



Appeal Decision

Site visit made on 23 June 2020

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 July 2020

Appeal Ref: APP/Z0923/W/20/3246227

108 Victoria Road, Whitehaven, Cumbria CA28 6JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant permission in principle.
 - The appeal is made by Mr Roy Donan against the decision of Copeland Borough Council.
 - The application Ref 4/19/2246/PIP, dated 3 July 2019, was refused by notice dated 15 August 2019.
 - The development proposed is described as "Residential Development".
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Decision

1. The appeal is allowed and permission in principle is granted for the development described as "Residential Development" in accordance with the terms of the application Ref 4/19/2246/PIP, dated 3 July 2019.

Procedural Matters and Main Issue

2. As set out in the Planning Practice Guidance (PPG), the Town and Country Planning (Permission in Principle) (Amendment) Order 2017 (the Order) is an alternative way of obtaining planning permission for housing-led development which separates the consideration of matters of principle for the proposed development from the technical detail. Planning permission does not exist unless both the permission in principle and the technical details are approved.
3. This appeal relates to the first of these 2 stages. The scope of the first stage, that is to establish whether a site is suitable in principle for development, is limited to location, land use and the amount of development. As the appeal does not relate to technical details, I have taken the submitted plans to be illustrative only, showing what a residential development on this site might look like.
4. In respect of residential development, an applicant can apply for permission in principle (PIP) for a range of dwellings by expressing a minimum and maximum number of net dwellings as part of the application. In this instance, permission in principle has been sought for the erection of 1-5 residential dwellings at the appeal site. For the avoidance of doubt, I have determined the appeal on that basis, having regard to the requirements of the above referenced Order and the PPG.
5. The main issues are the effect of the proposed development on the character and appearance of the area and on highway safety, with particular regards to access.

Reasons

Character and appearance

6. The appeal site consists of land to the rear of 108 Victoria Road, the site is generally sloping with some levelled ground. The site is bound by built development on two sides, by the rear of properties fronting on to Victoria Road and by properties on Rosemary Close. With the remaining boundaries consisting of open grassed and wooded land.
7. At the site visit I saw that the site is generally concealed from views from Victoria Road by the properties that front on to it. The appellant has submitted an image taken from South View Road that shows a long-distance view of the appeal site and at the site visit I saw that the proposed development would be viewed in the context of the adjacent existing built development of the settlement.
8. Consequently, by virtue of the modest scale of the proposed development, the relationship of the appeal site to existing built development and acknowledging that the submitted plans show only a potential scheme, I am satisfied that on the basis of the evidence before me the proposed development will not harm the character and appearance of the area.
9. I therefore find that the proposed development is not contrary to Policy ST1, ENV5 and DM10 that, amongst other matters, relate to design principles and the protection of landscapes.

Highway Safety

10. The submitted plans show that access to the proposed development would be via the existing driveway and would also incorporate the garage and driveway of no.108.
11. Cumbria County Council, the Local Highway Authority (LHA), objected to the application referring to concerns about the visibility splays for the access to both the east and west along Victoria Road. The appellant has provided pre-application correspondence with the LHA that, while overall more positive, raised concerns that were not dissimilar to those raised in respect of the application. The LHA response specifically referred to the sightlines interaction with the garden of 110 Victoria Road, a telegraph pole and a lighting column. Furthermore, the response also requested specific additional information and evidence to support the proposals to overcome these concerns.
12. As detailed previously, the appeal scheme seeks permission in principle only. As such, the principle of the development, that is location, land use, and the amount of development are at issue only, other matters are considered at technical detail consent stage.
13. On the basis of the evidence before me I find that the concerns raised in respect of highway safety, with particular regards to access, while not unreasonable are nonetheless technical details to be considered at the second technical detail consent stage. Therefore, I find that the proposed development is not contrary to criteria C of the Council's Interim Housing Policy

and the proposal complies with the provisions of paragraphs 108 and 109 of the National Planning Policy Framework.

Conclusion

14. For the reasons given above, I conclude that the appeal should be allowed.

Mark Brooker

INSPECTOR