
Appeal Decision

Site visits made on 5 and 14 July 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 26 July 2017

Appeal Ref: APP/G0908/D/17/3174083

40 The Beeches, Maryport, Cumbria, CA15 7AH

- 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 Darren Sewell against the decision of Allerdale Borough Council.
 - The application Ref HOU/2017/0015, dated 20 January 2017, was refused by notice dated 12 April 2017.
 - The development proposed is erection of a garden shed and a log cabin.
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Decision

1. The appeal is dismissed insofar as it relates to a garden shed. The appeal is allowed insofar as it relates to a log cabin and planning permission is granted for a log cabin at 40 The Beeches, Maryport, Cumbria, CA15 7AH in accordance with the terms of the application, Ref. HOU/2017/0015, dated 20 January 2017, and plans SL40TB-08-B, SL40TB-9-B and SL40TB-13 submitted with it, so far as relevant to that part of the development hereby permitted.

Procedural matters

2. The development for which planning permission is sought in this case has commenced and the planning application has been made retrospectively.
3. The 'access required site visit' initially scheduled on the 5 July 2017 was aborted, as access to the appeal site was not available, so it was re-scheduled and completed on 14 July 2017. Neighbouring properties were visited, as suggested by the Council, on 5 July 2017.

Main Issue

4. I consider that the main issue in this case is the effect of the appeal scheme on the living conditions of neighbouring residents, with particular reference to outlook.

Reasons

5. No. 40 is a detached bungalow with a back garden to the southeast. I understand that planning permission has previously been granted for the erection of a summer house in the southern corner of its back garden and it appeared to me that those approved works had commenced. The development for which planning permission is sought in this case involves the provision of a garden shed (GS) in the eastern corner of the back garden and a log cabin (LC) between the summerhouse and the bungalow.
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6. The partially complete GS is situated in the eastern corner of the back garden of No. 40, alongside parts of the fenced rear boundaries of Nos. 47 and 48 The Beeches. The shed has a mono-pitch roof which slopes up from the back to the front and overhangs its front wall by some distance. The roof levels, at the front and back, are well above the level of the top of the adjacent sections of fence line that enclose the small rear gardens of Nos. 47 and 48. Furthermore, the appeal site ground level around the GS appears to be higher than that of the adjacent sections of the gardens of Nos. 47 and 48 and significantly higher than the ground floor levels of those neighbouring dwellings. Due to its proximity and relative height, the GS has an overbearing appearance when seen from the small back gardens of Nos. 47 and 48 and it reduces the sky view from a number of the rear facing habitable room windows of those properties. I regard it as overdominant and unneighbourly.
7. Although the apex level of the southeastern gable of the garage of No. 39 is higher than the roof level of the GS, it is further from the rear elevations of Nos. 47 and 48, such that it does not dominate the outlook from those neighbouring properties to as great an extent. The apex level of the shed within the garden of No. 47 is significantly lower than the roof level of the GS. Whilst the appellant has indicated that the GS replaced a pre-existing garden shed, as it has been demolished, a detailed assessment of its impact on neighbouring properties cannot be carried out. However, based on the photographic evidence provided by the appellant, it was a pitch roofed structure within an eaves level only marginally higher than the top of the rear boundary fence of No. 47. Furthermore, it appears likely that its rear gable was positioned at an angle to that neighbouring fence line, rather than alongside it. As a result of these factors, I consider that it would not have been as visually intrusive as the GS when seen from Nos. 47 and 48.
8. The Council has indicated that if the height of the GS was reduced from around 2.8 metres to 2.5 metres, the resulting structure would be likely to fall within the scope of permitted development. The appellant has indicated this would be a likely course of action in the event of planning permission being withheld. However, in my judgement, such a reduction in roof height would be likely to noticeably reduce the adverse impact of the GS on the outlook of neighbouring residents and so the 'permitted development' fallback position does not weigh heavily in favour of the shed.
9. I conclude overall, that the appeal garden shed has a significant detrimental effect on the living conditions of the residents of Nos. 47 and 48 The Beeches, with particular reference to outlook. In this respect, it conflicts with Policies S32 and DM15 of the *Allerdale Local Plan (Part 1) 2014* (LP), which are consistent with the *National Planning Policy Framework* (the Framework) insofar as they seek to ensure a good standard of amenity for all existing and future occupants of land and buildings.
10. The LC appears, with reference to the application plans, to be complete. It backs onto a section of the fenced side boundary between the rear gardens of Nos. 40 and 41. Due to the limited rearward projection of the structure beyond the alignment of the main back wall of No. 41, it is unlikely to have had a material detrimental effect on the outlook from the rear facing windows of that neighbouring property or, given the relatively large garden area, the rear conservatory and back garden of the property.

11. I conclude that the effect of the appeal log cabin on the living conditions of residents of No. 41, with particular reference to outlook, is acceptable. In this respect the LC would not conflict with the aims of LP Policies S32 and DM15. The Council does not object to the LC and this adds further weight to my finding.

Other matters

12. The appellant has indicated that lowering the roof of the GS, so that it would fall within the scope of permitted development, would be likely to result in a flat roof, which would no longer be consistent with the mono-pitch roof style of the approved summerhouse and would be more difficult to drain. I give little weight to those concerns for the following reasons. To my mind, such a change of roof design would be unlikely to be noticeable from public vantage points, as the rear garden of No. 40 is surrounded by other dwellings, and so would be unlikely to affect the character or appearance of the area. Furthermore, in addition to the mono-pitch roof of the approved summerhouse, which has yet to be erected, the property already includes a variety of roof designs, including tiled, glazed and timber pitched roofs. Providing an adequate drainage solution for a small flat roof is unlikely to be unduly problematic.
13. The appellant has identified that, in comparison with development under permitted development rights, a grant of planning permission would enable the Council to exert greater control over the final appearance of the GS, which would provide neighbouring residents with some assurance that it would be finished to a high standard. However, I have no reason to believe that would not be the case in any event. The finishes already chosen and applied by the appellant elsewhere, such as the rear garden paving, are to a good standard. Therefore, I give this matter little weight.
14. Whilst the Council's decision to refuse to grant planning permission for the GS was against the recommendation of its planning officer, in my view, this does not alter the planning merits of the proposal upon which my decision is based. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issue.

Conditions

15. The Council has suggested one condition that it considers should be imposed in the event of any planning permission being granted. In the case of the LC, a condition requiring the development to be carried out in accordance with the approved plans would not be appropriate, in my view, as the LC is complete.

Conclusions

16. I conclude on balance that any benefits of the GS would be outweighed by the significant detrimental effect it has on the living conditions of residents of Nos. 47 and 48, with particular reference to outlook. The LC is acceptable. For the reasons given above, I conclude that the appeal should be: dismissed insofar as it relates to the garden shed; and, should be allowed insofar as it relates to the log cabin. I will issue a split decision to that effect.

I Jenkins

INSPECTOR