



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: 13 February 2020

Appeal Ref: APP/G0908/W/19/3236758

11 Oaktree Crescent, Cockermouth CA13 9HR

- 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 Dave Bodecott against the decision of Allerdale Borough Council.
 - The application Ref FUL/2019/0175, dated 1 July 2019, was refused by notice dated 28 August 2019.
 - The development proposed is described as: 'Removal of garage attached to No.11 Oaktree Crescent to widen site access. Construction of private access drive and parking area. Construction of new single storey dwelling'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect of the development on the character and appearance of the surrounding area, and;
 - The effect of the development on the living conditions of the occupiers of adjacent residential properties, with particular regard to noise and disturbance.

Reasons

Character and appearance

3. The appeal site currently forms the rear garden of 11 Oaktree Crescent, a semi-detached two storey dwelling. The garden area is of a somewhat irregular shape and layout, extending beyond the rear of the neighbouring properties at Nos. 9 and 7 Oaktree Crescent and also sharing a boundary with the rear of properties along Cherry Lane and Castlegate Drive. The surrounding area is predominantly characterised by semi-detached dwellings which are neatly laid out in an orderly manner and front towards the street.
4. The proposal would introduce a single storey dwelling into the rear garden area, thereby introducing a form of backland development that would be completely at odds with the orderly manner of development described above. Moreover, it would break the existing characteristic pattern of development

formed by dwellings fronting the street. As a result, it would be an obvious and harmful departure from the established surrounding pattern of development.

5. Given the spacious nature of the site and the spacing around the proposed building, I do not consider that the proposal would be an overdevelopment of the site. I also accept that the dwelling would not be widely visible from the street. Nevertheless, it would be visible to a number of neighbouring residents from their rear gardens and rear facing windows, which look out across the site, and would therefore appear as an incongruous form of development in stark contrast with the existing urban grain. Furthermore, the proposed development, by reason of its narrow access drive and back garden position, would fail to integrate with the existing street scene.
6. Consequently, the proposed development would have a harmful effect on the character and appearance of the surrounding area. It would therefore conflict with policies S1, S2, S4, S5 and DM14 of the Allerdale Local Plan (Part 1) which together seek to achieve sustainable development, with high standards of design, that responds positively to the character of its location and integrates well with existing development.
7. In this regard, the proposal would also be contrary to policies of the National Planning Policy Framework (the Framework) which require developments to add to the overall quality of the area and be sympathetic to local character.

Living conditions

8. Vehicular access to the proposed dwelling would be via a new private drive to be constructed between Nos. 11 and 9 Oaktree Crescent. This would be a long drive with a width of approximately 4.1 metres with the dwelling situated at the end of the drive and facing onto a parking and turning area that would serve the property. To facilitate this, the existing garage at No.11 would be demolished and a new boundary established to separate the garden of No.11 from the new access drive.
9. The proposed access drive would run immediately adjacent to the flank walls of Nos. 11 and 9 and along the entire length of the side boundaries of their private rear gardens. Although the number of vehicle movements associated with a single dwelling would not be large, the close proximity of the access drive to these adjacent dwellings and their private gardens would exacerbate any disturbance caused by passing vehicles. Furthermore, the proposed access would also result in increased noise at the rear of the adjacent dwellings from vehicles starting up, manoeuvring within the site, vehicle doors opening and closing, the operation of vehicle audio systems and the general movements associated with residential occupation. This noise and disturbance would be experienced largely from neighbouring rear private gardens where residents might reasonably expect lower levels of noise.
10. The appellant suggests that a similar situation could be achieved by developing a new access drive alongside the property leading to the rear garden where a large garage could be constructed as permitted development associated with the existing dwelling. However, in this scenario the occupants of No.11 would control vehicle movements and activities and this is unlikely to adversely affect their own living conditions. Furthermore, such activities would only be associated with the existing property and occupants of No.11, yet the proposal would intensify residential occupation of the site with greater harmful effects.

Accordingly, this would not offer a comparable situation and it does not therefore alter my findings in this regard.

11. I conclude that the proximity of the proposed access drive is such that noise and disturbance from vehicles using the access would have a significant harmful effect on the living conditions of the occupiers of the adjacent residential properties. It would therefore conflict with policy S32 of the Allerdale Local Plan (Part One) which does not support proposals where they would have an unacceptable effect on residential amenity. In doing so, it would also fail to provide the high standards of amenity required by the Framework.

Other Matters

12. The host property has been vacant for over two years and the appellant is of the view that it has deteriorated to an uninhabitable state. They argue that the proposal would enhance the marketability of the property for sale and thereby facilitating its refurbishment. It has also been put to me that the property would have a low carbon footprint, be in a sustainable location and would be of an appropriate density and mass for the site. However, these matters would not outweigh the harm I have found in this case and do not, therefore, lead me away from my conclusion.

Conclusion

13. For the reasons I have set out, the appeal is dismissed.

J M Tweddle

INSPECTOR