

Appeal Decision

Site visit made on 27 February 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 28 March 2017

Appeal Ref: APP/E0915/D/16/3165446
Glen Esk, Arthuret Road, Longtown CA6 5SJ

- 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 Sandy Warwick against the decision of Carlisle City Council.
 - The application Ref 16/0530, dated 6 June 2016, was refused by notice dated 3 October 2016.
 - The development proposed is make flat roof to form "fire escape/balcony" above rear first floor, make flat roof to form "fire escape/porch" above back door, alter dormer windows on front roof to form small balcony.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, the development had commenced through the erection of the fire escape/balcony to the rear of the dwelling. Juliet balconies had also been constructed on the dormer windows on the front roof, although these differ from the balconies depicted on the submitted plans and which form the basis of this appeal.
3. This appeal must be determined on the basis of the development plan as it exists at the time of my decision. Subsequent to the date of refusal of the application, the Council has adopted the Carlisle District Local Plan 2015-2030 (CDLP) in November 2016. I have therefore considered the appeal against the relevant development plan policies and make no further reference to the previous development plan.

Main Issues

4. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the host dwelling, the surrounding area and on the setting of the Longtown Conservation Area; and
 - The effect on the living conditions of adjacent residents due to overlooking and loss of privacy.
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Reasons

Character and Appearance

5. The appeal property is a substantial dwelling to the south of the central area of the village of Longtown. Due to the size of the property, its location adjacent to a road junction and proximity to the centre of the village, the appeal site is a prominent feature in the street scene.
6. The balcony to the rear of the property is already in place. I saw on my site visit that this element of the scheme is readily visible from the south, particularly in views along Arthuret Road on the entrance into Longtown. The extensive balcony overhangs the rear wall of a two storey offshoot and is bounded by railings which project above the rear roof slope. Due to its extent, design and elevated position, the balcony appears as an incongruous and obtrusive feature attached to the rear of the building.
7. The host dwelling has two gable dormer windows on the front roof slope. It is proposed to form balconies to the front of these dormer windows. Whilst the dormers are prominent features on the property, they are set back from the front wall and are proportionate to the overall scale and massing of the building. The proposed balconies would project forward of the dormers and extend to the front wall of the building. Due to the height and design of the balconies, they would appear as incongruous and unduly prominent features on the roof of the dwelling and would detract from the character and appearance of the building. Furthermore, due to their design, height and location on a prominent elevation of the building, the balconies to the front would be particularly intrusive in views of the building within the street scene from the surrounding area.
8. The property is located adjacent to the southern boundary of the Longtown Conservation Area (CA) which is based on the historic core of the village and which has an understated character due to the predominantly simple vernacular architecture. Although the site is just outside the CA, the appeal property is a prominent feature at the southern entrance into the CA and in views from within the CA. For the reasons stated above, the balconies to the front of the dwelling would be incongruous and overdominant features at odds with views of this prominent building. The harm to the setting of the CA would therefore fail to preserve the character and appearance of the CA.
9. I conclude that the proposal would be detrimental to the character and appearance of the host building and the wider area. It would also fail to preserve the character and appearance of the CA and its setting. The proposal would therefore conflict with Policies SP6 and HO8 of the CDLP in respect of securing the good design of house extensions. The proposal would also conflict with Policy HE7 of the CDLP due to the harm to the character and appearance of the setting of the CA.
10. The proposal would also conflict with the provisions of the National Planning Policy Framework (the Framework) in respect of requiring good design and conserving and enhancing the historic environment. The proposal would also be contrary to the advice of the Achieving Well Designed Housing Supplementary Planning Document 2011 (SPD) which seeks to ensure that extensions are appropriate to the dwelling and its design.

Living Conditions

11. The balcony above the first floor to the rear will enable views from the appeal site into the curtilage of neighbouring properties. In particular, I saw that the balcony will directly overlook the amenity area of The Limes immediately to the rear of the site. The balcony would also enable overlooking of the gardens of Garthside to the north and Lovat Haze to the south.
12. I acknowledge that existing windows of the appeal property currently enable overlooking of neighbouring properties to some degree. However, due to its elevated position, proximity to the site boundary and extent, the balcony will result in a degree of overlooking which will be intrusive and detrimental to the privacy of neighbouring residents and the enjoyment of their property.
13. I am mindful that no objections have been received from neighbouring residents in relation to this proposal. But this does not outweigh the harm to living conditions that I have identified above.
14. I therefore conclude that the proposal will be detrimental to the living conditions of nearby residents as a result of overlooking and loss of privacy. The proposal will therefore be contrary to Policy SP6 of the CDLP which seeks to ensure that development would not lead to an adverse effect on the residential amenity of adjacent land uses.
15. The proposal will also conflict with the provisions of the Framework which seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. The proposal will also be contrary to the advice of the SPD which seeks to safeguard the privacy and amenity of the occupiers of neighbouring properties.

Other Matters

16. I am mindful that the proposals to the rear of the property would also function as fire escapes. I also note that the house was in need of repair and potentially at risk and I acknowledge that modernisation would enable the dwelling to be retained in a productive use. However, no substantive evidence has been provided to me to justify why such significant external works are required either to provide a fire escape or to ensure the occupation of the property as a dwellinghouse. Accordingly, these circumstances are not sufficient to outweigh the harm that I have identified. In particular, whilst the harm to the significance of the CA would be less than substantial, I consider that the public benefits of the proposal would not outweigh the identified harm.
17. I have a statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the nearby Grade II listed buildings of 56 English Street and Nook House and I am mindful of the content of the Framework in relation to heritage assets. The significance of these properties is summarised by the list description. I saw that the effect of the proposals is such, taking into account their design, scale, arrangement and physical separation, that the setting of the listed buildings and their significance would not be adversely affected. I note that this reflects the Council's conclusion on this matter.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR