



Appeal Decision

Site visit made on 11 May 2021

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th July 2021

Appeal Ref: APP/Q9495/W/20/3265911

Tenters, Tenters Lane, High Lorton CA13 9TY

- 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 & Mrs James Bell against the decision of Lake District National Park Authority.
 - The application Ref 7/2020/2240, dated 22 October 2020, was refused by notice dated 10 December 2020.
 - The development proposed is demolition of existing derelict property and erection of new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The National Park Authority adopted a new Local Plan on 19 May 2021 meaning that relevant policies contained within it can be afforded full weight. They also adopted the Landscape Character Supplementary Planning Document (SPD) on the same day. The Authority has provided copies of these policies and the SPD. The appellant has also been provided with an opportunity to comment on this matter. I have therefore determined this appeal based on the relevant newly adopted policies and SPD.
3. When on my site visit, I observed that the demolition works had already been carried out. Notwithstanding this being the case, I have considered the appeal based on the plans originally submitted to and considered by the Council, which form the basis of the scheme that is before me.
4. The proposal has been screened in accordance with the Environmental Impact Assessment (EIA) Regulations and is considered not to be EIA development. An Environmental Statement is therefore not required.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the Lake District National Park (LDNP) and its landscape with reference to the setting of the Lake District World Heritage Site (WHS).

Reasons

6. The appeal site is situated in between several dwellings clustered together on this part of a narrow sloping country road. These other dwellings all have a vernacular design style and exterior material finish. Given their position in

relation to the highway and the sloping topography of the land I consider them to be in a relatively prominent location on the street scene and within the landscape, particularly when viewed from further down the road.

7. According to the evidence before me the appeal site is also within the Lorton Vale Area of Distinctive Character (LVADC) as identified by the SPD. This in turn, is within the overall High Fell Fringe landscape character type H which has a high visual sensitivity and a very limited capacity to accommodate change without compromising key characteristics. Guidelines for managing landscape change within landscape character type H include the encouragement of development proposals, which respect or reinforce local vernacular character.
8. One of the distinctive characteristics of the LVADC is the linear village of High and Low Lorton which displays a variety of buildings, from medieval defensive, rugged 17th century, to more formal stone and rendered houses and cottages, all strung out distinctively along sinuous roads, with large open areas between, without a nucleated core. The SPD also identifies the introduction of large-scale buildings, or those which do not respect local vernacular building materials, scale and character as a landscape sensitivity in the LVADC. Guidelines for managing landscape change specifically within the LVADC include the encouragement of sensitive siting, design and scale within new building schemes.
9. Policy 05 of the adopted LDNP Local Plan (LP) supports: development that ensures the highest level of protection is given to the landscape; and development where the type, design, scale and level of activity maintains local distinctiveness, sense of place, and where appropriate, tranquillity with decisions being guided by the Lake District Landscape Character Assessment i.e. the SPD.
10. Policy 06 of the LP requires development to reinforce the importance of local character by having regard to scale, height, density, layout, appearance, and materials. It also states that development should be inspired by the natural environment and use innovative design and local materials to reflect local distinctiveness.
11. The overall size and scale of the more contemporary proposed building, its fenestration details and overall design which is a combination of traditional and contemporary style is not a matter in dispute in this case. The main parties also agree that the established local vernacular material used for the roofs of the buildings in the area is green slate and based on the evidence before me I see no reason to disagree with this assessment. The proposal would install a standing seam zinc roof on the proposed dwelling rather than a vernacular green slate roof, which is the matter in dispute.
12. The local landscape is one of high visual sensitivity with a very limited capacity to accommodate change without compromising its key characteristics and the LVADC identifies the historic buildings within Lorton and their vernacular material finishes as being a key characteristic. The appeal site is also within a relatively visually prominent location next to the highway particularly when viewed by someone travelling upwards towards the Whinlatter Road. Consequently, the proposed standing seam zinc roof would be at odds with the established vernacular style and material finish of the other properties nearby and with those within the linear village of High and Low Lorton.

13. As a result, the proposal would represent a discordant addition to the street scene thereby having a significant adverse visual impact on the landscape of the LDNP.
14. The appeal site is also located within the WHS. Consequently, I find that the proposal would also negatively affect the cultural and outstanding universal value of this part of the WHS. Accordingly, it would fail to enhance or better reveal the significance of the WHS as a whole or preserve the elements of its setting that make a positive contribution to it. The proposal would therefore have a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), given its scale, the proposal would provide limited social and economic benefits. Consequently, these benefits would not be of sufficient weight to outweigh the harm to the WHS or the harm to the landscape of the LDNP to which I must attach great weight.
15. In support of the appeal scheme the appellant has stated that the use of zinc would reduce the need for locally sourced green slate because there is currently a local shortage of this material. However, no substantive evidence has been submitted to show that this is the case.
16. I also note that the use of a less reflective type of zinc roofing could be ensured via the imposition of a suitably worded condition. However, any potential mitigation this would provide in terms of reducing the potentially reflective nature of the proposed roof would not outweigh or overcome the substantial visual harm that it would cause by being clearly distinct and different from the established local vernacular design style and character.
17. I therefore conclude that the proposal would materially harm the character and appearance of the LDNP and its landscape with reference to the WHS. As a result, the proposed development would conflict with paragraphs 193, 194, 196 and 200 of the Framework, which anticipate that great weight be afforded to the conservation of designated heritage assets, including their setting and seek to conserve and enhance the historic environment, amongst other considerations. It would also conflict with paragraphs 127 c), 170 a) and 172 of the Framework which aim to ensure that developments are sympathetic to local character and history, including the surrounding built environment and landscape setting, protect and enhance valued landscapes, and conserve and enhance landscape and scenic beauty in National Parks, amongst other considerations. Accordingly, the proposal would also fail to meet the requirements of policies 01, 05, 06 and 07 of the adopted LP as supported by the SPD.

Other Matters

18. The appellant has cited an example of a dwelling with a zinc roof that was granted planning permission elsewhere within the LDNP and has argued that this means that the proposal would not necessarily represent an alien feature within the landscape. However, the example cited relates to a dwelling approved on the shores of Derwentwater (Ref 7/2017/2048) which is within a different landscape character area with discernibly different characteristics including the fact there are many dwellings located around the shore of the lake which are of a very different design and style than those in the LVADC.

19. Consequently, the current appeal, which I have determined on its own merits, is clearly distinguishable in its own circumstances from this other case.
20. I am also aware that planning permission has recently been granted on the appeal site for a similar development to the appeal scheme except for the fact that it would have a green slate roof (Ref 7/2020/2295). However, this fact does not alter or outweigh my conclusion on the main issue above.

Conclusion

21. The proposal would not accord with the development plan and the Framework when read as a whole and the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies contained within them. Furthermore, there are no material considerations which indicate a decision otherwise than in accordance with the development plan.
22. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

C Coyne

INSPECTOR