
Appeal Decision

Site visit made on 4 April 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 11 May 2017

Appeal Ref: APP/G0908/W/16/3166313

Gavel Street/Sandy Lonning, Maryport, Cumbria, CA15 8AN

- 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 Rockford Holdings Ltd. against the decision of Allerdale Borough Council.
 - The application Ref 2/2016/0671, dated 11 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is outline application for 3 additional terrace dwellings and minor amendments to shared access approved as part of application 2/2016/0116 for 2 semi-detached town houses.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The planning application subject of this appeal is in outline with all detailed matters except access and layout reserved for future consideration.
3. An application for costs was made by Rockford Holdings Ltd. against Allerdale Borough Council. This application is the subject of a separate Decision.

Main Issues

4. I consider that the main issues in this case are the effect of the proposal on: the character and appearance of the street scene; and, the living conditions of neighbouring residents.

Reasons

Character and appearance

5. The appeal site occupies a prominent position at the junction of Gavel Street with the A596, which is a main road through Maryport. The relatively short southwestern boundary of the site fronts onto Gavel Street between a row of terraced dwellings to the southeast and the A596 to the northwest. Sandy Lonning runs alongside the northwestern boundary of the site to its junction with the A596. Hereabouts, the southeastern side of the A596 is predominantly characterised by 2-storey terraced dwellings of a traditional appearance. I understand that none are Listed Buildings, they are not sited within a Conservation Area nor are they the subject of an 'Article 4 Direction' removing permitted development rights. To the west of the site, on the other
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side of the A596, there are a number of large industrial buildings, with a plain appearance. However, their visual impact is limited, as they are located at a low ground level relative to the adjacent section of the A596, such that they are no more dominant in the street scene than the terraced housing opposite.

6. The proposed site layout plan indicates that the development would comprise a main block positioned at the western corner of the site, which would be linked to the western gable of the neighbouring terrace by an archway over an accessway at ground floor level, leading from Gavel Street to parking spaces in the northeastern section of the site. The plan suggests that the main block of development may be 2-3 storeys, with 1-2 storeys above the access arch.
7. As the planning application in this case is in outline with scale, appearance and landscaping reserved for future consideration, a full assessment of the likely impact of the proposal on the character and appearance of the street scene cannot be made at this stage.
8. Nevertheless, given the limited combined footprint of the proposed dwellings, in my judgement, it is likely that, in order to accommodate 3 units, the main block of development would have to contain 3 full storeys relative to Gavel Street and its roof level would be significantly higher than the eaves levels of the adjoining 2-storey terrace and other properties in the locality. This is consistent with the 'Massing Model' plan submitted in support of the planning application for illustrative purposes. In the absence of any compelling evidence to the contrary, I consider it unlikely that the appearance of the proposal could be detailed in a manner which would ensure it would not have the appearance of an awkward and obtrusive addition to the street scene, due to its likely scale and close spatial relationship to the adjoining 2-storey terrace. Furthermore, in light of the proposed layout, which positions the main block close to the western corner of the site, there is unlikely to be scope for landscaping sufficient to soften the visual impact of the development to any significant degree when seen from Gavel Street, the A596 and Sandy Lonning. Given the proposal would occupy a prominent corner position on a main route leading to and from the town centre, the harm would be significant.
9. I conclude it is likely that the proposal would have a significant detrimental effect on the character and appearance of the street scene. In this respect it would conflict with the aims of Policies DM14, S4 and S5 of the *Allerdale Local Plan, 2014* (LP), which require, amongst other things, development to respect and respond positively to the distinctive qualities of the location in keeping with the *National Planning Policy Framework* (the Framework), which seeks to ensure that development responds to local character.

Living conditions

10. Through the imposition of conditions to control reserved matters, it would be likely to be possible to ensure that windows serving the proposed units would not have an unacceptable impact on the privacy of neighbouring residents. However, the proposed site layout plan indicates that the main block would extend beyond the alignment of the main back wall of the adjacent end of terrace house, No. 4 Gavel Street, which appears to contain a habitable room window at ground floor level. Due to its close proximity, I consider that the main block would be likely to noticeably reduce the daylight received by that window.

11. I conclude that the proposal would be likely to have a material adverse impact on the living conditions of neighbouring residents, with particular reference to light. In this respect it would conflict with LP Policy S32, which seeks to avoid unacceptable impacts on residential amenity, in keeping with the aim of the Framework to secure a good standard of amenity for all existing and future occupants of buildings.

Other matters

12. The appellant has indicated that the site has been left derelict and abandoned for several years and, as such, it impacts negatively on the amenity of local residents and general sustainability of the wider area. However, in my judgement, views of the untidy and overgrown nature of the site are restricted for the most part to Sandy Lonning, as views from the A596 and Gavel Street are restricted by boundary fencing and the relatively low ground level of the site. The current condition of the site is unlikely to have a significant adverse effect on either the amenity of local residents or the general sustainability of the wider area. In any event, I give little weight to the untidy appearance of the site, as to do otherwise could give encouragement to landowners seeking a beneficial permission not to manage their land in a diligent manner.
13. The appellant has indicated that there have been 3 previous outline applications for the erection of dwellings on the area of land to the rear of the appeal site and that the absence of details of scale and appearance in those cases was not raised as a concern. However, based on the limited information provided, it appears that the circumstances of those cases were materially different from those in the case before me, not least as the appeal proposal would occupy a more prominent position as regards vantage points along Gavel Street and the A596.
14. The Council acknowledges that housing development on sites within Maryport, which includes the appeal site, is supported in principle by LP Policy S3. Furthermore, the site is within an area designated as Flood Zone 1, where housing development is appropriate, and the Council accepts that the proposed highway access to the site would be acceptable. I have no reason to take a different view. Nevertheless, in my judgement, the benefits of the scheme would not outweigh the harm that I have identified. Furthermore, it is unlikely that the provision of scale, appearance and landscaping details, either secured through the imposition of conditions or the submission of a more costly full, rather than outline, application for planning permission, would indicate that the harm I have identified could be satisfactorily mitigated.

Conclusions

15. I conclude on balance, that the proposal would be unlikely to amount to sustainable development under the terms of the Framework. It would be likely to conflict with LP Policy S1, which gives encouragement to sustainable development, and the Development Plan taken as a whole. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR