



Appeal Decision

Site visit made on 30 July 2019

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 August 2019

Appeal Ref: APP/G0908/W/19/3226768

Ellerbeck Brow, Brigham, Cockermouth CA13 0SZ

- 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 David Hill against the decision of Allerdale Borough Council.
 - The application Ref 2/2018/0532, dated 8 November 2018, was refused by notice dated 7 March 2019.
 - The development proposed is described as "residential development for 5 detached dwellings including associated infrastructure and landscaping."
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on (i) the character and appearance of the area and (ii) the living conditions of the occupiers of Hwyns and Brookside in respect of outlook, privacy, disturbance and noise.

Reasons

Character and appearance

3. The settlement of Brigham is characterised predominantly by residential properties. Whilst the settlement overall does not have a uniformed pattern or village edge, the entrance into the village at Ellerbeck Brow, adjacent to the appeal site, is characterised mainly by properties laid out in a linear fashion fronting onto the main road. It is this linear pattern of development leading to a denser arrangement of residential properties which contributes to the character of the area.
4. The proposal would introduce an incongruous development that would sit uncomfortably behind the properties that front onto the main road and would not merge well with the existing built development. The design of the proposed properties would be similar to other buildings in the area. However, the development would encroach into the countryside and extend the built form of the settlement, eroding the distinctive linear character and pattern of the immediate area.
5. The development would be partly screened by the existing trees to the east and it is noted that a detailed landscape scheme has been submitted which includes the retention of existing landscape features. The proposal would introduce large dominant buildings that would be visually intrusive from

surrounding properties and from parts of Ellerbeck Brow road which would be to the detriment of the area.

6. I have had regard to the list of existing developments referenced in the appellants statement in paragraph 3.6, some of which are residential developments. I do not consider these other developments to be directly comparable to the appeal proposal particularly in respect of location and relationship with the layout of existing buildings. I have also had regard to the previous planning application¹ and appeal decision² and note that the scheme is different to this proposal with regards to site size, design and density. I have assessed the proposal subject of this appeal on its own merits. I note that the settlement is described as a Local Service Centre however, this does not alter my assessment of the proposals harm to the character and appearance of the area.
7. I therefore find that the proposal would have a harmful effect on the character and appearance of the area. The proposal would be contrary to Policies S1, S3, S5 and DM14 of the Allerdale Local Plan Part 1 2014 (ALP) and the National Planning Policy Framework (the Framework) which, amongst other things, seeks development to reinforce and respect existing development pattern and should not detract from the character of a settlement.

Living conditions

8. The proposed properties would be located a significant distance from the neighbouring properties of Hwyns and Brookside. I note that these existing properties have windows which overlook the appeal site and also have narrow gardens directly adjacent to the site. However, given the proposed size, position and location of the properties including a proposed landscaping strip adjacent to the boundaries of Hwyns and Brookside, the proposal would not adversely compromise the living conditions of the occupiers of these neighbouring dwellings with regards to outlook and privacy.
9. I note that the proposed access and estate road would run close to the property of Brookside with the conservatory/dining area of this property most likely to be affected. I do not consider that the amount of traffic associated with five residential properties would lead to a level of noise or disturbance that would harmfully affect the living conditions of the occupiers of Brookside. I note comments made by the Inspector on the previous appeal decision² however I do not consider that scheme represents a direct parallel to the proposal subject of this appeal, including in respect scale of development and number of traffic movements. In any case, I have determined this appeal on its own merits.
10. The proposal would not have a harmful effect on the living conditions of the occupiers of Hwyns and Brookside in respect of outlook, privacy, disturbance and noise. The proposal would accord with Policies S4 and S32 of the ALP and the Framework which seeks development to safeguard the amenities of existing properties.
11. Whilst I have found that the proposal would not adversely affect the living conditions of neighbouring occupiers this would not outweigh the harm I have identified to the character and appearance of the area.

¹ Local Planning Authority reference: 2/2012/0660

² Planning Appeal reference: APP/G0908/A/13/2193690

Other matters

12. A signed legal agreement has been submitted which provides a commitment to affordable housing provision and maintenance of common areas and facilities on the site. Although these matters are a benefit, I do not consider that it would outweigh the harm I have identified in respect of the detrimental effects on the character and appearance of the area.
13. A number of concerns have been raised, including highway safety issues with the proposed access, lack of services to support the scheme, flooding and drainage and effect on local wildlife. I have given careful consideration to these matters, some of which could be capable of being addressed by planning conditions, but they do not lead me to a different overall conclusion on the main issues.

Planning Balance

14. The appellant considers Policies S3 and S5 of the ALP to be out of date and indicates that paragraph 11 of the Framework is engaged. If this was the case then the presumption in favour of sustainable development shall apply and the proposal should be approved without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole.
15. In terms of the Framework's three overarching objectives, there would be some social and economic benefit in providing five additional homes including some affordable housing provision. Whilst all contributions have a value, it is noted that those offered by five dwellings would be relatively limited and would not make any decisive difference to the viability of the village.
16. Good design and protecting the environment are also key aspects of achieving sustainable development. There would be harm to the character and appearance of the area. The proposal would not respect the built form, introducing a discordant development that would be visually intrusive. In terms of the harmful effect on character and appearance, the proposal therefore contradicts paragraph 127 a) and c) of the Framework.
17. Taking account of the above factors, the adverse impacts of granting permission would significantly and demonstrably outweigh the relatively limited benefits, when assessed against the policies in the Framework taken as a whole. Therefore, the proposal cannot benefit from the presumption in favour of sustainable development. There are no other material considerations to indicate that the proposal should be determined otherwise than in accordance with the development plan. I have already identified significant conflict with relevant development plan policies.

Conclusion

18. I conclude that for the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Chris Baxter

INSPECTOR