



Appeal Decision

Site visit made on 29 June 2019

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23 July 2020

Appeal Ref: APP/M0933/D/20/3244336

35 Hayfell Avenue, Kendal LA9 7JH

- 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 and Mrs Roger Ladhams against the decision of South Lakeland District Council
 - The application Ref SL/2019/0846, dated 16 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is described as a 'single storey extension to the front of the property to create a sun room'.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

1. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the surrounding area; and (ii) the living conditions of the occupants of No. 37 Hayfell regarding privacy and outlook.

Reasons for the Recommendation

Character and appearance

2. The appeal site is located in the Hayfell Avenue cul-de-sac. The surrounding area is characterised by its residential use and dwellings in the cul-de-sac vary in style, scale and design. However, the dwellings retain an overall level of consistency in terms of character, with a notable simplicity in shape along the front elevations. The appeal property forms part of a pair of semi-detached dwellings with gardens to the front, which have a similarity in design and a shared, linear building line along the front elevation.
3. The proposed development comprises a single storey extension to the front of the appeal property within the garden space. It would represent a sizeable addition to the front elevation, altering the current simple shape. While the proposal would be constructed from materials to match the current external appearance at the appeal site, it would nonetheless lead to a reduction in the consistency present between

the pair of semi-detached dwellings by altering the simple building line at the properties and appearing as an awkward and out of place addition.

4. The proposal would also represent the first example of a front extension in the cul-de-sac. Due to its location close to the entrance to the street, views of the proposal would be particularly prominent when entering and exiting this section of Hayfell Avenue, where it would be experienced alongside the more modest road facing elevations and simple front building lines present. This would serve to further highlight the incongruous nature of the proposal and the resulting uncharacteristic shape of the appeal property as a whole in the area.
5. For all of those reasons I find that the development would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. Accordingly, it would fail to comply with Policy DM2 of the Local Plan Development Management Policies for South Lakeland District outside the Lake District and Yorkshire Dales National Parks, March 2019 and Policies CS8.2 and CS8.10 of the South Lakeland Local Development Framework Core Strategy, adopted 20 October 2010, which seek to encourage a high level of design that maintains the character of the surrounding area.

Residential amenity

6. Due to its positioning the proposed development would look directly onto the front gardens of the adjoining properties at No. 37, through a window on the east elevation. While the proposal would look onto and directly abut these front gardens, due to the open nature of the estate it would not have a significantly adverse impact on the living conditions of these residents as a result. The garden does not benefit from a high level of privacy at present and the introduction of the proposal would therefore lead to little change in this regard. In addition, the views from the front, south-facing elevation of both the garden and dwelling at No. 37 would remain unchanged. As such, the proposal would not significantly impact upon the outlook or privacy of the occupiers of these dwellings in an adverse manner.
7. I therefore find that the development would not have a significantly adverse visual effect on the living conditions of the occupiers of No. 37 Hayfell Avenue with regards to outlook and privacy. Accordingly, it would comply with Policy DM2 of the Local Plan Development Management Policies for South Lakeland District outside the Lake District and Yorkshire Dales National Parks, March 2019, which seeks to ensure that development creates a positive relationship with surrounding uses.

Other considerations

8. I note the reason for the proposal in terms of providing downstairs living space for the occupant coupled with a wheelchair accessible entrance. This would assist with meeting the needs of the appellant, and indeed any future occupants with mobility impairments and I do not dispute the appellant's case on this issue. I must also have due regard to the Public Sector Equality Duty contained in Section 149 of the Equality Act 2010, which requires me to consider the need to eliminate unlawful discrimination, to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics include a person's disability or age. It does not follow from the PSED that the appeal should succeed. However, I am required to have due regard to the duty in arriving at my decision.

9. I do not doubt that the proposals would facilitate better access to the property. Nonetheless, their ability to access the dwelling must be balanced with the significant adverse impacts of the proposal identified earlier. I am not persuaded that there are no alternatives to the proposal, including amended internal ground and first floor layouts or other forms of extension, that could deliver substantially the same benefits without conflict with the development plan. Therefore, while I acknowledge the personal circumstances of the appellant, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of the first main issue.

Conclusion and Recommendation

10. Having had regard to all matters raised, I find that the development would not have a significantly adverse visual effect on the living conditions of the occupiers of No. 37 Hayfell Avenue with regards to outlook and privacy but that it would have a significantly adverse visual effect on the character and appearance of the host building and the surrounding area. I therefore recommend that the appeal should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

C Searson

INSPECTOR