

Appeal Decision

Site visit made on 18 February 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2020

Appeal Ref: APP/G0908/W/19/3242280

Birralee, 1 Branthwaite Lane, Seaton CA14 1HD

- 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 Mrs A Walker against the decision of Allerdale Borough Council.
 - The application Ref OUT/2019/0015, dated 26 April 2019, was refused by notice dated 10 June 2019.
 - The development proposed is described as "proposed new bungalow".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Outline planning permission is sought with all matters reserved. I have determined the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposal on the character and appearance of the surrounding area and the effect of the proposal on the living conditions of the occupiers of neighbouring properties.

Reasons

Character and appearance

4. The surrounding area is characterised predominantly by large residential properties on spacious plots. Whilst individual plots and gardens vary in size in the wider surrounding area, the pattern of development along Main Road remains uniform with properties set back from the road. The uniformed layout and spacious housing plots makes a positive contribution to the character of the area.
5. The proposal would introduce development that would result in the loss of the spacious garden area of 1 Branthwaite Lane (No 1) which would be at odds with the built form of the surrounding area.
6. The proposal is in outline however an illustrative sketch plan has been submitting indicating a proposed layout. This layout shows the proposed property set forward of the front building line of the existing property at No 1 and therefore the proposed property would appear as an intrusive feature that would be out of keeping with the existing pattern of development.

7. The proposed development would have a harmful effect on the character and appearance of the surrounding area. The proposal would therefore be contrary to Policies S1, S2, S3, S5 and DM15 of the Allerdale Local Plan which seeks development to not detract from the character of a settlement.

Living conditions

8. The proposed development would have a small outdoor amenity space and would also result in a significant reduction in the garden area for No 1. Outdoor space for residential properties is important to meet the demands of everyday life for occupants, providing an area for relaxation as well as essential activities.
9. The proposal would result in small garden areas for both the proposed property and the bungalow of No 1 and would not be sufficient space to accommodate the occupiers of both of these properties. The lack of suitable outdoor private amenity space would give the properties an oppressive feel that would have a detrimental effect on the living conditions of the occupants of the new property and No 1.
10. The property of No 1 has windows in the front and side elevation. The proposed property would be in close proximity to these windows of No 1 and therefore the proposal would appear as a dominant structure which would adversely compromise the outlook from the windows of No 1.
11. I note that the proposal has sought to achieve adequate separation distances between the proposed property and existing properties and whilst the privacy of neighbouring occupiers may not be adversely affected, this would not outweigh the harm I have identified above with regards to outlook and amenity space.
12. The proposal would therefore have a harmful effect on the living conditions of the existing and future occupiers of the proposed property and No 1 with regards to amenity space and outlook. The proposal would be contrary to Policies S1, S2, S5, S32 and DM15 of the Allerdale Local Plan which seeks proposals to ensure a good standard of amenity for existing and future residents and not detrimentally harm the amenity of occupants of neighbouring properties.

Other matters

13. I have had regard to the appellants statement of case including the schemes at 29 Fitz Road¹ (No 29) and 80 Windmill Lane² (No 80). However, I do not consider these schemes to be directly comparable to the proposal subject of this appeal, particularly with regards to location and type of development. In any case, I have determined the appeal on its own merits. The appellant has suggested that the existing property No 1 could be extended and then subsequently converted into a separate dwelling. I have determined the appeal on the proposal which was refused planning permission and any further development at the appeal site would be a separate matter.
14. I note that the principle of development for housing in the village of Seaton is accepted and that there are no objections to the scheme in terms of highways,

¹ Local Planning Authority References: 2/2017/0161 and VAR/2019/0021

² Local Planning Authority Reference: 2/2017/0602

access, parking and flooding. There are no objections from local residents and the scheme would provide suitable refuse storage facilities. I also note that the appellant wishes to downsize the existing bungalow at No 1. These matters however would not outweigh the harm that I have identified above with regards to character and appearance, and living conditions of future and existing occupiers.

Conclusion

15. For the reasons set out above, and having regard to all other matters raised the appeal should be dismissed.

Chris Baxter

INSPECTOR