



Appeal Decision

Site visit made on 4 August 2020

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 August 2020

Appeal Ref: APP/Z0923/D/20/3248074

9 The Crofts, St. Bees, CA27 0BH

- 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 David Brown against the decision of Copeland Borough Council.
 - The application Ref 4/19/2427/0F1, dated 4 December 2019, was refused by notice dated 14 February 2020.
 - The development proposed is a double storey extension to the front and new raised terrace with balustrade.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposal would safeguard the living conditions of the neighbouring occupiers of No. 7 The Crofts, having regard to privacy.

Reasons

Character and appearance

3. The appeal site is located at a prominent point within the street scene at a junction between the main access road running through the development and a short cul-de-sac. The wider residential development is situated on a comparatively steep slope, with neighbouring dwellings to the north-west set at a considerably lower level.
4. I observed a key part of the character of the wider development is of dwellings being set back from the road frontage behind driveways or gardens, albeit that there is a certain degree of variation in the extent of any setback with other features including hedgerows, planting and low boundary walls or fences also present, including fencing to the rear garden on the appeal site. However, the appeal property and Nos. 1-7 The Crofts exhibit a consistency in terms of the overall extent and spaciousness of setback and absence of any substantial scale of development. I find this contributes positively to the character and appearance of the locality.

5. The proposed two-storey extension would significantly erode the spaciousness and freedom from development currently provided by the front garden to the appeal property and would introduce a substantial scale of development in its stead. Whilst I recognise that there would be a certain amount of garden remaining once the development was completed, albeit that it's contribution to openness would in part be limited due to proposed fencing, the proposal would appear as a substantial addition protruding within the street scene. Despite the justified incorporation of design cues from the host dwelling, the extension would appear as a prominent addition to the dwelling within the street scene, with the use of timber cladding further emphasising the prominence and adverse visual impact of the proposal in the context of the area.
6. Therefore, I conclude that the proposed extension would result in an adverse effect on the character and appearance of the area. This would conflict with Policies ST1, DM10 and DM18 of the Copeland Local Plan 2013-2028: Core Strategy and Development Management Policies DPD (the LP). These policies seek to ensure that development is of a high standard of design, and retains and enhances locally distinctive places by responding positively to the character of the site and the immediate and wider setting through appropriate scale and massing of residential buildings and extensions, and careful selection and use of building materials.

Living conditions

7. The proposal would also introduce a raised terrace and balustrade adjacent to the new extension within the rear garden, as well as bi-folding doors. In this regard I have noted the relationship with No. 7 The Crofts (No. 7) and in particular the differences in elevational levels between the proposal and the adjoining dwelling, as well as the proximity of a conservatory to the rear of No. 11 The Crofts. However, whilst I observed the presence of a single first floor window in the side elevation of No. 7, this window is considerably offset from the proposed terrace and extension and despite the difference in levels and observed proximity, I do not agree with the Council that the proposal would have the contended harm with regards to loss of privacy.
8. I therefore conclude that the proposal would safeguard the living conditions of the neighbouring occupiers of No. 7, having regard to privacy. In this respect, there would not be conflict with Policies ST1, DM10, DM12 and DM18 of the LP, which seek to ensure that development safeguards good levels of general and residential amenity, maintains standards for residential development, and would not create potential privacy or overlooking problems for the residents of adjacent dwellings.

Conclusion

9. Whilst I have had regard to the contended improvements to the internal function of the dwelling from the extension, and have found the relationship with neighbouring occupiers at No. 7 to be acceptable, the adverse effect on the character and appearance of the area justifies the decision to dismiss the appeal.

Martin Seaton

INSPECTOR