

Appeal Decision

Site Visit made on 8 December 2020

by Mr Andrew McGlone BSc(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/M0933/D/20/3263295

Goodham Scales, Selside, Kendal LA8 9DS

- 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 Dan Robinson against the decision of South Lakeland District Council.
 - The application Ref SL/2020/0327, dated 18 May 2020, was refused by notice dated 9 September 2020.
 - The development proposed is a two storey extension to the rear of the cottage.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey extension to the rear of the property at Goodham Scales, Selside, Kendal LA8 9DS in accordance with the terms of the application, Ref SL/2020/0327, dated 18 May 2020, subject to the following conditions:
 1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan; P.05 Rev C; P.06 Rev B; and P.04 Rev C.
 3. The materials to be used for the external surfaces of the development hereby approved shall: walls – stonework and painted render (to match existing); and roof – slate (to match existing).
 4. Before the development hereby permitted is first brought into use, a scheme shall be submitted to and approved in writing by the Local Planning Authority for the installation of at least two nest boxes for house martins and the provision of at least eight gaps in the eaves line of the extension for bats. The scheme shall include details of their location, type and finish. The development shall be carried out in accordance with the approved scheme before the development is first occupied.

Preliminary Matters

2. A Bat Survey was been submitted by the appellant with their appeal. I agree with the Council that the Bat Survey addresses their concerns. Thus, the proposal would accord with Policy CS8.4 of the South Lakeland Local Development Framework Core Strategy (CS) and Policy DM4 of the Local Plan Development Management Policies (Local Plan).
3. As the Council responded to the appellant's Grounds of Appeal more widely than addressing factual errors, new material or changes, and not at my

request, I provided the appellant with the chance to respond in the interests of fairness. I have had regard to the parties' submissions in reaching my decision.

Main Issues

4. The main issues are the effect of the proposal on: (a) the character and appearance of the area; (b) the living conditions of the occupants of Meadow View and Goodham Scales Cottage, with regards to outlook.

Reasons

Character and appearance

5. The appeal property is part of a former farmhouse that has been sub-divided into two dwellings. The property is part of a group of buildings, many of which are now occupied as dwellinghouses within the open countryside. The buildings are sited either side of a central access track which rises towards the north of the appeal site. Due to the changing topography, ground to the north and north-west of Goodham Scales is considerably higher and retained in place by the former outer wall of a barn that once extended across the north facing elevations of Goodham Scales and Goodham Scales Cottage.
6. Although a barn may have once occupied the land in roughly the same place as the proposal, my decision is based on current circumstances. Even so, the character and appearance of the buildings has remained one of a tight-knit group of varied scale which use traditional materials. They are read and understood as a group of former farm buildings in a rural setting.
7. In this context, the proposed extension would respond to local character in terms of its siting, design and finishes. The extension would also be a nod to the historic context of the site. Moreover, the scale and mass of the extension would harmonise with the varied scale and massing of the host property, Goodham Scales Cottage and nearby buildings whilst making use of ground levels. Thus, the proposal would respect the original dwelling. When the extension is viewed from further afield it would read as part of the group of buildings. The use of local complimentary materials would help ensure the proposal is in keeping with local vernacular tradition. The proposal would not be, insofar as this main issue, be prominent or an overdevelopment.
8. I conclude that the proposal would accord with Local Plan Policies DM1 and DM2, CS Policy CS8.10 and paragraphs 124 and 127 of the National Planning Policy Framework (the Framework). These seek development to respond to local character and distinctiveness through its siting, design, scale, massing and materials, noting the site's historic context so that it avoids the creation of dominant or incongruous extensions and alterations to existing buildings.

Living conditions

9. Goodham Scales Cottage has three rear facing windows; two of which serve ground floor rooms, the other on the first floor. Each have an outlook into an enclosed area which means that achieving a 45-degree angle is not possible. The proposal would add to the existing enclosure, but due to the protruding corner, the proposed improvements to this space, and the character and locational context to the site, the outlook would be acceptable for the ground floor windows which serve a dining room. The first-floor window has an outlook chiefly to the north-west and the detached outbuilding. The proposal would not change this relationship which also includes the varying ground levels. While,

there would be a minor loss of outlook to the north caused by the extension infilling the gap to the former outer wall of the barn, the occupants of Goodham Scales Cottage would overall have an acceptable outlook.

10. The intervening distance between the proposal and Meadow View would be in the region of 5.5 to 7 metres, depending on where the measurement is taken from. The Council do not have published interface standards but contend that the appeal scheme should be at least 7 metres away from the non-habitable room windows of Meadow View facing the appeal site. The rationale for this distance is not explained, though it is a judgement. Due to the character of this group of buildings and the use of the windows in Meadow View facing the site, I consider the separation distance would be adequate in this case.
11. I note the appellant's points about resolving a privacy issue, but I don't agree that there necessarily is one given the site's context and character or that the proposal would in any way resolve the perceived issue.
12. On this issue, I conclude that the proposal would accord with Local Plan Policies DM1 and DM2 as well as Framework paragraph 127 f) as the living conditions of the occupants of Meadow View and Goodham Scales Cottage, would be acceptable due to adequate spatial separation distances having regard to the site's locational context, local character and distinctiveness.

Other Matters

13. I note the comments from both parties relating to the handling of the planning application in challenging circumstances, and the efforts made with a view to finding a solution. Nevertheless, I have considered the appeal scheme on its own planning merits.
14. I recognise that the appellant runs a family business providing employment for several local freelance outdoor instructors. Like many during the pandemic, homeworking has become more prevalent and the scope of this can fall within a Class C3 use. However, equally, a change of use may be required if a business use is or is likely to take place that is materially different. This is a matter for the parties to discuss and resolve if necessary, outside the scope of this appeal, and in reaching my decision I have determined the development that has been applied for, and not a potential change of use. As a result, any purported benefits to the local economy have not been decisive in the outcome of this case. Nor have the benefits to the current occupants living conditions given my findings on each main issue.

Conclusion and conditions

15. I have imposed a plans condition in the interests of certainty. A matching materials condition is necessary so that the extension is of a high-quality design. I have not, however, included a requirement for timber doors and windows given the variety found nearby. In line with the recommendations of the Bat Survey I have imposed a condition to secure nest boxes for house martins and gaps in the eaves for bats.
16. For the reasons given above I conclude that the appeal should be allowed.

Mr Andrew McGlone

INSPECTOR