



Appeal Decisions

Site Visit made on 23 March 2021

by L Nurser BA(Hons) Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 April 2021

Appeal A: APP/Q9495/W/20/3256395

1 & 2 Lakeshore Boathouses, Storrs Park, Bowness on Windermere, Windermere LA23 3LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 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 Mr Noel McKee against the decision of Lake District National Park Authority.
 - The application Ref: 7/2020/5298, dated 18 May 2020, was refused by notice dated 10 July 2020.
 - The application sought planning permission for demolition of existing boathouses, wet dock, jetties and living accommodation. Construction of one new boathouse, wet dock, two jetties, 3 bedroom living accommodation and associated site works without complying with a condition attached to planning permission Ref: 7/2019/5626, dated 20 December 2019.
 - The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:- Location plan; Drawing no.PL.01; Existing plans and elevations, drawing no. PL.02; and proposed plans and elevations, drawing no. PL.04- REV.B.*
 - The reason given for the condition is: *For the avoidance of doubt.*
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Appeal B: APP/Q9495/W/20/3256396

Boathouse at Bellman Landing, Bowness on Windermere, Windermere LA23 3LT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 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 Mr Noel McKee against the decision of Lake District National Park Authority.
- The application Ref: 7/2020/5301, dated 19 May 2020, was refused by notice dated 10 July 2020.
- The application sought planning permission for replacement of boathouse with additional ancillary areas above wet dock without complying with a condition attached to planning permission Ref: 7/2020/5010, dated 4 March 2020.
- The condition in dispute is No 2 which states that: *The development hereby permitted shall not be carried out otherwise than in conformity with the following submitted plans and details:- Location plan; Drawing no.PL.02 rev. A, PL.01 and PL.04; - Heritage, design and access statement.- Construction Method Statement- Proposed sewage treatment plant, - Bat and Bird survey.- macrophyte survey.- Otter survey.- Photographs 1, 2 and 3 of the proposed stone wall. -Photographs 1 and 2 of proposed slate roof.*

- The reason given for the condition is: *For the avoidance of doubt.*
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Decision

Appeal A

1. The appeal is allowed and planning permission is granted for demolition of existing boathouses, wet dock, jetties and living accommodation. Construction of one new boathouse, wet dock, two jetties, 3 bedroom living accommodation and associated site works at 1 & 2 Lakeshore Boathouses, Storrs Park, Bowness on Windermere, Windermere, LA23 3LT in accordance with the terms of the application, Ref: 7/2020/5298, dated 19 May 2020, and the plans submitted with it, without compliance with condition no 2 previously imposed on planning permission Ref: 7/2019/5626 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing No: PL.01 Proposed Plans and Elevations, Drawing No: PL.04 – Rev C; Lakeside Proposed Elevations, Drawing No: PL.05 – Rev A.
 - 2) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
 - 3) All tree protection measures set out within Appendix 1 of the submitted Arboricultural Method Statement, shall be implemented and retained for the duration of the works.
 - 4) No development of a building shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including slates to have been quarried or mined within Cumbria, and stone walling) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
 - 5) No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

For the west elevation: glazing and framing details including colour; balcony deck fascia including colour; balustrade details; colour of boathouse doors. The relevant works shall be carried out in accordance with the approved sample details;

For the south elevation: balustrade to walkway and step details including colour;

For the whole development: window details including framing details and colour; rooflight details.
 - 6) Within six months of the first use of the boathouse hereby permitted, landscaping of the site shall be undertaken in accordance with the details of a final scheme which has first been submitted to and approved in writing by the Local Planning Authority. The said scheme shall include details of hard and soft landscaping proposals and boundary treatments,

including a schedule of tree planting which includes details of the species, size, number, density and position of any trees to be planted. Any trees or plants which, within a period of five years thereafter, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar sizes and species. The planting shall thereafter be maintained in accordance with a management plan which has first been submitted to and approved in writing by the Local Planning Authority. The management scheme shall be submitted to the Local Planning Authority not later than 12 months after the approval of the planting schedule required above.

Appeal B

2. The appeal is allowed and planning permission is granted for replacement of boathouse with additional ancillary areas above wet dock at Boathouse at Bellman Landing, Storrs Park, Bowness on Windermere, Windermere, LA23 3LT in accordance with the terms of the application, Ref: 7/2020/5301, dated 19 May 2020, and the plans submitted with it, without compliance with condition no 2 previously imposed on planning permission Ref: 7/2020/5010 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: PL.01; Proposed Plans and Elevations, Drawing No: PL.04 – Rev B; Lakeside Proposed Elevations, Drawing No: PL.05 – Rev A.
 - 2) The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
 - 3) No development of a building shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including slates to have been quarried or mined within Cumbria, and stone walling) to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
 - 4) No development shall take place until the following details have been submitted to and approved by the local planning authority in writing:

For the west elevation: glazing and framing details including colour; balcony deck fascia including colour; balustrade details; colour of boathouse doors.

For the whole development: window details including framing details and colour; rooflight details.
 - 5) The boathouse hereby permitted shall not be used to provide overnight accommodation.

Procedural Matters

3. The appeal sites are immediately adjacent to each other. Consequently, whilst I have considered each appeal individually and on its own merits, there are

elements of commonality between the two appeals that I have viewed from the lake and on land.

4. Both appeals sit within the Lake District National Park. As such, great weight should be given to conserving and enhancing its landscape and scenic beauty and the conservation and enhancement of its cultural heritage. They also lie within the English Lake District World Heritage Site, which is an area of Outstanding Universal Value. As such, in coming to my decision, I have borne in mind paragraphs 193 to 196, and 200 of the Framework.

Main Issue

5. Planning permissions have been granted for the demolition of the existing boathouses and the construction of two boathouses of a contemporary design. The appellant wishes to raise the height of the first floor of both boathouses with a subsequent impact on the height of both roofs. The main issue is the effect that the variation of the relevant conditions, to allow an increase in the height of each development, would have on the character and appearance of the lakeshore when viewed from Lake Windermere, with particular regard to the special qualities of the Lake District National Park and the English Lake District World Heritage Site.

Reasons

6. Boathouses are a characteristic feature of the lakeshore environment of Lake Windermere. I am aware one of the clusters of lakeside development, which I viewed from the boat on my site visit, is subject to a number of enforcement issues. Nonetheless, there is a variety to the height, scale, design, construction materials and grouping of the boathouses on the edge of the Lake. This reflects the continuing and evolving history of Lake Windermere as a tourist destination and a draw for water-based recreation. Moreover, the unifying feature of the boathouses is their function of safely housing boats on the lake, set within the context of the landscape of the Lake District.
7. The existing boathouses are viewed as part of a loose but nonetheless recognisable grouping of large houses set on the hillside and a string of boathouses on the lakeshore. Land rises steeply up behind the boathouses to the road which cuts across the hill at an angle and leads into woodland. Consequently, the permitted boathouses would be framed by this immediate visual context, set within the wider panoramic views of the lake and mountains experienced from the vantage point of the water.
8. I note that the nearby boathouses which are of a similar design and scale, and which have been granted planning permission may not necessarily be constructed. Nevertheless, irrespective of whether this is the case, the acceptability of the permitted applications has already been established by the two detailed extant permissions. As such, matters of principle are not before me.
9. The proposed variation in the condition would allow the height of the finished floor levels of both boathouses to be raised by around 450 mm. This would have a consequential increase in the height of the roofs, over and above the design of the permitted developments. Clearly, this increase in height of the boathouses would have an effect on the proportion of the buildings. However, I do not conclude it would be unacceptable.

10. Moreover, due to the wider context of the recreational activity; the scale of the lake; the surrounding mountains; together with the existing variety, and distribution of development, including the boathouses on the shore, the effect would be barely perceptible. Consequently, the proposed alterations to both schemes would not meaningfully alter the way the boathouses would be experienced when viewed from the lakeside, either from afar or in close proximity. As such, they would have no substantive impact on the prominence of the boathouses, or whether the lake shore would appear overdeveloped.
11. In coming to this conclusion, I am aware that great care must be taken to ensure that incremental changes do not result in harm to the special qualities of the Lake District National Park. I have also carefully considered the impact of the proposals on the significance or the Outstanding Universal Value of the English Lake District World Heritage site which is recognised as a landscape of exceptional beauty and determined no harm would ensue.
12. I have concluded that there would be no adverse impact on the character and appearance of the lakeshore, were I to allow the appeals which would see an increase in the height of both boathouses, compared to the planning permissions which have already been granted. As such, matters relating to revised flood risk calculations are not determinative in my consideration of the appeals.
13. In sum, the proposed amendments to the permitted developments would result in no harm to the character and appearance of the lakeshore when viewed from Lake Windermere. Consequently, both appeals would be consistent with Policy CS01 of the Lake District National Park Core Strategy adopted October 2010 (CS), which requires that proposals will conserve and enhance the special qualities of the Lake District National Park; Policy CS02 of CS which requires development to reinforce the distinctiveness of place; and there would be no conflict with the objectives of and Policy CS25 of the CS, which relates to the protection of the Lake District's spectacular and inspirational landscape. As such, the proposals would be consistent with paragraphs 127 and 172 of the Framework, which require decisions to be made in line with the principles of good design and that great weight should be given to conserving and enhancing the landscape and scenic beauty in National Parks.
14. Similarly, no harm would take place to the significance of, or Outstanding Universal Value of the English Lake District World Heritage Site.
15. Additionally, I conclude that Appeal B would also be consistent with policy CS10 of the CS, as the resulting changes to the design of the permitted scheme would remain suitable and aesthetically acceptable within the lake shore context.

Conditions

Appeals A and B

16. At the time of my site visit, it appeared that the developments had already commenced. As such, no purpose would be served by my imposing a condition setting a deadline by which works should begin.
17. In the interests of clarity, I have substituted the revised condition relating to the amended plans for each scheme. The Park Authority has provided a list of other conditions which were set out within the original planning permissions. In

the interests of clarity, and consistency I have made some alterations to the wording. However, in all other respects these remain unaltered.

Appeal B

18. Condition no 3 relating to the preclusion of the use of the boathouse for overnight accommodation was not included within the list of conditions to be attached to the permission, were I to allow the appeal. Following correspondence with the Park Authority, it was confirmed that this omission was an oversight. In any case, given that the appellant's appeal only related to condition no 2, he would not be prejudiced by my attaching this to the planning permission.

Conclusion

Appeal A

19. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting another and restating those undisputed conditions that are still subsisting and capable of taking effect.

Appeal B

20. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting another and restating those undisputed conditions that are still subsisting and capable of taking effect.

L Nurser

INSPECTOR