



Appeal Decision

Site visit made on 14 January 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2020

Appeal Ref: APP/G0908/D/19/3236390

Fairlawns, Central Road, Dearham, Maryport CA15 7HE

- 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 Chris Dawes against the decision of Allerdale Borough Council.
 - The application Ref HOU/2019/0133, dated 28 May 2019, was refused by notice dated 21 August 2019.
 - The development proposed is a single detached garage to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the site visit I observed that the development described above has been partially carried out. I have therefore dealt with the appeal on the basis that the development has, in part, already occurred.

Main Issue and Reasons

3. The main issue is the effect of the development on the living conditions of the neighbours at Kilinside, with particular regard to their outlook.
4. Kilinside is a single storey bungalow located to the side and rear of the appeal property. A rear facing bedroom window at Kilinside looks directly out onto the shared boundary with the appeal property, where the single storey flat roofed garage has been partially built. The outlook from this window is already restricted due to the relatively short distance between the two properties and the fact that the appeal site is on higher ground. The Council advise that the side elevation of the garage is approximately 5.2 metres from the rear facing bedroom window at Kilinside. The appellant does not dispute this.
5. Once complete, the side elevation of the garage would rise above the eaves height of Kilinside and extend along the boundary by approximately 7.4 metres. This would introduce a large blank elevation that would harmfully dominate the outlook from the rear facing bedroom window at Kilinside, resulting in an overbearing and oppressive form of development. These effects would also be experienced from the rear garden area of Kilinside and thereby significantly diminishing the residents' enjoyment of their property.

6. I acknowledge that the appellant has offered a reduction in the overall height of the proposed building. This reduction would take it to a height of 140mm above what could be achieved under permitted development. However, due to the change in land level between the two properties and the short distance between the window and the garage, this does not overcome the harm I have found.
7. The circumstances of this case are such that even a building at this location erected to a height allowed under permitted development is likely to be harmful to the living conditions of the neighbouring residents at Kilnside. Consequently, this fallback position would be a less harmful proposition than the appeal scheme and does not, therefore, weigh in favour of the appeal proposal.
8. The lack of objection from the current occupiers of Kilnside does not outweigh the harm I have found, as the living conditions of future occupiers must also be safeguarded. I also acknowledge the appellant's assertion that the current proposal is the minimum height to provide a usable garage for their work purposes. However, this is of limited weight and does not override the harm I have found.
9. In conclusion, the proposal would have a significant harmful effect on the living conditions of the neighbours at Kilnside, with regard to their outlook. This is contrary to Policies S2, S32, DM14 and DM15 of the Allerdale Local Plan (Part 1), adopted July 2014, which together seek to achieve high standards of design that safeguard the amenity of existing and future residents. As a consequence, the proposal is also contrary to the associated policies of the National Planning Policy Framework.
10. For the reasons I have set out, the appeal is dismissed.

J M Tweddle

INSPECTOR