



Appeal Decision

Site visit made on 30 June 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 October 2020

Appeal Ref: APP/E0915/D/20/3249077

Kirk Lodge, Heads Nook, Brampton CA8 9AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Jill Archibald against the decision of Carlisle City Council.
- The application Ref 19/0883, dated 20 November 2019, was refused by notice dated 13 January 2020.
- The application sought planning permission for Erection Of Single Storey Extensions To Provide Additional Living Accommodation To Rear With Utility And W.C. To Side; Provision Of First Floor Dormer To West Elevation To Accommodate 1no. Bathroom; Erection Of First Floor Roof Balcony To Rear (Part Retrospective) without complying with a condition attached to planning permission Ref 18/1128, dated 25 April 2019.
- The conditions in dispute are Nos 1 and 2 which state that:
 1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
 1. the submitted planning application form, received 19 Dec 2018;
 2. the Location and Block Plan (Dwg No. 18-382-DWG010 Rev B), received 14 Jan 2019;
 3. the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), received 13 Mar 2019;
 4. the Proposed Elevations Plan (Dwg No. 18-382-DWG003 Rev E), received 13 Mar 2019;
 5. the Notice of Decision; and
 6. any such variation as may subsequently be approved in writing by the Local Planning Authority.
 2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), the 1.8m high continuous obscure glazed screen at the northwest elevation of the balcony (facing Cairnville) and the 0.5m wide obscure glazed screen return at the southwest elevation of the balcony, as shown on the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), shall be obscure glazed to factor 3 or above and thereafter retained as such. The obscure glazed screen shall be installed prior to the completion of the balcony and thereafter retained as such.
- The reason given for the conditions are:
 1. To define the permission.
 2. In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

Decision

1. The appeal is dismissed.

Procedural Matter

2. When on my site visit, I observed that the works had already been completed.

Main Issue

3. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the conditions are reasonable and necessary in the interests of the living conditions of neighbouring occupiers, having particular regard to matters of privacy and outlook.

Reasons

Character and Appearance

4. The appeal property is a single storey detached dwelling situated on the edge of Heads Nook, a small predominately residential village set within a wider rural landscape. To the rear it has a ground floor rear extension with a roof terrace on the first floor above it. This roof terrace has a border railing consisting of glazing with metal posts and railings approximately 0.5 metres in height to the rear and side. The roof terrace is enclosed by a side panel comprising timber slats measuring approximately 1.8 metres in height and 0.2 metres wide. Each of these slats are fixed to the frame on alternate sides meaning that there are gaps between them. At the time of my site visit what appeared to be a temporary green covering had been fixed to the side of the timber facing the main part of the terrace presumably to provide additional screening due to the presence of the gaps between the timber slats.
5. Given its height, scale and design the proposed timber privacy screen/side panel would not match the other means of enclosure on the roof terrace which are a combination of metal posts with glazed panels. I therefore consider that it represents poor design and an incongruous addition to the roof terrace which has an adverse visual impact on the street scene and wider area.

Effect on Privacy and Outlook

6. The adjacent neighbouring property 'Cairnville' is a detached two storey dwelling with a long ground floor extension to the rear of the property on the other side of the garden from the shared boundary with the appeal property and a large conservatory close to this shared boundary. On my site visit I observed that the room furthestmost to the rear of the ground floor extension was a bedroom. Cairnville also has a large rear garden with stepped ground floor levels and a seating area comprising a decked area and patio located close to the shared boundary with the appeal property.
7. Consequently, given its scale, height, massing and proximity to the shared boundary I consider the proposed timber screen to be an imposing addition to the host property creating an increased sense of enclosure for neighbouring occupiers when using the seating areas in the garden and also the conservatory.

8. I acknowledge that there is a gap of approximately 1 metre between the appeal property and the shared boundary, however given the size and massing of the proposal this is not enough to mitigate the harm it causes to the living conditions of the neighbouring occupiers.
9. Furthermore, given the gaps in the timber slats and the fact that the screen would not be set back 1 metre from the shared boundary I also consider that the proposal would allow overlooking of the seating areas in the garden of Cairnville, its rear conservatory and also the bedroom located to the rear of the ground floor extension. Indeed, I could clearly see this bedroom window when standing on the roof terrace close to the timber panelling.

Other Matters

10. In support of the appeal scheme the appellant has pointed out that no objections from any other residents in the village have been submitted. However, this does not alter my findings with regard to the living conditions of the neighbouring occupiers of Cairnville and the character and appearance of the area that I have identified above.
11. The appellant has also stated that in future they may develop a first-floor rear extension over the footprint of the roof terrace that the neighbouring occupiers could find '*more overbearing*' than the timber panel. However, this is not a matter for me to determine in this s78 appeal.

Conclusion

12. I therefore conclude that the proposal conflicts with Policies SP6 and HO8 of the adopted Carlisle District Local Plan 2015-2030 and paragraphs 127 and 130 of the National Planning Policy Framework. As a result, I also conclude that conditions nos. 1 and 2 attached to planning permission Ref 18/1128, dated 25 April 2019 are reasonable and necessary. Accordingly, for the reasons set out above I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR