
Appeal Decisions

Site visit made on 4 June 2020

by R Morgan MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 August 2020

Appeal A Ref: APP/A2335/W/20/3244451

Land adjacent to Stonehaven, Bay Horse Lane, Bay Horse, Lancaster LA2 0HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Mr & Mrs Armer against the decision of Lancaster City Council.
 - The application Ref 19/00631/REM, dated 20 May 2019, sought approval of details pursuant to condition No 1 of planning permission Ref 18/01583/OUT, granted on 6 February 2019.
 - The application was refused by notice dated 16 July 2019.
 - The development proposed is the erection of two dwellings (C3) and associated access.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Appeal B Ref: APP/A2335/W/20/3244457

Land adjacent to Stonehaven, Bay Horse Lane, Bay Horse, Lancaster LA2 0HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of an outline planning permission.
 - The appeal is made by Mr & Mrs Armer against the decision of Lancaster City Council.
 - The application Ref 19/01247/REM, dated 2 October 2019, sought approval of details pursuant to condition No 1 of planning permission Ref 18/01583/OUT, granted on 6 February 2019.
 - The application was refused by notice dated 12 November 2019.
 - The development proposed is the erection of two dwellings (C3) and associated access.
 - The details for which approval is sought are: appearance, landscaping, layout and scale.
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Decision

1. Appeal A is dismissed.
2. Appeal B is allowed and the reserved matters are approved, namely details of appearance, landscaping, layout and scale submitted in pursuance of condition No 1 of outline planning permission Ref 18/01583/OUT, granted on 6 February 2019, subject to the conditions set out in the attached schedule.

Main Issues

3. For both appeals, the main issue is the effect of the proposal on the character and appearance of the area.

4. For Appeal A only, there is an additional main issue concerning the effect of the proposal on the living conditions of future occupiers, with particular regard to overlooking and privacy.

Reasons

Character and appearance

5. Whilst there is no detailed design code for the area, Policy DM35 of the Local Plan Development Management Development Plan Document 2014 (DMDPD) sets out clearly the design principles that will be taken into account in decision making, which include siting, layout, palette of materials, separation distances, orientation and scale. Application of the policy requires an assessment as to how proposals contribute to the character and local distinctiveness of the area.
6. The appeal site is an undeveloped piece of land fronting onto Bay Horse Lane. There are a number of other properties along this rural lane, including houses in single or small groups, and a few commercial buildings including a pub. There is considerable variety in the style, size and age of buildings in the area, but the local character is strongly defined by simple, rural style of the majority of the buildings, and the common use of local materials, specifically stone or render with slate roofs.
7. The properties along Bay Horse Lane are generally well separated from each other in wide plots, many with agricultural land between them. Some are set back from the road with landscaped front gardens, others front directly onto the road or are positioned at an angle to it.
8. Both of the appeal proposals involve the erection of two detached houses, which would be set back from the road with an area of hardstanding at the front for parking. As previously approved at the outline application stage, the houses would share a centrally positioned access. There are significant differences between the two appeals in terms of scale, siting, appearance and landscaping, so I have dealt with them separately in relation to their effect on character and appearance.

Appeal A

9. Outline permission has previously been granted for two houses on the appeal site, and given its overall size, it is inevitable that any two detached houses would be reasonably close together. However, the proposed houses in Appeal A would be of substantial size and would occupy the majority of the width of the plot, with a gap of around 4.5 metres between them. The significant scale and mass of the houses, and the limited separation between them, would result in the appearance of an overly large, solid block of development when approaching along the lane.
10. Turning to the appearance of the dwellings, both houses in Appeal A would have projecting two storey elements at the front, with one of the units having an integral front garage. These features, and their associated doors and windows, would add complexity to the elevations which would be more characteristic of a suburban, rather than rural, setting.
11. The proposed houses in Appeal A would be formed of brick and tile, with some render to the rear. Although the adjoining bungalow, Stonehaven, has brick on the side elevation, this is a relatively uncommon material in the buildings in

this area. The appearance of the houses in Appeal A would not be unattractive, but due to their scale and massing, their suburban style and the use of brick rather than stone on the front elevations, they would appear overly prominent and out of character in this rural area.

12. Many of the houses along the lane have areas of hardstanding for parking in the front gardens or at the sides of houses. These are generally softened with planting. In Appeal A, the large area of tarmac hardstanding at the front of the property and the use of timber fencing as a boundary treatment between the houses would further contribute to the houses having a strongly suburban character which would appear incongruous in this rural area. I acknowledge that the retention of the existing substantial hedge along the front boundary would help to mitigate the appearance of the area of hardstanding. However, there would be nothing to stop the hedge from being reduced in height in future, which would lessen its scope to screen the area.
13. The appellant has made reference to other large houses along Bay Horse Lane, including two houses which were recently permitted and were under construction at the time of my site visit¹. However, those properties are set in larger plots with substantial gaps between them, and the design and materials of the houses better reflect the character of the area than the houses proposed in Appeal A.
14. I conclude that Appeal A would cause harm to the character and appearance of the area. It would conflict with DMDPD Policy DM35, which requires new development to contribute positively to the character of the area through good design, having regard to local distinctiveness. There is further conflict with DMDPD Policy DM28, which requires that, outside of protected landscapes, development will be supported where it is appropriate to its surroundings in terms of siting, design, materials, external appearance and landscaping, and DMDPD Policy DM42 which sets out general requirements for rural housing including good siting and design.
15. There is further conflict with the design objectives set out in section 12 of the National Planning Policy Framework (the Framework). The provisions of section 15, regarding the conservation and enhancement of the natural environment, are of limited relevance to this proposal.

Appeal B

16. The footprint and height of the two houses in Appeal B would be less than in Appeal A, and the reduced width would enable a larger gap between them, providing a greater sense of separation. I note the Council's concerns about the size of the properties and the lack of space between them, but the submitted drawings show a gap of almost 8 metres between the houses, with space retained around the sides of the buildings. Although still fairly large, the properties in Appeal B would appear as distinct dwellings which would sit comfortably within the site and the wider rural setting.
17. The front elevations proposed in Appeal B have been simplified and the projecting elements significantly reduced, to better reflect the rural character of the surrounding buildings. Rather than using brick, the front elevations would be natural random stone, with render to the side and rear. The roof

¹ Planning application ref 18/01373/REM

- would be of grey slate rather than tiles. This simplified design and the use of more traditional materials would result in a scheme which would appear far more sensitive to its setting than that proposed in Appeal A.
18. Unit 1 of Appeal B would incorporate a long, flat roofed single storey rear projection, but this would be largely screened from view by the proposed boundary fence and hedging. As such, this element of the building would not cause undue harm to the character of the area.
 19. Unit 2 would have a long stair window to the side of the front door, and windows of different sizes at ground floor level. Although unusual, the stair window would add interest and a contemporary element to the otherwise fairly simple design, and the overall impression would be harmonious and not unattractive.
 20. In both appeals, each property would have a single chimney stack, located at the side of the dwelling. In Appeal B, the chimneys would be formed of stone which would be set against the render of the side elevation. I acknowledge the Council's concerns about the prominence of the proposed chimneys and agree that it would be preferable if they were reduced in height and located on the ridge. However, similar features are not uncommon in the area and the chimneys would not be sufficiently large or prominent to cause significant harm to the character of the area.
 21. In Appeal B, the houses would be moved forward on the plot so that the area of hardstanding would be reduced. This would also have the advantage of increasing the depth of the rear garden area to provide a useful and useable area of private amenity space. Although there would still be a significant area for parking at the front of the site, this would be softened by the proposed use of gravel, areas of soft landscaping and hedging between the houses. Subject to the use of appropriate materials, the appearance of the front garden area would be acceptable, even if, in future, the front boundary hedge were to be reduced in height.
 22. I note the Council's concerns about the lack of space for turning in unit 2 of Appeal B, and the potential for areas shown for soft landscaping to be converted for such a use to avoid the need to reverse onto the highway. I acknowledge that turning may be tight with larger vehicles, but there is nothing to suggest that it would not be possible, and there is no objection from the highways officer on highway safety grounds.
 23. I note Council's reference to a recent appeal decision relating to a proposal for outline permission for two dwellings on Bay Horse Lane². Although I have not seen the full details of that case, I have had regard to the comments made about the character of the area. However, the principle of development has already been accepted in the case before me, and there is nothing in the previous appeal decision which leads me to consider that the proposals in Appeal B would not be acceptable.
 24. For Appeal B, I have found that the proposal would not cause undue harm to the character and appearance of the area. Consequently, there is no conflict with DMDPD Policies 35, 28 and 42, or with section 12 of the Framework.

² Appeal ref: A///A2335/W/19/3239464

Living Conditions – Appeal A

25. Both units in Appeal A would have rear balconies which would stretch for the full width of the house. No screening to the sides of the balconies is proposed. Given the close proximity of the houses to each other, the balconies would enable overlooking from each property to the rear gardens of their neighbour. Whilst there would be a degree of mutual overlooking from the upstairs windows of each property, the balconies would provide an unrestricted field of view into the neighbouring property. This would allow greater scope for overlooking than from the upstairs windows, with the associated loss of privacy.
26. I conclude that Appeal A would cause harm to the living conditions of future occupiers with regard to overlooking and privacy. It would conflict with DMDPD Policy 35 which requires that proposals have no detrimental impact on amenity. There would be further conflict with section 12 of the Framework which also seeks to protect amenity.
27. DMDPD Policy 28, concerning the protection of the landscape, and Policy 42 regarding rural housing, are not applicable to this second main issue.

Conclusion and Conditions

28. For the reasons given, I conclude that Appeal A should be dismissed and Appeal B allowed.
29. The Council has provided a list of suggested conditions which I have assessed in light of the advice in the Planning Practice Guidance³.
30. In addition to the standard condition setting out the timescale for implementation, a condition specifying plans is required in the interests of certainty. Conditions requiring details and samples of materials, and details and maintenance of soft landscaping, are required in order to safeguard the character and appearance of the area. In addition, a condition requiring the first floor bathroom window on the north east elevation of unit 2 to be obscure glazed is necessary to protect the privacy of the occupiers of the neighbouring property. There would be no corresponding first floor window on unit 1.

R Morgan

INSPECTOR

³ Paragraph: 003 Reference ID: 21a-003-20190723

Appeal B - Schedule of conditions

- 1) The development hereby permitted shall begin not later than 2 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Location plan
5616-P02 Rev B – Proposed roof plan
5616-P04 Rev B – Unit 1 floor plans and elevations
5616-P05 Rev A – Unit 2 floor plans and elevations
5616-P06 – streetscene.
- 3) No development above ground shall commence until the following details / samples have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples and shall be retained as such thereafter.
 - Details and samples of stone and render to be used on the external elevations;
 - Details of all windows and doors including the design, material and finish of the window frames and doors and the amount by which they will be recessed from the face of the outer wall;
 - Details and samples of roofing materials and details of ridge, verge and eaves;
 - Details and sample of heads, cills and quoins;
 - Details of rainwater goods;
 - Details of porch/canopy;
 - Details of solar panels;
 - Details of other external surfacing materials; and
 - Details of boundary treatments.
- 4) No development above ground shall commence until details of the soft landscaping of the site (including wherever possible the retention of existing trees and hedges) and its maintenance regime have been submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be implemented in the first planting season following completion of the development, or following first occupation, whichever is the earlier, and maintained at all times thereafter in accordance with the approved maintenance regime.
- 5) Prior to occupation of unit 2, the first floor window in the north east elevation shall be fitted with obscure glazing and retained as such thereafter.