

## Appeal Decision

Site visit made on 20 December 2016

by **Helen Hockenhull BA(Hons) B.PI MRTPI**

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

Decision date: 25 January 2017

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**Appeal Ref: APP/M0933/D/16/3160118**

**Ferndene, Caroline Street, Kendal, LA9 4SH**

- 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 Durnford against the decision of South Lakeland District Council.
  - The application Ref SL/2016/0352, dated 14 April 2016, was refused by notice dated 15 July 2016.
  - The development proposed is described as 'a single storey extension with pitched slate roof to an existing two storey dwelling within a conservation area. The proposed works also include the formation of a new porch over the existing front entrance of the property'.
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**'This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 11 January 2017'.**

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue in this case is whether the proposed development would preserve or enhance the character or appearance of the host property and the Kendal Conservation Area.

### Reasons

3. The appeal property, Ferndene, forms an attractive two storey Victorian dwelling set in an elevated position. It occupies a large plot with terraced gardens. The property is located to the south of Caroline Street within a generally residential area of older terraced stone dwellings and later two storey rendered infill properties. East of the appeal site on Rydal Mount are 1970's bungalows set at a lower level. Houses to the west and north on Horncop Lane form two storey detached houses at a higher level with larger plots and good size rear gardens.
  4. The site is located within the Kendal Conservation Area. The Conservation Area Character Appraisal identifies different character areas. The appeal site is located in Area 4 which includes Windermere Road, Kendal Green and the Noble's Rest/Maude's Meadow open spaces. The area has a mix of substantial late Victorian and early twentieth century houses around Kendal Green together with much more compact and narrow residential streets enclosing
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- block housing. Properties are generally constructed in local limestone with blue/grey slate roofs. Many Victorian villas have bay windows, decorative door surrounds, porch canopies, roof gables, bargeboards and finials. The Appraisal identifies Ferndene as a well preserved two storey house and makes reference to the properties traditional form, detailing and materials which make a positive contribution to the historic character of the area.
5. The appeal proposes a single storey rear and side extension and a front porch. Planning permission<sup>1</sup> for a similar scheme but with the rear and side extension having a flat roof design, was granted by the Authority in September 2015. It appears from the evidence before me that the Authority finds the front porch to be acceptable. The main concerns in this case relate to the proposed rear and side extension and I shall consider the appeal accordingly.
  6. The appeal scheme proposes a rear and side extension which effectively wraps round the eastern and northern elevations of the building. In the consented scheme the rear and side extensions stood as separate unconnected elements. The appeal proposal includes a gabled roof at right angles to the existing building constructed in blue slate to match the house. The external walls of the extension would be made up of green slate taken from the existing garden walls with zinc cladding to door and window surrounds and to the northern elevation. Windows and rainwater goods would be powder coated aluminium.
  7. Paragraph 58 of the National Planning Policy Framework (The Framework) states that development should respond to local character and history and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation. The appeal proposal has a traditional form with a pitched roof but is contemporary in design and materials. This contrasts with the traditional detailing of the existing property.
  8. The extension would be sited in generally the same position as the previous approved scheme but it would have a larger footprint. This together with the height of the proposed extension would result in the development having a greater overall mass. It would conceal most of the first floor windows in the east elevation of the existing house from certain viewpoints within the garden and obscure a greater amount of the rear elevation in particular the corner quoins. In so doing, whilst the extension would remain subservient to the existing house as a result of its single storey nature, it would impinge on the architectural integrity and detailing of the building which are important elements of its design and historic interest.
  9. The Authority has raised concern regarding the proposed materials to be used in the scheme. I note that the materials proposed, with the exception of the roof which would be in matching blue slate, would contrast with those used in the existing building. However they would be similar to those previously approved in the consented extension. As a result, having regard to the evidence before me, I have no reason to conclude that they would be unacceptable.
  10. I observed the appeal property from surrounding viewpoints on my site visit. Views of the property within the conservation area from Caroline Street and Ashleigh Road are limited. The dwelling is most prominent above the roofs

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<sup>1</sup> Planning permission ref SL/2015/0633

and in the gaps between the bungalows at No's 15-21 Rydal Mount. These properties lie outside the conservation area. However it can also be viewed from within the conservation area looking west up Rydal Mount. The roof of the proposed extension would be visible in the street scene in particular the upper glazed area below the gable roof. I consider that this modern addition would appear as an incongruent feature against the traditional architectural style and detailing of the host dwelling and would impact negatively on the street scene and the character and appearance of the conservation area.

11. There is a statutory duty set down in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have regard to the desirability of preserving or enhancing the character or appearance of conservation areas when considering development proposals. The Framework in paragraph 132 considers the impact of a proposed development on the significance of a heritage asset and gives great weight to its conservation. In paragraph 134 a distinction is drawn between substantial harm and less than substantial harm to such an asset.
12. I have found that the proposal would cause harm to the character and appearance of the Kendal Conservation Area. Given the relatively limited scale of the development and the effect on the conservation area as a whole, I consider the harm to the significance of the asset would be less than substantial albeit I remain obliged to give great weight to its conservation.
13. In line with guidance, this harm must be weighed against the public benefits of the proposal. The appellant in his evidence has not outlined any benefits for my consideration. Nevertheless I have had regard to the fact that the proposal would contribute to the local economy during its construction and create demand for building materials. It would also extend and improve the residential property adding further choice in the local housing market and improving the quality of housing in the locality. However bearing in mind the scale of the development, these benefits would be limited and would not outweigh the harm I have identified to the significance of the asset.
14. Accordingly I consider that the appeal proposal would not preserve or enhance the character or appearance of the host property or the Kendal Conservation Area and would harm the significance of this heritage asset. The proposal would conflict with Policies CS8.2, CS8.6 and CS8.10 of the South Lakeland Local Development Framework Core Strategy 2010. These policies seek to achieve a high standard of design, protect and enhance local distinctiveness and conserve or enhance the character and setting of the historic environment. I consider these policies to be generally consistent with the Framework in particular Section 12 and paragraphs 17 and 56 which have similar aims.

### **Conclusion**

15. I have found that the appeal proposal would cause harm to the character and appearance of the host property and the Kendal Conservation Area.
16. For the reasons given above, and having regard to all other matters raised I dismiss this appeal.

*Helen Hockenhull*

INSPECTOR