
Appeal Decision

Site visit made on 6 February 2017

by A Jordan BA Hons MRTPI

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

Decision date: 21 February 2017

Appeal Ref: APP/Q9495/W/16/3162289

15 Quarry Brow, Bowness-on-Windermere, Windermere, LA23 3DW

- 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 Edward Grey against the decision of Lake District National Park Authority.
 - The application Ref 7/2016/5158, dated 18 March 2016, was refused by notice dated 11 May 2016.
 - The development proposed is building of 1 dwelling in side garden.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application form is dated 29 February 1992. The appeal form and the decision notice states that the application was made on the 18 March 2016. I have therefore adopted this later date as the date of the application on the basis that the earlier date is most likely a typographical error.
3. The decision notice refers to amongst other things, the effect of the proposal on the access to 9, 13 and 15 Quarry Brow. This also appears to be a typographical error, as the access in question relates to 11-15 Quarry Brow and I have dealt with the application accordingly.

Main Issues

4. The main issues for the appeal are the effect of the proposal on the living conditions of nearby residential occupiers.

Reasons

5. 15 Quarry Brow is an end of terrace dwelling. It sits on elevated ground above the main road, which itself rises sharply from Rayrigg Road. The short terrace has a contemporary appearance with a flat roof and balconies on the front elevation. The properties are accessed via a private access which also provides informal parking. The appeal site comprises the area of garden and part of the hardstanding immediately adjacent to No 15 Quarry Brow. The proposed dwelling has been designed to reflect elements of the adjoining dwellings, with fenestration and materials to match the other properties on the terrace.
 6. The land rises steeply to the rear of the site. The Council have expressed concerns regarding the effect of the proposal on the living conditions of occupiers of 13 Rayrigg, which is a detached bungalow located to the rear.
-

The rear elevation of the proposed property would be clearly visible when within the large garden and within the kitchen of 13 Rayrigg Rise. Oblique views would also be available from other rooms in the property. In these views the upper storeys of the proposal would be seen through the existing vegetation along the site boundary. The increase in built form would be clearly evident, and the position of windows on the rear elevation would add to the perception of overlooking which already occurs to some extent from existing windows in No 15 Quarry Brow. I take into account that the garden is relatively large, and that only the kitchen window of the property would suffer any significant visual effects from the proposal. Nevertheless, in that the proposal would form an intrusive presence along the site boundary it would diminish the quality of the outdoor space enjoyed by residents and this would be harmful to their living conditions. I have been advised that the occupier of 13 Rayrigg Rise suffers poor health and so is dependent upon the garden for outdoor amenity. However, as the proposal would be harmful in any case, I do not consider that this factor is determinative.

7. The appeal site is also overlooked by a terrace of properties similar to 11-15 Quarry Brow of which No 17 Quarry Brow is closest to the appeal site. This sits on higher ground with the windows to the only bedroom, the living area and the balcony, which provides outdoor seating, all facing toward the side elevation of the proposed dwelling. Due to its position and height the proposed dwelling would occupy a significant proportion of the open vista currently enjoyed by occupiers of No 17 Quarry Brow. This would be experienced as an overbearing presence when within all of the main rooms of the property other than the kitchen and would as a result have a significantly detrimental effect on the living conditions existing occupiers enjoy.
8. I noted during my site visit, which took place mid-morning on a week day outside the main tourist season, that the road in front of the house provided some on-street parking and that this was fully occupied by parked cars. The drive in front of 11 – 15 Quarry Brow was also being used for parking. I therefore consider that the claims of local residents, that the area suffers from considerable parking pressure, to have some substance. The proposal would reduce the extent of the area available for parking and manoeuvring to the front of the dwellings, and as it would introduce a further dwelling, would be likely to lead to further parking pressure. In this regard increased competition for off-street spaces would be likely to inconvenience existing residential occupiers and this would diminish the quality of the living conditions these occupiers currently enjoy.
9. The Council have also raised concerns in relation to the effect of the proposal on the living conditions of occupiers of 15 Quarry Brow, due to the removal of an existing side window on the ground floor. The plans show that the room to which this window relates is also served by a large window in the front elevation which would provide the room with light and outlook. I therefore do not share the Council's concerns in this regard.
10. Nevertheless, the effects of the proposal on the living conditions of 13 Rayrigg Rise and 17 Quarry Brow, as well as those occupiers of 11-15 Quarry Brow who require off-street parking would be detrimentally affected by the proposal. I therefore conclude that the proposal would harm the living conditions of existing residential occupiers and so would be contrary to guidance within the

National Planning Policy Framework, which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

11. Therefore, having regard to all other matters raised, the appeal is dismissed.

Anne Jordan

INSPECTOR