
Appeal Decision

Site visit made on 1 March 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 March 2021

Appeal Ref: APP/Q9495/D/20/3264893

1 Gale Crescent, Lower Gale, Ambleside LA2 0BD

- 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 P Ergatoudis against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/5553, dated 7 September 2020, was refused by notice dated 23 October 2020.
 - The development proposed is described as "Extension and alterations to existing outbuilding to form two storey annexe."
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr P Ergatoudis against Lake District National Park Authority. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i) The character and appearance of the area
 - ii) The living conditions of the occupiers of Tether End, 2 & 2e Gale Crescent and 1 Gale Crescent with particular regards to overbearing effects.
 - iii) Car Parking, with particular regards to living conditions of local residents and highway safety.

Reasons

4. The appeal site consists of 1 Gale Crescent, a substantial stone-built property in a prominent, elevated position. The surrounding area includes a number of similar properties as well as more modern dwellings. The area has an open and spacious character, though the roads are narrow and winding.
5. The property is currently occupied as a House in Multiple Occupation. The location of the outbuilding subject of this appeal is to the rear of the property, bound by High Gale road and the rear gardens of adjacent properties. I noted at my site visit that the garage referred to on the submitted plans has already been removed.

6. The rear garden of the appeal site starts at a low level immediately behind the house and raises up to the rear of the site adjacent to High Gale. The existing outbuilding would be extended and altered to create a substantial two storey annexe, the submitted plans show that this would include all the facilities needed for day to day living. The building would include substantial expanses of rendered walls to the south and west elevations.
7. As identified by the appellant the eastern elevation, when viewed from High Gale is largely obscured by the change in levels and the proposed boundary wall, only the roofscape and glazed gable elevation would be visible. However, much of the appeal scheme would be visible from other public spaces, including from neighbouring properties and as a result of the scale and appearance of the proposed building would appear as a prominent and incongruous feature in the area.
8. The appellant has referred to a number of other relevant planning permissions¹ in the immediate location of the appeal property. These are a material consideration and I have had regard to them in reaching my findings. However, that these consents exist does not persuade me as to the acceptability of the appeal scheme.
9. I find that the appeal scheme would harm the character and appearance of the area contrary to Policies CS02, CS10 and CS11 of the Lake District National Park Core Strategy (2010) (the CS) that, amongst other matters, seek to promote and protect the distinctiveness of place, the local character and promote design excellence.

Living Conditions

10. The proposed annex is situated in close proximity to the adjacent properties, the appellant details that while the annex would be approximately 1.6m from the boundary with Tetherend it would be 7m from the building itself and as a result of the change in level between the properties would be "equivalent (in height) to a fence".
11. However, the submitted plans show that the annex would appear as a two-storey building from the south and west and that the southern elevation would also accommodate windows and western elevation would include windows and doors. The proposed building is situated in close proximity to the adjacent properties, including 7.5m to the existing accommodation of 1 Gale Crescent and adjacent to 2e Gale Crescent at a similar level.
12. I note that the appellant's Statement of Case details that the annex would be used in connection with 1 Gale Crescent, while this is of particular relevance to matters such as privacy and overlooking, based on the evidence before me I find that the appeal scheme would nonetheless have an overbearing impact on the future occupiers of 1 Gale Crescent.
13. On the basis of the evidence before me I am not satisfied that it has been demonstrated that the proposed building, as a result of the close proximity of the dwellings, the scale and massing, would not harm the living conditions of the occupiers of 2 and 2e Gale Crescent and 1 Gale Crescent with particular regards an overbearing impact.

¹ 3 Gale Crescent - application reference 7/2014/5371, 2014; 2E Gale Crescent/Strollers – Application reference 7/2018/5602, 2019; land to the south of 3 Gale Crescent, - application reference 7/2018/5084, 2018.

14. Consequently, the proposal is contrary to Policies CS02, CS10 and CS11 of the CS, that amongst other matters seek to create places that are functional and of sustainable design.

Car Parking

15. The Cumbria County Council Highways response to consultation, revised to be referred to as an observation rather than objection, identifies a need for an additional 2 car parking spaces. Local residents and Lakes Parish Council raise concern with regards to street car parking and highway safety. I note that the appeal scheme would result in the loss of a number of car parking spaces while simultaneously increasing demand for car parking through the creation of additional residential accommodation.
16. The appellant details that the adjacent highway is a private road and that the two car parking spaces that would remain on site would be provided for use of the occupiers of the annex. This would severely limit the car parking for the current and future occupiers of 1 Gale Crescent. The appellant asserts that the property is currently let to students without car parking provision but does not dispute that this is not secured by a planning condition or similar.
17. My observations at the site visit confirmed that while the site is broadly within walking distance of local facilities, this is an area where car parking is clearly in demand and provision is ad-hoc with informal markings on the road making the traversing of the road difficult in places. Furthermore, I noted that the roads around the appeal site are narrow and alternative car parking did not appear readily available.
18. I accept that one consequence of placing reliance upon on-street car parking is that existing and future residents of the area would to some extent be inconvenienced by an increased competition for the available spaces. This would manifest itself in terms of taking longer to find a parking space, or residents having to park further away from their homes. Whilst I acknowledge that this would be an inconvenience to local residents, I do not find that this would amount to an unacceptable impact on their living conditions.
19. The appellant has referred to paragraph 109 of the National Planning Policy Framework (the Framework) that refers to the consideration of development proposals and highways. I note that particular reference is made to highway safety and severe impacts on the road network. However, it is not the case that anything other than a severe impact on highway safety would be acceptable, which would be the implication of the Appellant's argument.
20. High Gable is indicated as being a private road and this is confirmed in the Officer's report. Nonetheless, I have no substantive evidence to suggest that the road is not a highway, specifically that the public at large can use it as of right without hindrance and without charge and this accords with my observations at my site visit. Consequently, I find that on the basis of the evidence before me and my observations at the site visit High Gable is a highway for the purposes of this appeal.
21. The increase in demand for on-street car parking in a situation where demand is already high and provision is poor, leading to ad-hoc car parking arrangements on the road, would harm highway safety.

22. On the basis of the evidence before me it has not been demonstrated that the appeal scheme would make appropriate car parking provision. As a result, the appeal scheme would harm highway safety.
23. Consequently, I find that in this respect the appeal scheme is contrary to Policies CS02, CS10 and CS11 of the CS, that amongst other matters seek to create places that meet the needs of the local community, are functional and of sustainable design and the relevant provisions of the Framework.

Conclusion

24. For the reasons detailed above, the appeal is dismissed.

Mark Brooker

INSPECTOR