
Appeal Decision

Site visit made on 13 January 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th February 2020

Appeal Ref: APP/E0915/W/19/3239338
13, River Street, Carlisle, Cumbria CA1 2AL

- 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 Jeffrey Dickinson against the decision of Carlisle City Council.
 - The application Ref 19/0538, dated 7 May 2019, was refused by notice dated 11 October 2019.
 - The development proposed is described as erection of outbuilding to rear of property with roof terrace above.
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Decision

1. The appeal is dismissed in so far as it relates to a roof terrace and spiral staircase. The appeal is allowed in so far as it relates to the erection of an outbuilding to the rear of 13, River Street, Carlisle, Cumbria CA1 2AL in accordance with the terms of the application Ref 19/0538, dated 7 May 2019, so far as relevant to that part of the development hereby permitted and drawing numbers JJD001-S1A, JJD001-S3A and JJD01-S4A, and JJD01-S5A so far as relevant to that part of the development hereby permitted.

Procedural Matter

2. In the interests of clarity I have removed reference to the development being "part retrospective" as it does not form part of the substantive description of development.
3. At the time of my site visit the development had already commenced and was substantially complete. I have therefore determined the appeal on that basis.
4. Notwithstanding the description of development on the application form and banner heading above the proposal also includes an external spiral staircase as shown on the accompanying plans ref: JJD001-S1A, JJD001-S3A and JJD01-S4A and I have determined the appeal on this basis.

Main Issues

5. The main issues in this appeal are i) the effect of the proposal on the character and appearance of the area and; ii) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy.

Reasons

Character and Appearance

6. The appeal property is a traditional two storey, mid-terraced property with a short front garden fronting a cobbled street and a rear yard opening onto a narrow alleyway. The rear yard is bounded by a solid brick wall of approximately 1.8 metres in height.
7. The outbuilding occupies a relatively large proportion of the rear yard, it is full width and extends from the rear boundary approximately 6.5 m towards the rear elevation of the house. It is finished in white render that matches the existing rear outrigger and its scale, bulk and appearance are in keeping with the the host property and the wider area. I note that the Council has raised no specific objections to the outbuilding, and I have no reason to disagree with this view. Consequently, with regards to the outbuilding, I find no conflict with the character and appearance aims of policies SP6 and H08 of the Carlisle District local Plan 2015-2030 (LP).
8. The flat roof of the outbuilding has been developed as a roof terrace. Accessed via an external spiral staircase it is finished in a contemporary style with glass balustrading and astro turf flooring. Due to the height, scale and materials the roof terrace is extremely conspicuous and appears as an alien feature in the otherwise very traditional street scape. Consequently, I consider it to be an addition that is harmful to the character and appearance of the area. Thus, failing to accord with LP policies SP6 and H08 which collectively seek to, amongst other things, promote good design that reinforces, responds to and maintains the established character of the area.

Living Conditions

9. The outbuilding is single storey in height and of solid construction with one door opening out onto the rear alley way and another opening into the retained area of the yard which separates the outbuilding from the host dwelling. In addition, there is a window facing towards the host property which affords the building with natural light and ventilation. The orientation of the building, the tall boundary walls and positioning of the openings mean that the building itself does not give rise to any privacy issues caused by overlooking. I am therefore content that the outbuilding element of the proposal does not conflict with the privacy aims of LP policies H08 and SP6. I also note that the Council has not raised an issue in this regard.
10. Notwithstanding the above, the position and height of the roof terrace affords its users with open and unrestricted views into the external amenity space of the adjoining neighbours on either side of the host property and to a lesser extent those further along the terrace of houses. Due to the height and proximity of the roof terrace to the rear elevation of the terrace there are also views into the rear windows of the closest houses. I therefore consider that the addition of the roof terrace gives rise to an unacceptable loss of privacy for the occupiers of the neighbouring properties.
11. I acknowledge the fact that the external areas of the host property and its neighbours are already overlooked to an extent by existing first floor windows of the neighbouring properties. Nonetheless, the proximity, height and openness of the roof terrace gives rise to an increased level of overlooking to such an extent that I consider that it causes material harm.
12. Accordingly, I find that the proposal has a significantly detrimental affect on the living conditions of the occupiers of the neighbouring properties and

thereby fails to accord with LP policies H08 and SP6 which seek to amongst other things, protect the residential amenity of surrounding properties and areas.

Other Matter

13. The appellant has brought to my attention the presence of a large dormer window at a property further along the street with particular reference to overlooking. This development is entirely different to that subject of this appeal and therefore not directly comparable. However, whilst I accept the window will provide views into the external outdoor amenity spaces of neighbouring properties, they would be at an oblique angle and a much further distance than those arising from the proposed roof terrace.
14. At the time of my site visit I was able to see one other roof terrace within relatively close proximity of the appeal site and I note the appellant's reference to this within the appeal documents. I do not have the precise details of this development or the others in the local area to which the appellant also refers and I understand from the Council's submissions that they may not have been granted planning permission. Nevertheless, I must determine this appeal on its own merits and the presence of other developments within the vicinity, whether comparable to the appeal proposal or not do not justify the harm that I have identified.

Conditions

15. As the outbuilding has already been built, there is no requirement to impose planning conditions.

Conclusion

16. The appeal proposal includes three distinct elements. The single storey outbuilding to the rear of the host property does not cause harm to the character and appearance of the area or the living conditions of the occupiers of neighbouring properties with particular regard to privacy. It is therefore acceptable. This development is clearly severable from the remainder of the scheme which includes the roof terrace and spiral staircase as it is physically and functionally independent. Therefore, I shall issue a split decision in this case, and allow the single storey outbuilding but dismiss the appeal insofar as it relates to the roof terrace and spiral staircase.

J Hunter

INSPECTOR