional height would be of a diminishing gabled form and would not seem overly oppressive. Consequently, the proposed house would not appear unduly dominant when viewed from this property.
8. I am aware that there is a side window and a lean-to conservatory at Belvedere also adjacent to this boundary. It is evident from the site visit that the window is not the principal one in the south facing room here and that the conservatory is already heavily screened by the high close boarded fence alongside it and the existing tall mature boundary planting within the garden at Belvedere. The full height glazing to the stairway would extend to first floor level only and so views from it would be well screened by the existing and proposed boundary enclosures. Roof lights to this area would not provide easy views towards the neighbouring property, being above a double height space. Given this existing

context I am satisfied that little significant harm to the occupants' living conditions would arise.

9. No development plan policies have been drawn to my attention that specifically seek to safeguard residential amenity, but LP policy S2 requires that new building should relate effectively to others. The government's National Planning Policy Framework also seeks good design that creates attractive and comfortable places to live, work and visit.
10. In reaching my assessment above, I have had regard to the dismissed appeal decision³ that has been drawn to my attention. However, I note that the house proposed in that case was orientated differently on the site and had first floor living accommodation with a balcony, which would have increased the likelihood of intrusive overlooking towards neighbouring properties. These features are not repeated in this case and, as set out above, the relative floor levels in this proposal have been carefully designed to minimise the bulk and massing proposed.
11. Overall I conclude that the proposal would not harm the living conditions of adjacent residential occupants with reference to outlook and privacy. It would thus, comply with the development plan and national policy in this regard.
12. Turning to other matters raised, the proposal would be accessed from Leighton Drive via a new driveway in the side garden along the joint boundary between this property and Blenkarn. Concerns have been raised that the proposed drive would be close alongside this boundary, but the position is broadly the same as that previously approved such that any change to the effect on living conditions in terms of noise and disturbance for these residential neighbours would not be so significant as to justify dismissal.
13. The driveway would pass sufficiently far from the trunk of a large sycamore at the boundary that is subject to a Tree Protection Order to avoid the major part of the root protection area for the tree, encroachment into it would amount to 20%. According to the arboricultural report provided at the outline application stage, the drive would be constructed in compliance with BS 5837 (2012) using suitable ground protection measures; this could be secured by the suggested condition. Protective fencing would also be necessary during construction and can be secured by condition. As such the future health of the tree would be safeguarded.
14. In addition to conditions referred to above, those suggested by the Council are necessary as follows. Implementation of the mitigation strategy recommended in the submitted Reptile Survey is necessary to avoid harm to protected species. In this residential back garden context a restriction on working hours is reasonable to safeguard residential living conditions. A restriction on boundary wall height close to the road is necessary in the interests of highway safety and for the same reason further details and implementation of: surface water run-off; parking and turning provision; and access gates. In addition, development should be carried out in accordance with the approved drawings in the interests of proper planning.

³ APP/M0933/A/10/2122277

15. As set out above the hall windows facing towards Belvedere would not harm residential privacy and the suggested requirement for obscure glazing is not necessary.
16. For the reasons set out above and taking all other matters into consideration the appeal should be allowed.

Wenda Fabian

Inspector

Schedule of Conditions:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Floor Plans Dwg No 15/42 - 02 Rev A
Proposed Site Plan Dwg No 15/42/ - 03 Rev A
Proposed Elevations Dwg No 15/42 - 04 Rev A
Proposed Carport Dwg No 15/42 – 05
Proposed Site Sections Dwg No 15/42 – 06
Proposed South West Elevations Dwg No 15/42 - 07
- 2) Construction works and site deliveries shall take place only between 08:00 and 18:30 on Mondays to Fridays; 08:00 and 14:00 Saturdays; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 3) The development shall be carried out in accordance with the details recommended in the Pre-development Arboricultural Report, dated 26 November 2013, prepared by Treescapes Consultancy Ltd, reference AH/AIA/071113.
- 4) The development shall be carried out in accordance with the mitigation strategy set out in the Reptile Survey, dated 11 November 2013, prepared by Envirotech NW Ltd, reference BAT/11/226 Rev 4.
- 5) Notwithstanding the note on Dwg No 15/42 – 03 Rev A, the stone wall on the joint boundary between Barcaldine and Blenkarn, shall be no higher than 1m for 2m back from the highway boundary.
- 6) The building shall not be occupied until the parking area and driveway indicated on Dwg No 15/42 – 03 Rev A has been drained and surfaced as noted and that area shall thereafter be kept available at all times for the parking and turning of vehicles. Access gates if provided shall be hung to open inwards only, away from the highway, and shall be recessed a minimum 4.5m back from the edge of the carriageway, with 45 degree splays to each side.

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