
Appeal Decision

Site visit made on 17 April 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st May 2018

Appeal Ref: APP/M0933/W/18/3192950

The Cottage, 102 Stricklandgate, Kendal, Cumbria LA9 4PU

- 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 Anthony Lees against the decision of South Lakeland District Council.
 - The application Ref SL/2017/0813, dated 1 September 2017, was refused by notice dated 14 November 2017.
 - The development proposed is a single storey extension to dwelling to provide one self contained flat.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above reflects that amended plans were submitted to the Council before its determination which proposed a single storey extension to provide one flat. Accordingly, I have determined the appeal on that basis.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Kendal Conservation Area, and the effect on the living conditions of the occupiers of the adjoining residential properties with regards to their outlook and the visual impact.

Reasons

Character and Appearance

4. The appeal property is a 2 storey building with a gable ended roof. It is in residential use and is located to the rear of a building that fronts onto Stricklandgate. The garden area is abutted to the side boundary by a 3 storey building up to its eaves level. The garden also extends up to the narrow pedestrian access to the site and the gable end of a further 3 storey building is found in close proximity to this access.
5. The immediate area comprises of an irregular and close knit arrangement of buildings set behind Stricklandgate. The buildings, that are generally of a 2 or 3 storey height and are gable ended, are set around small private areas, narrow accesses and courtyards that provide relief to the high density of

- development. The form of the buildings, and the pattern interspersed by these spaces, appreciably contributes to the significance of the conservation area.
6. The proposal would be in contrast to the surrounding buildings with its single storey form and with its hipped roof. In addition, as it would extend up to the access and in front of much of the existing elevation of the property that faces the access, it would result in a significant loss of the garden area. Therefore, the function of this area as a space which contributes towards the separation between these buildings would be much diminished with the resultant increase in built form on the site. When these factors are taken together, the proposal would detract from the significance of the conservation area.
 7. The harm that would arise would not be addressed by the lack of visibility from public viewpoints as the forms of the buildings and the pattern of development forms an important contribution to the significance. As a consequence, the proposal would not conserve the designated heritage asset.
 8. The statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 concerning the desirability of preserving or enhancing the character or appearance of the conservation area is of considerable weight and importance. Having regard to the above, I conclude the proposal would fail to preserve or enhance the character or appearance of the conservation area.
 9. The proposal would also not comply with Policies CS8.2 and CS8.10 of the South Lakeland District Council, South Lakeland Local Development Framework Core Strategy (2010), and 'Saved' Policy S2 of the South Lakeland Local Plan (updated, 2007), which seek for proposals to protect, conserve and, where possible enhance local distinctiveness and settlement character; maintain or enhance the quality of the townscape; and take account of the South Lakeland Design Code, including in relation to character and context. It would also not comply with paragraph 17 of the National Planning Policy Framework (Framework), where it states that planning should always seek to secure high quality design.

Living Conditions

10. The elevation of the neighbouring building which abuts the site contains a number of windows which directly face over the garden. The building which is separated by the pedestrian access also contains a number of windows in its gable end which are orientated over the garden. These buildings are also in residential use.
11. As the proposal would be located in the garden, it would be in close proximity to these buildings. The windows on both buildings would face towards the proposal at a short distance. The outlook from, in particular, the ground and first floor windows of these buildings would be markedly restricted by the positioning, size and bulk of the proposal. The visual impact on these residential properties would be unduly harmed.
12. Whilst I acknowledge that due to the confined arrangement and the window positions, that the outlook from these windows on the buildings are largely reliant on the appeal site, I have to have regard to the site circumstances that are before me and the need to consider the effect on the living conditions of their occupiers. Similarly, in relation to the hedge that was previously adjacent

to the boundary, as it is no longer in place, it attracts only limited weight in my assessment of the living conditions. Concerning the multi-level accommodation in these buildings, this does not overcome the harm that would arise to the outlook and the visual impact from the ground and the first floor windows.

13. I conclude the proposal would have an unacceptable effect on the living conditions of the occupiers of the adjoining residential properties with regards to their outlook and the visual impact. As such, the proposal would not comply with paragraph 17 of the Framework, where it states that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

14. The proposal would make a contribution towards increasing housing stock in a town centre location and increase housing mix, by way of the type of accommodation. This attracts weight, albeit this is limited as one additional unit would be provided.
15. I also appreciate the amended plans that were submitted during the planning application have sought to address the Council's concerns. However, as I have set out, a single storey and hipped roof building would not be in keeping with the surroundings, and it would not address my concerns over the detrimental effect on the pattern of buildings interspersed with spaces in the conservation area, nor in relation to the effect on living conditions.

Conclusion

16. The proposal would fail to preserve or enhance the character or appearance of the conservation area and would have an unacceptable effect on the living conditions of the occupiers of the adjoining residential properties with regards to their outlook and the visual impact. This harm weighs significantly against the proposal. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm. For these reasons, the appeal should be dismissed.

Darren Hendley

INSPECTOR