
Appeal Decision

Site visit made on 14 January 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2019

Appeal Ref: APP/M0933/W/18/3212416
Ghyll Cottage, Leasgill, Milnthorpe LA7 7ET

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Burch against the decision of South Lakeland District Council.
 - The application Ref SL/2018/0281, dated 3 April 2018, was refused by notice dated 6 August 2018.
 - The development proposed is single dwelling with vehicular access.
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Decision

1. The appeal is allowed and outline planning permission is granted for a single dwelling at Ghyll Cottage, Leasgill, Milnthorpe LA7 7ET in accordance with the terms of the application, Ref SL/2018/0281, dated 3 April 2018, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. The application was submitted in outline with all matters reserved and I have considered the appeal on this basis. The application and appeal forms however describe the development as 'single dwelling with vehicular access'. A site layout plan which accompanies the appeal provides an indicative layout in order to demonstrate amongst other things that satisfactory access arrangements can be achieved. Clearly this plan is of assistance in helping to understand and appreciate the context of the development that the applicant desires and I have had regard to it so far as relevant to the proposal before me. However, this plan can only be considered as indicative as all matters have been reserved for agreement at a later stage. Consequently, I have removed reference to the vehicular access in the Decision.
3. The Council refer to Policy DM13 of the emerging South Lakeland Development Management Policies Development Plan Document (DPD) in the reason for refusal. Based upon the information before me, the plan appears to be at an advanced stage and this policy has no unresolved objections. Therefore, having regard to paragraph 48 of the National Planning Policy Framework (the Framework), I attach considerable weight to this policy.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the site and the surrounding area.

Reasons

Background

5. The appeal site has a planning history. This includes a similar application¹ for the erection of a single dwelling which was refused and dismissed at appeal². Subsequently, planning permission was granted for 2 detached dwellings immediately to the north of the appeal site which have now been constructed. It is against this context that the appellant submitted the planning application as he considers a material change in circumstances to have occurred since the previous appeal decision. This view is echoed in the Council's officer report which states that these new dwellings 'resets the basis on which development at Ghyll Cottage should be considered'.

Character and appearance

6. The appeal site is located in the centre of a Leasgill, a small rural hamlet that is mainly characterised by a linear pattern of development that runs along its central main road. Ghyll Cottage is one such property that fronts onto this road. The appeal site is set back from this road on land to the side and rear of Ghyll Cottage. A small private road leads down from the main road along the northern edge of the appeal site. This private road provides access to the 2 detached dwellings that have been recently constructed as well as 2 older dwellings, 1 and 2 The Croft, and a bowling green.
7. Upon inspection it was clear to me that the 2 recently constructed dwellings have undoubtedly changed the character and appearance of this central part of the hamlet by introducing new built development into an area that was previously open in nature. This has resulted in the loss of distant views to the south across the open space behind the appeal site.
8. In his consideration of the previous appeal³ on the site, the Inspector considered the position of the proposed dwelling to be '*at odds with the linear character of the immediate surroundings and other properties which retain a strong association with the main road*'. The 2 recently constructed dwellings have markedly altered this characteristic however owing to their location and the side gable relationship with the road; and consequently, the amount of any such harm that would have been brought about by development on the appeal site previously has now significantly diminished.
9. In view of this, the site now appears as an infill site, and although it represents a small gap in development, I do not believe that this is of such importance to the character and appearance of Leasgill that it warrants protection from development. On the contrary, the proposal would provide additional housing that would integrate well within the existing settlement pattern of the hamlet and would not lead to an unacceptable intrusion into the open countryside.
10. Therefore, the proposal would have an acceptable effect on the character and appearance of the site and the surrounding area, according with Policies CS1.2 and CS8.2 of the South Lakeland Core Strategy (October 2010). These policies seek to promote small scale infill developments in hamlets such as Leasgill, provided they do not affect the distinctive character of the settlement. It would

¹ Local Planning Authority Ref SL/2012/0371

² Appeal Ref APP/M0933/A/12/2181825

³ Ref APP/M0933/A/12/2181825

also be compliant with Policy DM13 of the DPD, which seeks to ensure that appropriate scale small-scale housing development that is well contained within existing landscape features, is physically connected to and integrates with the settlement.

11. The submitted site layout plan demonstrates that the appeal site is capable of accommodating a dwelling. Matters of detail would be agreed at the Reserved Matters stage and would ensure a satisfactory final form of development is delivered in accordance with Policy CS8.10 of the Core Strategy, which seeks to ensure the siting, design, scale and materials of all development should be of a character which maintains or enhances the quality of the townscape.
12. I also find it would be compliant with the Framework, which sets out the creation of high quality buildings and places is fundamental to what the planning and development process should achieve; and planning decisions should ensure that development are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change.

Other Matters

Highways and drainage

13. I have noted that in the Council's Officer Report concerns are raised regarding site access and drainage arrangements. Yet, such matters are not given as reasons for refusal on the decision notice. The combined Highways Authority and Lead Local Flood Authority (LLFA) consultation response suggests a number of conditions that could be imposed to secure a satisfactory form of development. Having paid due regard to such matters, I am satisfied that these details can be satisfactorily addressed at the Reserved Matters stage via the imposition of conditions.

Neighbour concerns

14. I have noted representations received from neighbouring residents, raising concerns that they consider the development proposed would adversely affect the privacy and outlook of adjacent properties. As set out above, such matters of detail would be able to be satisfactorily resolved at the Reserved Matters stage. An additional concern raised was that that the proposed site access would affect highway safety, including the safety of pedestrians using the footpath to the side. As the development proposed would only result in one additional dwelling, this would not result in a significant increase in vehicular movements and as such I consider it unlikely for any such conflict to occur. Again, as per their other concerns such details would be able to be satisfactorily resolved at the Reserved Matters stage.

Conditions

15. Whilst the Council has not formally submitted a suggested schedule of conditions in the event that the appeal is allowed, a combined consultee response was received in respect of the planning application from the Highways Authority and LLFA. This response included a series of suggested conditions to be used in the event of an approval. I have therefore considered these and have imposed them where they meet the tests set out in Paragraph 55 of the revised National Planning Policy Framework, amending where necessary for the sake of simplicity, clarity and precision.

16. I have attached conditions relating to the submission of reserved matters and the time limits associated with this to provide certainty. It will be necessary to prevent surface water runoff and ensure suitable drainage solutions have been investigated and implemented. As drainage works would take place underground and within the first phase of construction, it is necessary for these details to be agreed prior to commencement of the development.
17. It is also necessary to agree details of the materials to be used in the construction of the dwelling and boundary enclosures in the interests of the appearance of the development and to protect the character and appearance of the surrounding area.
18. With regards highways safety matters, I have attached conditions requiring the requisite visibility splays and the subsequent protection of these by preventing and planting / structures within these areas to ensure suitable visibility when exiting the site. A condition requiring the 5m access strip to be constructed in bound materials is also necessary, given that loose materials on the highway could lead to highway safety concerns. Finally, with regards highway safety matters, I have attached a condition requiring a vehicle turning space within the site, in order to ensure that vehicles can enter and leave the site in a forward gear. These matters can be satisfactorily addressed prior to the occupation of the dwellings.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed, subject to the conditions as set out in the attached schedule.

Jamie Reed

INSPECTOR

Schedule of Conditions

- 1) Details of the access, appearance, landscaping, layout, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) No development level shall take place until full details of the foul and surface water drainage systems have been submitted to and approved by the local planning authority in writing. Once agreed the relevant works shall be carried out in accordance with the approved details and maintained as such thereafter.
- 5) No development above ground level shall take place until samples and details of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 6) No development above ground level shall take place until a plan indicating the positions, height, design materials and type of boundary treatments, including gates to be erected have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and maintained as such thereafter.
- 7) No development above ground level shall take place until details of a 2.4m x 60m visibility splay has been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and maintained as such thereafter.
- 8) The development hereby approved shall not be occupied until details showing the provision of a vehicle turning space within the site, which allows vehicles to enter and leave the site in forward gear, have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details and retained thereafter.
- 9) The access drive shall be surfaced in bituminous or cement bound materials and shall be constructed and completed before the development is brought into use. This surfacing shall extend for a distance of at least 5 metres inside the site, as measured from the carriageway edge of the adjacent highway.
- 10) No structure or erection exceeding 1 metre in height shall be placed within the visibility splay referred to in condition 7.
- 11) No shrubs, trees or other vegetation shall be allowed to grow above 1 metre in height within the visibility splay referred to in condition 7.

*****End of Conditions*****