
Appeal Decision

Site visit made on 7 November 2016

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 14 November 2016

Appeal Ref: APP/Z0923/D/16/3158724

Beckside, Frizington to Copeland Boundary via Rowrah, Lamplugh CA14 4TY

- 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 and Mrs Russell against the decision of Copeland Borough Council.
 - The application Ref 4/16/2214/0F1, dated 21 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is 2 storey extension and detached single garage.
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Decision

1. The appeal is dismissed insofar as it relates to the 2 storey extension. The appeal is allowed insofar as it relates to detached single garage and planning permission is granted for detached single garage at Beckside, Frizington to Copeland Boundary via Rowrah, Lamplugh CA14 4TY in accordance with the terms of the application, Ref 4/16/2214/0F1, dated 21 June 2016, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan (unnumbered), Block Plan (160401-02), Survey and Proposed (160401-01).
 - 3) The materials to be used in the construction of the external surfaces of the detached single garage hereby permitted shall match those used in the existing building.

Procedural Matter

2. For the reasons that follow, I find the proposed detached single garage to be acceptable and it is clearly severable both physically and functionally from the proposed 2 storey extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the garage.

Main Issues

3. The main issues are the effect of the proposed development on the living conditions of the occupiers of the neighbouring property and on the character and appearance of the host property.
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Reasons

4. Beckside is a detached single storey property which forms part of a small linear development of dwellings within a rural landscape. The dwellings display variety in their design and size. The appeal site is bound by a similar bungalow to the south and a 1.5 storey property to the north.
5. The proposal encompasses the erection of a 2 storey extension at the northern end of the property and a detached single garage to replace an existing timber lean to at the southern end of the property. The Council's decision notice and officer report indicates that the garage is not a matter of contention for the main parties. I also consider that the garage would be an appropriate addition to the property that would not harm the character and appearance of the area and is of a scale and sufficiently separated from the neighbouring property not to cause material harm to their living conditions.
6. Turning to the remainder of the development, the 2 storey extension would increase the height, depth and overall mass of the property along the northern boundary. The detached property to the north, known as Woodside, has two ground floor windows and one first floor window along this boundary which look onto the appeal property. The adjacent property also has sunroom windows at the rear of the property which currently overlook the garden of Beckside. With the exception of one obscurely glazed window, the others appeared to be openings to habitable rooms.
7. I appreciate that the existing property already limits the outlook of and overshadows the ground floor windows of Woodside to a degree. However, by virtue of the increase in height and mass together with the proximity of the dwellings, the proposal would materially worsen this situation. In particular, the outlook from the first floor window would be unacceptably limited and the room would be dark and gloomy with an undue sense of enclosure as a result of the extension. Given the position of the appeal property south of Woodside, the proposal would result in a level of overshadowing that would not be acceptable. I am not persuaded that the rear sun room windows would suffer the same loss of outlook given the position of the rearmost line of the extension and the presence of other windows to this room. Nonetheless, this does not outweigh the harm I have found above.
8. Whilst the first floor window at Woodside may have oblique views of the garden at Beckside, this is an existing situation and is not justification for the harm that would be caused to the living conditions for the occupiers of Woodside.
9. I therefore conclude that the proposal would have a detrimental impact on the living conditions of the occupiers of the adjacent property and find conflict with Policies DM10 and DM18 of the Copeland Local Plan (2013) (LP) which seek, amongst other things, to protect the amenity of neighbouring properties. Given Policy DM12 of the LP relates to new residential developments I have not considered this policy.
10. I noted at my site visit that there are variety of properties within the locality including both single and two storeys and I appreciate that the appeal property is not of any particular architectural merit. However, to my mind, the proposed extension would appear awkwardly incongruous contrasting with and unbalancing the simple form of the host property. The materials in this case would exacerbate this harm by drawing the eye in.

11. I therefore conclude that the proposal would have a materially harmful effect on the character and appearance of the host property and find conflict with Policies DM10 and DM18 of the LP in this regard, which seek, amongst other things, high quality design which respects the character of the parent property.

Other Matters

12. I have had regard to concerns raised by third parties. There are no policies before me that would restrict development *per se* at this location. Any disturbance during construction would be for a temporary period only. Damage caused to property during construction would be a private matter between the parties involved as would access for maintenance. There is little evidence to suggest that the construction of the garage would compromise natural drainage in the area.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in order to provide certainty. In order to ensure a satisfactory appearance I have also imposed a condition requiring the materials to be used in the construction of the garage to match those of the original building.
14. I have not imposed a condition relating to further windows on the side elevation given that I am dismissing the appeal insofar as it relates to the extension.

Conclusion

15. For the reasons given above I conclude that the appeal should be allowed insofar as it relates to the detached single garage and dismissed insofar as it relates to the 2 storey extension.

Caroline Jones

INSPECTOR