
Appeal Decision

Site visit made on 31 January 2017

by Caroline Jones BA (Hons) DipTP MTP MRTPI

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

Decision date: 7th February 2017

Appeal Ref: APP/M0933/D/16/3153794

3 The Old Woodyard, High Tenterfell, Kendal, Cumbria LA9 4PZ

- 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 Mrs Cath Stobbart against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0314, dated 31 March 2016, was refused by notice dated 24 May 2016.
 - The development proposed is a roof terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would preserve or enhance the character or appearance of the Kendal Conservation Area and the effect of the proposed development on the living conditions of the occupiers of adjacent properties with particular regard to privacy.

Reasons

3. The appeal property is a three storey dwelling located within a complex of buildings which previously belonged to a former wood yard and has been converted to residential use. The site lies within the Kendal Conservation Area (KCA). As such I must have regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which places a duty upon me to give special attention to the desirability of preserving or enhancing the character or appearance of the area.
 4. Given the large geographical area within the KCA, the Council's Kendal Conservation Area Appraisal (KCAA) divides the KCA into ten separate character areas. The appeal site lies within the South West Area where the KCAA describes the spatial layout as diverse and complicated. The area is suburban residential in character and its significance lies in the very rich variety of suburban housing which contains many buildings that make a particularly positive contribution to the special architectural interest of the KCA. The Old Woodyard is identified within the KCAA as an unlisted building that makes a positive contribution to the special architectural or historic interest of the area. It describes the complex as having a plain appearance and on the whole a sensitive conversion into houses with satisfactory window and door detailing.
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5. The proposed roof terrace would involve the removal of a significant portion of slate roof from the rear two storey element of the dwelling. This part of the dwelling is an attractive and original element of the former woodyard which has been sensitively converted with original features retained. The majority of the terrace would not be visible from public viewpoints and the retention of the pitched roof to either side would limit views from the windows of adjacent properties. Nonetheless, the balustrade to the front of the terrace would be clearly seen from Queen Street below and would be an incongruous and visually intrusive feature that would be at odds with the traditional and historic appearance of the property. It would detract in an unduly harmful way from the character and appearance of the property which is identified as making a positive contribution to the KCA. Thus I find it would fail to preserve or enhance the character and appearance of the KCA. The finding of harm to the character and appearance of a heritage asset is a consideration to which I must attach considerable importance and weight.
6. Despite the finding of harm, given the size and scale of the proposal within the KCA as a whole, I quantify that the harm to the significance of the heritage asset is less than substantial in the context of paragraphs 133 and 134 of the National Planning Policy Framework (the Framework). Such harm needs to be balanced against any public benefits of the development.
7. Whilst I appreciate that the terrace area would provide a pleasant outdoor space for the appellant, there are no public benefits of the scheme that would outweigh the harm identified.
8. I noted at my site visit that there were other examples of terraces/balconies on the conversion. However, I have not been provided with information on how they came to being there, or the relevant planning policy considerations taken into account at the time. Consequently I can attribute the presence of other balconies/terraces only limited weight. In any case, I have determined the appeal on its own merits.
9. I acknowledge that the proposed terrace would not be visible from High Tenterfell to the north of the appeal site and that the window to be removed to allow access onto the terrace is on a more modern element of the building. Nevertheless, these matters do not negate the harm that I have identified above.
10. Accordingly, I conclude that the proposed development would be contrary to Policy CS8.6 of the South Lakeland Core Strategy (2010) which seeks to ensure, amongst other things, historic environment assets such as conservation areas are safeguarded and where possible enhanced.

Living conditions

11. The southern elevation of 3 the Old Woodyard looks onto the flank wall of 15 Queen Street. I saw at my site visit that a small portion of the garden at No 15 is already overlooked by the living room window at No 3. The proposed terrace would be in a roughly similar location to this window albeit at a higher level. Given that there is already a small degree of mutual overlooking, I do not consider that the terrace would materially worsen this situation. Any sideways overlooking of windows would be at an oblique angle and would be screened in part by the retention of the slate roof either side of the terrace.

12. I therefore conclude that the proposal would not have a materially harmful effect on the living conditions of the occupiers of adjacent properties and find no conflict with paragraph 17 of the Framework, in this regard, which advises that planning should always seek to secure a good standard of amenity for all existing occupants of land and buildings.

Conclusion

13. I have considered all other matters, including some support for the scheme, but none outweigh the harm I have identified. Although I have found no harm in relation to the living conditions of neighbouring residents this is not sufficient to outweigh the harm that I have found to the character and appearance of the KCA.
14. For the reasons given above I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR