



Appeal Decision

Site visit made on 3 October 2017

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 9th October 2017

Appeal Ref: APP/Q9495/D/17/3178972

Dunaluinn, Kirkstone Road, Ambleside, LA22 9EL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr A Horrax against the decision of Lake District National Park Authority.
 - The application Ref 7/2017/5184, dated 15 March 2017, was refused by notice dated 18 May 2017.
 - The application sought planning permission for house alterations and upgrading including additional storey at first floor level, demolition and rebuilding of existing single storey side extension as two storeys and new freestanding garage without complying with a condition attached to planning permission Ref 7/2016/5703, dated 14 December 2016.
 - The condition in dispute is No 4 which states that:
(4) Notwithstanding what is shown on the approved drawings and forms, the roof of the extensions and garage hereby permitted shall be covered and maintained in local blue-grey slates (that is slates which have been mined or quarried in the Cumbria). Such slates shall be riven not sawn, and shall be laid in diminishing courses from eaves to ridge.
 - The reason given for the condition is:
(4) To ensure a satisfactory standard of appearance of the development by the use of traditional materials, in accordance with Lake District National Park Core Strategy (Local Plan Part One) Policy CS02 and Lake District National Park Local Plan 1998 Saved Policy BE1.
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Decision

1. The appeal is allowed and planning permission is granted for house alterations and upgrading including additional storey at first floor level, demolition and rebuilding of existing single storey side extension as two storeys and new freestanding garage at Dunaluinn, Kirkstone Road, Ambleside, LA22 9EL in accordance with the application Ref 7/2017/5184 dated 15 March 2017, without compliance with condition number 4 previously imposed on planning permission Ref 7/2016/5703 dated 14 December 2016 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 14 December 2019.
 - 2) The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:

- Location Plan and Proposed Site Plan, received by the Local Planning Authority on 12 October 2016;
 - Drawing no. 228 P2 (Proposed Plans and Elevations), received by the Local Planning Authority on 12 October 2016;
 - Drawing no. 228 P3 (Garage: Proposed Plans and Elevations), received by the Local Planning Authority on 12 October 2016;
 - Design and Access Statement (letter dated 11 October 2016 from Blyth Design LLP), received by the Local Planning Authority on 12 October 2016; and
 - Bat Survey prepared by Envirotech (ref. 3631, version 1), received by the Local Planning Authority on 12 October 2016.
- 3) The annexed accommodation hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as Dunaluinn and by the occupants of that property as a single planning unit. In the event that the accommodation is sold separately from Dunaluinn then the accommodation shall not be occupied pursuant to this planning permission.
- 4) The roof of the extensions and garage hereby permitted shall be covered and maintained in dark brown concrete tiles.

Background

2. Planning permission was granted for alterations to the existing house under permission ref 7/2016/5703. These alterations included the creation of an additional storey, a raised roof profile, and the creation of a new detached garage. The disputed condition required that the new roof be covered and maintained in traditional local blue-grey slates to match those used elsewhere in Ambleside.

Main Issue

3. The main issue is whether the disputed condition is reasonable and necessary in order to preserve the character and appearance of the area.

Reasons

4. The appeal property is located away from the historic core of Ambleside and is surrounded by a mixture of both modern and traditional properties. The site is in a fairly prominent position next to Kirkstone Road, which is an entrance point into the town.
5. The appeal site is not visible in longer views when approaching from the north east along Kirkstone Road. However, upon rounding the corner into Ambleside it is positioned next to the road and will become more prominent once the approved scheme is constructed. When viewed from this direction, the appeal site is seen mainly in the context of the modern properties immediately to the east, which have dark brown concrete roof tiles. Similarly, when approaching the site from the west, the properties along this side of Kirkstone Road, and to the rear, also have dark brown concrete roof tiles. Of the properties that adjoin the site, only those to the south have traditional slate roofs. However, these are set further down the hill and are not prominent when viewed from Kirkstone Road.

6. Whilst the approved alterations would create a house with an individual design, it would be seen primarily in the context of properties that have dark brown concrete roof tiles. This includes the larger detached properties to the south west that also have a more individual design. Accordingly, the use of such roof tiles would be consistent with the surrounding area.
7. For the above reasons, I conclude that the disputed condition is not reasonable or necessary in order to preserve the character and appearance of the area. Its removal would therefore not conflict with Policies CS02 and CS11 of the Lake District National Park Core Strategy (2010) and saved Policy BE1 of the Lake District National Park Local Plan (1998). These policies seek to ensure, amongst other things, that new development conserves the character and quality of the built environment and makes use of materials in keeping with the local vernacular tradition where appropriate.

Undisputed Conditions

8. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. As I have no information before me about the status of the other conditions imposed on the original planning permission, I shall impose all those that I consider remain relevant. In the event that one or more conditions have in fact been discharged, that is a matter which can be addressed by the parties.

Conclusion

9. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition, but substituting it with another, and restating those undisputed conditions that are still subsisting and capable of taking effect.

Thomas Hatfield

INSPECTOR