



Appeal Decision

Site Visit made on 27 April 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2021

Appeal Ref: APP/Z0923/W/21/3267527

1 South Row, Whitehaven, CA28 9AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr John Stables against the decision of Copeland Borough Council.
 - The application Ref 4/20/2251/001, dated 1 July 2020, was refused by notice dated 11 September 2020.
 - The development proposed is a single dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application to which this appeal relates was made in outline only with all matters reserved, I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - i. the effect of the proposed development on the character and appearance the area; and,
 - ii. whether or not the proposed development would provide satisfactory living conditions for the occupiers of the proposed development and 1 South Row;

Reasons

Character and Appearance

4. Policies ST1, ENV2 and ENV5 of the Copeland Local Plan seek, amongst other matters, to protect existing open spaces and landscapes.
5. The appeal site consists of a pleasant garden area, detached from the associated dwelling by West Row and bound to the west by a public right of way. Consequently, the site enjoys spectacular views across the undeveloped coast line.
6. The garden area also accommodates a detached garage and hard standing, the garden area includes domestic paraphernalia associated with residential gardens in common with the neighbouring gardens.
7. Along with the other detached garden spaces to the west of West Row, the appeal site is a distinct feature of the area contrasting with the terraced

residential properties that form a strong building line to the east of the road.

8. To the South of the appeal site, a rough and unnamed road extends off South Row and serves a number of residential properties, including houses that appear to have been constructed recently. These properties are situated to the West of the rough road, forwards of the established building line of West Row.
9. However, based on the evidence before me and my observations at the site visit it does not appear that this built development extends as far to the West at the proposed dwelling would on the appeal site.
10. The Appellant has referred to an outline planning permission¹ for a single dwelling and garage in close proximity to the appeal site. Based on the evidence before me, it is not clear whether this permission relates to a dwelling already constructed to the south of South Row or an unimplemented consent, perhaps to the west of West Row along side the appeal site. In the absence of substantive detailed evidence, I afford this matter only limited weight.
11. On the basis of the evidence before me, the proposed dwelling would be situated forwards of an established building line in an open area otherwise subject to only limited development. Consequently, I find that the appeal proposal would have a detrimental impact on the character and appearance of the area contrary to Policies ST1, ENV2 and ENV5 of the adopted Copeland Local Plan.

Living Conditions

12. 1 South Row has a number of windows looking towards the appeal site, across West Row. The submitted plans do not show an indicative location of the dwelling. The Officers report seeks "a separation distance of at least 21m from facing habitable rooms".
13. As detailed previously, plans indicative or otherwise have been submitted to support this outline proposal and based on the evidence before me it is not clear whether a suitable separation could be created between 1 South Row and the proposed dwelling.
14. Therefore, I find that it has not been demonstrated that the proposed development would provide satisfactory living conditions for the occupiers of the proposed development and 1 South Row. The proposals are therefore contrary to policies ST1, DM10 and DM12 of the Copeland Local Plan, that amongst other matters, seek to protect the living conditions of existing and future residential occupiers.

Other Matters

15. The Council has expressed concern that the appeal proposal would give rise to an undesirable precedent for future similar development. The appellant notes that the appeal site is substantially larger than other detached gardens to the west of West Row and based on my observations on site I agree. Consequently,

¹ : 4/192370/001 - dated 8/01/20

the potential to replicate the proposed development else were on West Row is limited.

16. If similar proposals came forward elsewhere within the locality they would be assessed in the light of the factors relevant to those cases. If no harm had been identified with regard to the character and appearance of the area and living conditions, and if I were minded to allow the appeal, it is not considered that an undesirable precedent would arise.
17. The appellant notes the absence of any objections from neighbours to the appeal scheme, the absence of objections does not necessarily mean that the neighbours support the scheme and I note the lack of letters of support expressly stating such. In any event I have determined the appeal on its own merits.
18. The appellant also refers to their large family and that the appeal scheme would allow them to develop the site to meet their own needs. This is primarily a private benefit and it does not outweigh the harm I have identified previously.

Conclusion

19. For the reasons given above I conclude that the appeal should be dismissed.

Mr M Brooker

INSPECTOR