

Appeal Decision

Site visit made on 23 May 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 15 June 2017

Appeal Ref: APP/E0915/W/17/3168266

Stribers, 23 Newbiggin Road, Durdar, CA2 4UJ

- 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 S Wooldridge (Canvas Stretcher Bars) against the decision of Carlisle City Council.
 - The application Ref 16/0384, dated 28 April 2016, was refused by notice dated 21 October 2016.
 - The development proposed is the proposed demolition of existing domestic garage and erection of 4 / 5 bedroom detached residential property with attached garage on land, formerly the garden, and to the rear of Stribers, 23 Newbiggin Road.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application to which this appeal relates was refused with references to policies contained within Carlisle District Local Plan 2001 – 2016 and the emerging Carlisle District Local Plan 2015 – 2030 (CDLP). However, the Council have confirmed that the CDLP was adopted by the Council on 8 November 2016, that the policies set out therein are applicable in this instance and that it is those policies upon which the appeal should be assessed. I note that the appellant does not dispute this and I have therefore determined the appeal accordingly.

Main Issues

3. The main issues are the effect of the proposed development upon:-
 - The character and appearance of the surrounding area; and
 - The living conditions of occupants of neighbouring properties, with particular regard to outlook, daylight and sunlight and outdoor amenity space.

Reasons

Character and Appearance

4. Policy SP6 of the CDLP states that, amongst other design principles, proposals should respond to local context and the form of surrounding buildings in relation to density, height, scale, massing and established street patterns. CDLP policy HO3, referring to housing in residential gardens, also seeks to ensure that the scale, siting and design of the proposals in such circumstances would not result in a cramped form of development out of character with the surrounding environment. It goes on to state that proposals should integrate
-

- into their surrounding built, natural or historic environments in terms of design, siting and materials.
5. The appeal site lies within what was formerly part of the garden area of Stribers, a modest bungalow set within a large plot at the entrance to a more recent housing development known as The Willows. The generously proportioned spaces around Stribers, together with the limited proportions of the bungalow itself, create a sense of openness at the entrance to The Willows that manage to largely offset the substantial massing of the split-level dwelling on the opposite side of the entrance to The Willows.
 6. The Willows, a residential development of a character, appearance and layout typical of the late 20th century nonetheless has a pleasant, open feel about it. Front gardens are open plan and houses are generally set a consistent distance back from the carriageway edge, ensuring that it feels neither cramped nor oppressive. Notwithstanding the hit-and-miss timber boarded fence that sits atop the low boundary wall across the appeal site's frontage and around the southern and western boundaries of Stribers, the siting of existing dwellings and outbuildings – Stribers, the existing detached garage within the appeal site and the dwelling and attached garage at 14 The Willows – are such that there is a sense of openness at the entrance to The Willows that extends into the open-plan frontage layout of houses beyond.
 7. Although the main body of the proposed house would be set back behind the dwelling and attached garage at No. 14, the attached double garage would project significantly forward of both. The alignment of the road into The Willows relative to the appeal site and No. 14 would emphasise and exaggerate the extent of its projection but, at only 2.4 metres back from the appeal site boundary, it would have a jarring, incongruous and obtrusive presence at odds with the prevailing form and layout of properties within The Willows.
 8. The proposed dwelling's substantial two storey gable elevation would be a visually prominent feature at the entrance into The Willows. It would significantly erode the sense of space that I found to be evident at and around the appeal site, whilst the two storey gable elevation would have a starkly dominant presence looming over, at close quarters, the rear elevation of Stribers. As a consequence, it would intrude into and erode the pleasing vista experienced upon entrance into The Willows from Newbiggin Road.
 9. Together, these factors lead me to conclude that the proposal would have a jarring, incongruously obtrusive and conspicuously prominent presence at the entrance to The Willows that would be harmfully at odds with the overall character and appearance of that development, and also with that of Stribers. For these reasons, I conclude that the proposal would fail to achieve the standards of design sought by CDLP policies SP6 and HO3 and would thereby also fail to achieve the high quality of development sought as one of the National Planning Policy Framework's (the Framework) core planning principles¹ and in respect of its aims for good design².
 10. I acknowledge that the forward-projecting garage element of the proposal would incorporate a hipped pitched roof that would recede from its forward-most point which would thereby reduce the massing and bulk of the resulting

¹ Paragraph 17

² Paragraph 58

roof area. However, neither that nor the suitability of the proposed building materials would materially reduce or mitigate the unduly jarring prominence that I have found that the proposed dwelling would have, or otherwise persuade me that it would be an acceptable form of development.

Living Conditions

11. It is not clear to which of the neighbouring properties the Council is referring to in its refusal reason when it states that the proposal would result in a cramped, over-dominant and over-bearing form of development or one that would result in an unreasonable loss of daylight and overshadowing. Nor have I been referred to any stand-off distances or guidance on the siting and layout of residential development.
12. However, the Council's Statement of Case does confine its attention to Stribers and No. 14. Taking these in turn, the fence marking the sub-division of the appeal site from Stribers is positioned close to the north facing elevation of a single storey extension at the rear of the latter. There are, however, a number of windows across the rear elevation, in addition to which there is also a further window on the recessed original portion of the rear elevation. The outlook from the latter of these, which I am advised is a bedroom window, would be directly towards the gable elevation of the proposed dwelling. The other windows, which the drawings suggest serve an open-plan kitchen / dining / family room, although not directly opposing the gable elevation, would be only slightly offset from it.
13. As there would be only 7 metres between the face of the extension and the gable elevation of the proposed dwelling, the slight offset would not materially reduce what would be a sizeable, over-powering and over-bearing physical presence at the rear of Stribers. Although the Council have not referred to minimum stand-off distances or guidelines, in my judgement the relationship between the proposed dwelling and the rear of Stribers would be such that it would have a significant and over-bearing presence upon the outlook from the latter.
14. I agree that the proposed dwelling, by virtue of being positioned due north of Stribers, would not cause any direct overshadowing to the rear of that dwelling. However, that does not offset the harm that I find would arise from the scale and proximity of the proposed gable elevation to the rear of Stribers, and I conclude that that would be harmful to the living conditions and amenity of occupiers of that property. Thus, the proposal would be contrary to CDLP policies SP6 and HO3 and one of the Framework's core planning principles of always seeking to secure a good standard of amenity for all existing and future occupiers of land and buildings.
15. With regard to No. 14, the outlook from the rear of that property is across a generously proportioned rear garden in an easterly direction. From my observation of the site and its surroundings, the outlook from there is relatively open to the northeast beyond the opposing No. 22, and to the southeast between Nos. 21 and 22 to the southeast.
16. There would be a degree of offset between the rear faces of No. 14 and the proposed dwelling, in the region of 2.6 metres. However, the proposed dwelling is set off the boundary by 2 metres, whilst the closest element of No. 14 to the proposed dwelling is the rear of its attached garage. The degree of

offset between the two would not, to my mind, be excessive or out of the ordinary within a residential context and I am satisfied that as it would be the garage, rather than habitable room windows that would be closest, the proposed dwelling would not result in a cramped, over-dominant or over-bearing form of development when viewed from the rear of No. 14.

17. With regard to sunlight and daylight, the proposed dwelling would be located due south of No. 14. However, as stated above, the attached garage to the latter would mean that the majority of direct overshadowing would be to the garage and gable elevation of No. 14. There would be some additional overshadowing of the southern portion of the rear garden but, in the context of the rear garden of No. 14, I am not persuaded that that would be so significant, or materially harmful, as to justify the dismissal of the appeal.
18. I have also considered the relationship between the proposed dwelling and the adjacent dwellings at Nos 19, 21 and 22. The proposed dwelling would be visible from all, as they are from the appeal site. However, I am satisfied that all are sufficiently distant from the proposed dwelling so as not to be materially harmed in terms of outlook, sunlight, daylight or privacy. Whilst I have noted that the Council were not specific in terms of which neighbouring properties they considered to be affected, privacy or overlooking of any neighbouring property was not cited as a refusal reason and I have not been presented with any compelling reasons that would lead me to reach a different conclusion. However, that does not outweigh the harm to living conditions in respect of Stribers that I have identified above.
19. Finally, with regard to outdoor amenity space, I have not been directed to any development plan policy or guidance which states that amenity space has to be to the rear of a property. Whilst the existing timber fence significantly curtails the amount of space immediately to the rear of Stribers, there remains sufficient circulation space at the rear. More importantly however, the retained garden plot of Stribers remains large and is comparable, if not larger, than many of those around it. It is not the case that the proposal would result in there being no private amenity space at the existing dwelling and, in the absence of evidence to the contrary, I am not persuaded that what is retained is in any way unsatisfactory or insufficient. I find no conflict with CDLP policies SP6 or HO3 in this particular instance.

Other Matters

20. I have noted the references of both parties to a previously approved scheme for the development of two dwellings on the site of Stribers and the current appeal site. Whilst that permission has now expired, I note that the general principle of development in this location is not disputed. I recognise the intentions of the appellant to negotiate an alternative scheme but the scope of the current proposal and the presence of Stribers are such that I am satisfied that the context of the two proposals are not directly comparable and I afford this matter only limited weight.
21. A number of concerns have been raised regarding procedural matters during the Council's consideration of the planning application. However, such matters are not before me in the context of a section 78 planning appeal and I afford them limited weight.

Conclusion

22. For the reason set out above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR