
Appeal Decision

Site visit made on 4 January 2018

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 11 January 2018

Appeal Ref: APP/Q9495/W/17/3181419

Field Head, Troutbeck Bridge, Windermere LA23 1HZ

- 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 & Mrs Charles and Anne Ingham against the decision of Lake District National Park Authority.
 - The application Ref 7/2017/5140, dated 2 March 2017, was refused by notice dated 30 June 2017.
 - The development proposed is a three bedroom dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises part of the garden area associated with Field Head which is a large detached dwelling. The site is positioned between Watermead and Mergarth and can be separately accessed from a field gate which is located on a private road to the south. The surrounding area to the north-west and north is open pasture land with that to the east and south west being predominantly woodland and Lake Windermere extends immediately to the west and south.
4. It is proposed to erect a detached three bedroom dwelling with an integral garage. The land slopes downwards from north to south: the proposed dwelling is designed to make use of the existing land contours to the extent that part of it would be single storey in height and part of it would be two storeys in height.
5. There is no dispute between the parties about the acceptability of the proposed dwelling in terms of its external appearance. I have no reason to disagree with the parties about this matter and I acknowledge that the appellant has tried to minimise the impact of the scale of the proposed development by means of opting for a split level dwelling utilising, as far as possible, existing land contours. However, design is a matter which includes more than the appearance of the development. It also requires a consideration of the

- development proposal in the context of the surrounding environment and the potential impact upon its character and appearance.
6. I have considered the representations made by the occupiers of neighbouring residential properties and taking into account land levels, separation distances and boundary vegetation, I do not disagree with the conclusion reached by the Council that the proposal would not have a significantly adverse impact upon the living conditions of the occupiers of neighbouring residential properties in respect of levels of light, privacy and outlook. In addition, I note the Council's comment that the proposal would help to address a pressure in the local housing market where the demand for three bedroom dwellings exceeds supply. This is a factor which weighs in favour of the proposal and, subject to the imposition of a planning condition, the development would accord with the housing need aims of Policy CS18 of the adopted Lake District National Park Core Strategy 2010 (CS).
 7. The principal issue relates to the effect of the proposal upon the character and appearance of the area. The appeal site falls within land defined as countryside in the CS and the nearest village is Troutbeck Bridge as identified in Policy CS02. This policy states that "*approximately 20% of development will be facilitated in villages*" and that "*development should be of a scale and nature appropriate to the character and function of the location in which it is proposed and 1 contribute towards meeting the needs of the local community, or 2 bring benefit to the local community, or 3 deliver sustainable tourism*". I have determined this appeal on the basis that I have not been provided with any evidence to indicate that the local planning authority cannot demonstrate a deliverable five year supply of housing sites.
 8. Policy CS03 of the CS states that in rural service centres, villages and cluster communities development should "*be within or relate well to the form of the settlement, to existing buildings in the settlement, and to utility and community infrastructure and protect, maintain or enhance the local distinctiveness, character and landscape setting of the settlement*". The appeal site falls within an area which is characterised by a relatively small scattering of large dwellings set within very spacious plots. A number of the dwellings are low in height and are set well back from the access roads. The scattering of dwellings are not conspicuous in the landscape and are set within a wooded and green environment. These characteristics are in direct contrast to the otherwise very built up area which is more closely aligned to the A591 including a public house, petrol filling station and school at Troutbeck Bridge.
 9. I agree with the Council that in landscape terms, the appeal site and its immediate environment represents a very noticeable visual transition from the more developed areas close to the A591. The built development around the appeal site is much more sporadic in relative terms and the appeal site relates very closely to the more open and rural pasture land to the north-west and to Lake Windermere to the south.
 10. I share the Council's view that the site is not within the village of Troutbeck Bridge which is more properly defined by the aforementioned more built up and contained development. Furthermore, and given the location and the visual characteristics of the appeal site and its immediate surroundings, I do not consider that the site/development relates well to the village of Troutbeck Bridge or indeed Troutbeck which is further afield. As part of my site visit, I

was able to see that there was a very clear sense of space between and around the scattered group of predominantly residential buildings in the immediate area (including large gardens) and that overall the locality was very bosky in appearance. The local environment is best described as semi-rural and green in appearance which differs from the more built up areas of Troutbeck Bridge and Windermere further afield. The aforementioned positive attributes give the appeal site and the local area its distinctive and semi-rural character.

11. In the context of the above, and by virtue of the scale and position of the proposed dwelling, I consider that the development would significantly detract from the sense of green and open space in the locality. Furthermore, the erection of a dwelling on the appeal site would seek to depart from and erode the more sporadic form of built development that exists in this semi-rural setting. I acknowledge that the dwelling would be energy efficient and that there would be no physical constraints to the development of the site for housing. However, I do not consider that the proposal would either conserve or enhance the character and quality of the local landscape and as such there would be direct conflict with Policy CS11 of the CS. Even if I had found that the site fell within, or related well to, the village of Troutbeck/Troutbeck Bridge, this would not have automatically meant that the proposal would accord with Policy CS03 of the CS. This is because the policy also requires such proposals to *"protect, maintain or enhance the local distinctiveness, character and landscaping setting of the settlement"*. For the reasons outlined above, the proposal would accord with these requirements.
12. At final comments stage, the appellant commented that *"Old Hall is closer to the Bowness and Windermere community than the Troutbeck community and is situated on the edge of the Bowness and Windermere settlement"*. I acknowledge that the appeal site is relatively close to the heart of these areas, but there is a clear distinction between the very built up areas of these settlements and the more sporadic and physically disconnected form of development that exists around the appeal site. The fact that the appeal site may be relatively close to Bowness and Windermere, particularly in terms of travel times, does not alter my view that the site falls within countryside and that it does not form part of these rural service centres. Even if I had found that the proposal related well to the rural service centres of Bowness and Windermere, the proposal would still fail to accord with Policy CS03 of the CS in so far that the development would not maintain or enhance local distinctiveness.
13. I note that my views above do to some extent echo the opinions expressed by an Inspector who dismissed an appeal for the erection of a dwelling on the site in 1985 (planning application reference No 7/1984/5334). I acknowledge that the planning policy position is different now, but nonetheless I do share the Inspector's view that *"the residential development which is served by Old Hall Road and in the vicinity of the appeal site is semi-rural in character and appearance forming a relatively isolated pocket of development in primarily rural surroundings alongside Lake Windermere"*. In addition, and whilst it has been necessary for me to reach my own view about whether the site falls within a village or rural service centre, I note that the Inspector also concluded that he did not consider the Old Hall Road development *"to be within the limits of a recognised settlement"*.

14. I conclude that whilst the proposal would seek to meet a social need for a three bedroom house, as well as delivering some economic benefits associated with the construction of a dwelling and the support given to the limited increase in the use of facilities and services in nearby settlements, these benefits are significantly and demonstrably outweighed by the fact that the proposed development would cause material harm to the character and appearance of the countryside. For this reason, the proposal would not accord with the design, landscape character and sustainable settlement hierarchy aims of Policies CS02, CS03 and CS11 of the CS and the Framework.

Conclusion

15. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

Daniel Hartley

INSPECTOR