



Appeal Decision

Site Visit made on 13 October 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 December 2020

Appeal Ref: APP/Q9495/W/20/3255662

Building Rear of 16 Church Street, Keswick, CA12 4DT

- 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 I Ridehalgh against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2001, dated 13 January 2020, was refused by notice dated 3 March 2020.
 - The development proposed is Demolition of a semi-derelict workshop/store building and construction of a 1 bedroom local needs dwelling following refusal of planning application 7/2019/2149.
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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

3. The main issues are:
 - 1) The effect of the proposal on the character and appearance of the area and whether it would preserve or enhance the Keswick Conservation Area (KCA);
 - 2) Whether the proposal provides for satisfactory living conditions for existing occupiers in regard to outlook, overshadowing, and outdoor amenity space;
 - 3) Whether the proposal provides for satisfactory living conditions for future occupiers in regard to outlook, internal living space and outdoor amenity space; and
 - 4) The effect of the proposal on parking provision in the vicinity of the appeal site.

Reasons

Character and appearance

4. The appeal site sits to the rear of No. 16, a traditional two storey semi-detached dwelling with a two-storey flat roof rear addition. It comprises a single storey outbuilding which is separated from No. 16 by a pedestrian gate. Its front elevation contains solid timber doors and shutters. At the rear is a

small yard which is bound by timber fencing and which overlooks a small access lane which services the rear properties overlooking Ratcliffe Place. The appeal building adjoins a similar outbuilding albeit this is two storeys with single storey rear addition which extends out to the common boundary with Ratcliffe Place.

5. The existing appeal building opens out onto George Street which is a narrow lane taken off Church Street and Ratcliffe Place. Directly opposite the site is a short terrace of three, two-storey residential units with the remaining properties along George Street being a mix of rear elevations of residential dwellings, gardens and commercial buildings.
6. The site sits within the KCA, its significance of which derives, in so far as it relates to this appeal, from the presence of traditional buildings, faced in traditional and locally-sourced materials and which sit in close proximity to each other in a historic street pattern.
7. Whilst George Street and the rear of Ratcliffe Place are not unattractive, they are not, in my view, central to the distinctive character of the wider KCA, including the outstanding character of the traditional two and three storey properties which appear prominent in the surrounding streets. The appeal building, with its plain façade, single storey form and non-domestic use, and its siting in a narrow lane, is not, in my view, fundamental to the distinctive character of the KCA.
8. The proposal to demolish the existing single storey outbuilding and replace it with a two storey, one-bedroom dwelling, subject to its design, scale and form, would not, therefore, in my view significantly alter the character and appearance of the existing pattern of development along this lane or the wider KCA.
9. The proposed dwelling would sit below the ridge of the adjoining building and whilst its front façade would, as a result of the introduction of the ground floor window and door opening, appear more domestic in appearance, it would as a result of its scale and form remain as a subsidiary building within this part of the lane.
10. Its blank façade at the rear and above ground floor level at the front ensures that it does not appear overtly domestic and the limited window openings would be characteristic of the other facades in this part of the area. The proposed facing materials of stone and render would also be typical of the surrounding area, particularly those seen in the adjoining building and No. 16 and No. 18.
11. At the rear the proposal would have a catslide roof with the eaves being set slightly lower than the ones on the adjoining outbuilding. It would have a rendered rear wall that would sit adjacent with the common boundary, again this feature would be similar to that of the adjoining building. It would retain an element of small yard which would accommodate refuse bins and this area would be bound by timber fencing.
12. The visual impact of the proposals along George Street would be limited to views taken from George Street itself and from short views in Church Street. Views of the rear would be limited to the rear of properties overlooking the site currently in Ratcliffe Place and again from short views taken from Church

Street. The design, scale, form and use of materials ensures that it would remain proportionate to the appeal site, the adjacent building of which it is attached and the surrounding area where development is densely developed and in the main comprises of two storey buildings. Consequently, the effect of the proposal, as a result of its design, scale and form, on this particular part of the KCA, and the KCA taken as a whole, would be a neutral one.

13. Having regard to the above findings I find the proposed development would not cause harm to the character and appearance of the area or the KCA. As such the proposal would comply with Policies CS10, CS11 and CS27 of the Lake District National Park Local Development Framework Core Strategy including Proposals Map (2010) (CS) and saved policy BE11 of the Lake District National Park Local Plan 1998 (the LP), the requirements of which seek development to conserve and enhance the character and historic values of an area and which reinforce local distinctiveness. As the significance of the CA would not be harmed, the development would also avoid conflict with the National Planning Policy Framework's (the Framework) historic environment conservation requirements.

Living Conditions – Existing Occupiers

14. The proposed flank wall of the development would be located in close proximity to the rear elevation of No. 16 and No. 18. A number of windows are contained within the rear elevations of these neighbouring properties, including a large glazed window at first floor of No. 16. This existing first floor window would be the closest to the first floor element of the proposal and whilst I observed that this window contained oblique glazing and, it is not clear whether this room services a habitable room, the proposal would be constructed opposite and in close proximity to it. Only a short distance would separate other windows in the rear elevation of No. 18. As a result of the increase in height the proposal would appear substantial and overbearing in this context, notwithstanding that its height would reduce at the rear as a result of the catslide roof. Its flank wall would appear as a prominent and imposing structure which would significantly enclose the area and impact on the outlook of existing occupiers.
15. The orientation of the existing and proposed building would cause an element of overshadowing and loss of natural daylight and sunlight particularly as the flank wall would be in close proximity to the rear elevation of No. 16. Whilst the level of harm would not be as great to No. 18, as a result of its set back position and the proposed cat slide roof, I consider any degree of overshadowing and loss of natural daylight and sunlight would be considered detrimental to the occupiers of these dwellings, given the tightly packed nature of the area. The outlook directly to the rear of both properties is already constrained and the addition of a second floor above the single storey outbuilding would further erode the living conditions of residents of those properties to an unacceptable degree.
16. As a result of the cat slide roof and the height of the eaves adjacent to the common boundary along Radcliffe Place, the proposal would have a minimal impact on the outlook of occupiers on that aspect, nor would it cause any notable increase in overshadowing or a reduction in daylight and sunlight levels. Many buildings sit cheek by jowl in the tightly packed streets within the area and, in that context, I am satisfied that the impact on residents of

Radcliffe Place would be acceptable, having regard to the separation distance and the scale and design of the proposal. Therefore, the proposal would not have a detrimental impact on the living conditions of existing occupiers in Radcliffe Place.

17. Similarly, the addition of a second floor would have some impact on the outlook from the front of Nos. 1 and 2 George Street which are directly opposite. However, the relationship would be similar to the relationship between the neighbouring 2 storey outbuilding and the opposing cottage at No.3 George Street and would not be unusual in the context of the area. No windows are proposed at first floor level and the modest size of the living room window and the intervening distance across the street would ensure that adequate privacy would be maintained, notwithstanding the close relationship.
18. In terms of loss of outdoor amenity space for occupants of No. 16 and No. 18. The appellant asserts that the occupants of No. 16. and No. 18 do not use the appeal building or its associated external space currently. There is no demonstrable evidence that this is or isn't the case. The fact that the properties don't have access currently is not evidence that the space was not historically associated with those dwellings. It may be that the area has been segregated in the hope of gaining planning permission for a separate development on the site of the outbuilding. According to the information provided the land is within the same ownership as the 2 existing dwellings and it appears likely that there is a historical association with those properties, given the ownership and site layout. The paintwork on the timber of the outbuilding matches that of the timber and downpipes at No. 16 which is a further indication of a likely historical association.
19. The development of the space would therefore remove a storage area and small parcel of open space that would appear to be historically associated with the two dwellings. No. 16 would be left with seemingly no outdoor space or storage and No. 18 would be left with a very small yard. No. 16 is a fairly substantial property with a 2-storey rear extension and rooms in the roof space, as evidenced by the rear dormer. For a property of such size to be left with no outdoor space and no outdoor storage would, in my view, be detrimental to the living conditions of any existing or future residents.
20. I recognise the context of the area where many properties in the area have limited outdoor space or very small yards. Nonetheless, I find it likely that the outbuildings and space do have a historic connection with the adjoining properties and the segregation of that space and storage capacity would cause harm to the living conditions of the residents of Nos 16 and 18, particularly No.16 which would be left with no apparent outdoor space or external storage at all. The harm to living conditions in that respect would add to my concerns relating to the physical impact associated with the proximity of the 2-storey addition to the rear of those dwellings.
21. On this main issue whilst I have found that no harm would arise to the existing occupiers of those residing in Ratcliffe Place in terms of outlook and overshadowing. However, I have found harm to existing and future occupiers of No. 16 and No. 18 in regard to outlook and overshadowing, and this harm is to be given significant weight. The loss of what appears to be historically associated outdoor space and storage would add to that harm. The proposal fails to meet with the requirements of the National Planning Policy Framework

(the Framework) paragraph 127 (f) which seeks development to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users. Consequently, the proposal does not accord with Policies CS10 and CS11 of the CS which seeks all new development to be sustainable, functional and suitable for the location and use.

Living Conditions – Future Occupants

22. The Council assert that the proposal would not meet with the Government's Technical Housing Standards (THS) for a two-bedroom dwelling. However, it is clear from the drawings before me, the description of the development on the application form and that used in the decision notice that the proposal is for a one-bedroom dwelling. I agree with the appellant that the box room is of such limited proportions that it would be unlikely to be used as a separate bedroom. The THS sets out the minimum gross internal floor area and storage for a one-bedroom, two storey dwelling is 58 m² with 1.5 m² of built in storage.
23. The Council have calculated the gross floor area of the proposal as being in 'the region of 57.5 sqm' including restricted height ceilings' and states the proposal would not meet with the THS minimum requirement, however, the appellant asserts that the floor area is 'around 58 sqm'. The Housing Provision Supplementary Planning Document (amended 2019) (HPSPD), Appendix B – Guidance on size, states that for a one bedroom flat the minimum size should be 40 sqm, whilst there is no specific size given for a one bedroom house, the guidance states for a '2 bed house/bungalows' the minimum size is 65 sqm.
24. Nevertheless, the difference between the Council's THS calculations and that of the appellants is considered minimal at 0.5 m² and even when applying the minimum standards set out in the HPSPD for a '2 bed house' I consider the difference would be minimal and would not necessarily justify permission being withheld of itself, providing that the accommodation was laid out in a way that would provide a good standard of living conditions.
25. The accommodation would provide a one-bedroom unit of accommodation for local needs. The internal layout of the property would comprise of a ground floor open plan living area and separate shower room. Windows would be inserted at ground floor level overlooking George Street and a side window overlooking the rear yard. At first floor there would be a double bedroom, a box room, which the appellant states would be used for storage, or as a hobby or office area, and a cupboard located at the top of the landing. Light into these upper floor rooms would be via roof lights, with those located on the rear part containing obscure glazing.
26. Despite the two windows in the ground floor front elevation, the living area would have a restricted outlook overlooking George Street and directly over to the principal living accommodation of the dwellings located in close proximity across the narrow lane. The windows at first floor level would be contained within the roof and whilst this would limit the possibility of mutual overlooking or loss of privacy into and from these rooms, the lack of windows would result in an unacceptably restricted outlook for the occupiers. Furthermore, the boundary fence around the small enclosed rear yard would be in close proximity to the ground floor side window which would have an oppressive outlook such that the internal living space of the proposal would have an adverse effect on the living environment of future occupiers.

27. The proposal would have a small external area suitable for the storage of refuse bins and whilst this area would unlikely provide future occupants private outdoor amenity space, given its small size, occupants of the dwelling would have easy access to Fitz Park which would be located within a short walking distance of the development and within further walking distance lies Derwentwater. This would in some measure compensate for the lack of private amenity space at the proposed dwelling. I observed that a number of nearby properties appeared to have neither external yard nor garden areas and this appeared to be a characteristic feature of properties located in Ratcliffe Place. Given the limited number of future occupiers, along with the nearby communal amenity space, the proposed private amenity space for future occupiers would be considered sufficient for their requirements.
28. Consequently, as a result of the constrained nature of the site the internal and external arrangement would not provide satisfactory living conditions for future occupiers in regard to outlook or external amenity space and I attach significant weight to this matter. The proposal does not therefore accord with paragraph 127 (f) of the Framework nor Policies CS10 and CS11 of the CS which seeks all new development to be sustainable, functional and suitable for the location and use.

Parking

29. There is no off street parking proposed as part of the development and this the Council state would create additional pressure on the existing on street parking spaces. The Council acknowledge that the lack of on-site parking provision would not result in highway safety but would increase demand for the existing parking spaces. I saw when I visited the site that few properties in the area have on-site parking provision and residents in the area would be familiar with this situation. I noted at the time of my site visit, which I appreciate is only a snapshot in time, that parking in and around the area was extremely congested and few places were available. I also noted that there appeared to be no resident only parking areas and as such it was not clear whether the majority of on street parking spaces were taken up by local residents or those of day visitors and or longer stay tourists frequenting the many hotels and B&Bs.
30. Whilst it is likely that the occupants of the dwelling would have access to a motor vehicle the addition of one additional household on the existing pressures of the surrounding parking provision is not consider great.
31. On this main issue I do not find that the proposal would have a greater material impact on the existing parking provision. The proposal thereby would not have a harmful impact on the parking provision in the vicinity of the appeal site. The proposal therefore accords with Policy CS11 of the CS which seeks new development to make best use of existing infrastructure and services.

Other Considerations

32. The appellant questions whether the Council is able to demonstrate a five-year supply of deliverable housing sites, as required by the Framework and has referred to evidence relating to the Local Plan review which suggests that there may be an unmet need for 1 and 2 bedroom properties within Keswick. The evidence relating to the 5-year housing supply is limited and the Council hasn't provided an appeal statement in response to that point. However, the officer report does acknowledge the need for smaller homes within the area.

33. Consequently, the contribution of an additional home would represent a positive material consideration towards the needed supply of homes, having regard to the requirements of the Framework with regard to housing need. However, the proposal is for a single property and would not make a significant contribution to the overall supply of housing in the area. Whilst there would be some economic and social benefit arising from the works to construct the building, due to the small scale of the proposal, these would be very modest, I have therefore given limited weight to this matter.

Conclusion

34. For the reasons given above, the development would fail to provide satisfactory living conditions for future residents and would cause harm to the living conditions of the residents of Nos. 16 and 18 Church Street. Whilst it would preserve the character and appearance of the CA, would not cause harm in respect of parking provision, and would make a small contribution to local housing supply, the serious harm that would arise to existing and future living conditions is such that the proposal would fail to provide an acceptable form of accommodation. On account of those basic failings to provide a suitable living environment it would fail to comply with the policies of the development plan, taken as a whole.
35. Having regard to the above findings, whilst there are benefits of the proposal, only limited weight can be given to these. Even if the Council was unable to demonstrate a five-year supply of deliverable housing sites, such that the presumption in favour of sustainable development at paragraph 11(d) of the Framework is engaged, the significant adverse impacts of the proposal, as set out above, would significantly and demonstrably outweigh those benefits, when assessed against the policies of the Framework taken as a whole. As such, the proposal would not benefit from the presumption in favour of sustainable development as set out in the Framework
36. Moreover, even if the policies to which I have been referred that are most relevant for determining the application, including CS10, 11 and 27 of the CS and BE11 of the LP, were considered to be out of date on account of footnote 7 of paragraph 11, I am satisfied that they remain consistent with the aims of the Framework regarding the need for good design related to the location and the need to secure good standards of amenity for existing and future occupiers. Those are basic requirements of all development, irrespective of the position on five-year housing land supply and substantial weight could still be afforded to the relevant policies of the development plan.
37. Therefore, the proposal has been found to conflict with the policies of the development plan, when read as a whole, and no material considerations have been put forward that would outweigh that harm.
38. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Chris Preston

INSPECTOR