
Appeal Decision

Site visit made on 25 April 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 11 May 2017

Appeal Ref: APP/M0933/W/16/3159462

Westerley, The Esplanade, Grange-over-Sands LA11 7HH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Adrian Needham, LWP Homes (Westerley Christian Care Homes), against the decision of South Lakeland District Council.
 - The application Ref SL/2016/0402, dated 28 April 2016, was refused by notice dated 1 August 2016.
 - The development proposed is a new build detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is submitted in outline with details of access, layout and scale provided for consideration at this stage.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the Grange-over-Sands Conservation Area (CA) and ii) the living conditions of future occupiers of the development with particular regard to noise from the adjacent railway line.

Reasons

Character and Appearance

4. The Esplanade is within part of the CA characterised by large and imposing, three storey residential buildings, which are concentrated on the western side of the road. These buildings are constructed in traditional materials, commonly stone with contrasting quoin detailing and window surrounds and slate tiled roofs. Projecting gables give a strong vertical emphasis to the buildings.
 5. The appeal site, which constitutes an overgrown garden area, is situated on the eastern side of The Esplanade, and slopes markedly from west to east towards the adjacent railway line. Whilst there are buildings present on this side of the road in various sizes, and it would appear that the Council has previously permitted an extension to the adjacent dwelling, the prevalent character here is one of open garden spaces which give way to attractive long distance views of the wide open Morecambe Bay area. This is recognised in the CA character appraisal as a significant factor.
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6. The proposed single storey dwelling would be essentially rectangular in shape. Whilst the relatively squat form of the dwelling, with its flat sedum roof, would be somewhat recessive in appearance, screened to a degree by boundary planting and would help to protect views of the coast from the adjacent public realm, from my visit it was apparent that the building would nevertheless be partially visible from several vantage points. These include immediately adjacent to the site entrance, in side profile from further along The Esplanade to the north and from the Promenade situated at lower level on the opposite side of the railway line.
7. By its presence alone, the dwelling would result in a limited degree of harm to the more open character of this side of The Esplanade which forms an important part of the setting of the buildings on the opposite side of the road. However more significantly, from the aforementioned locations, the squat and somewhat functional form of the structure, with its horizontal emphasis, would appear contrived and distinctly at odds with the imposing scale and traditional design of many of the dwellings in the surrounding area. Therefore, notwithstanding a previous extension being permitted to the adjacent dwelling, the proposal would nevertheless appear as an insensitive intrusion into the CA.
8. In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have a statutory duty under section 72(1) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. For the above reasons, I conclude that the proposal would fail to preserve character and appearance and would result in less than substantial harm to the CA. It would therefore conflict with Saved Policies C16 and S2 of the South Lakeland Local Plan 2006; Policies CS1.1, CS4, CS8.2, CS8.6 and CS8.10 of the South Lakeland Core Strategy 2010 and the National Planning Policy Framework (the Framework) insofar as they seek to secure a high standard of design and to ensure that development safeguards the historic environment including the distinctive settlement character.
9. Whilst the harm would be less than substantial, in terms of the guidance in the Framework, there would still be real and serious harm which is a consideration of significant weight. In such circumstances, the Framework requires that such harm is weighed against the public benefits of the proposal. The development would add a unit to the supply of housing, which I have no reason to doubt would be of high quality construction, and would result in some job related benefits and support to businesses associated with the construction of the dwelling. Furthermore, future occupiers of the house would, in all likelihood, give rise to additional expenditure in the local economy. That said, such benefits would be extremely limited due to the small scale of development involved. Accordingly these public benefits would not outweigh the harm to the heritage significance of the CA.

Living Conditions

10. The appeal site is immediately adjacent to a railway line. There is no dispute between the parties that rail services operate relatively frequently along the line. It seems to me that these operations would have the potential to cause noise disturbance to future occupiers of the dwelling.
11. However, it was apparent from my visit that there are a number of residential properties also situated in close proximity to the railway. I have not been provided with any evidence to suggest that the principle of the railway being in

close proximity to dwellings presents an issue for residents that is not capable of being mitigated. This leads me to conclude that the requirement for a noise assessment to be undertaken ahead of granting of planning permission would be excessive in this case.

12. I therefore find that whilst a requirement for a scheme to protect future occupiers of the dwelling from railway noise would be justified, to ensure acceptable living conditions, this requirement could be secured through a planning condition. Indeed this would be in keeping with the recommendation of the Council's Environmental Health Officer. Subject to this provision and other appropriate conditions, the development would accord with the Framework insofar as it seeks to secure a good standard of amenity for all existing and future occupants of land and buildings. However as I have found the proposal to be unsatisfactory for other reasons, as set out above, there is no need for me to consider this matter further.

Other Matters

13. The appellant has submitted various points in support of the application. In terms of the garden being redundant, not economically feasible to maintain and therefore vulnerable to deterioration, the Council is able to exercise its powers under the Act to prevent the condition of land from having an adverse affect on the amenity of an area. I note the suggested condition to restrict occupancy of the dwelling to people resident in the area. However it is undisputed that there is a lack of policy support for this approach. Consequently I give little weight to these considerations.
14. Reference is made to a dwelling which was allowed on appeal at a site on the eastern side of The Esplanade, further along the road to the north. I have been presented with limited information in relation to that case. However, from my visit it was evident that the development in question, which is some distance from the appeal site, differs significantly in terms of the relationship with its surroundings, continuing an existing more established line of development. That case is not therefore comparable to the current appeal.
15. Whilst the appellant has raised concerns with regard to the processing of their application by the Council, this is not a matter relevant to my consideration of the planning merits of the development proposed. Whilst certain consultees have not objected to the proposal this does not justify the harm I have identified.

Conclusion

16. Taking into account the above, I am firmly of the view that providing a small additional housing unit, albeit in a time of need, would not outweigh the design shortcomings of the scheme. Accordingly, the proposal in this case does not amount to sustainable development and the presumption in favour of such, as set out in the Framework, does not apply.
17. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Roy Merrett

INSPECTOR