



Appeal Decision

Site visit made on 12 October 2021

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 12th November 2021

Appeal Ref: APP/H0928/W/21/3275716

Rose Cottage, Blencarn, Penrith, Cumbria CA10 1TX

- 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 Jonathan Richard Turnbull against the decision of Eden District Council.
 - The application Ref 21/0095, dated 2 February 2021, was refused by notice dated 12 May 2021
 - The development proposed is described as 'proposed provision of new three bedroomed bungalow on large disused rear garden to Rose Cottage, being remains of pre 1960 farmland with easy access to all services in a quiet and secluded dormitory village of Penrith'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The planning application was made in outline with all matters reserved and I have assessed the appeal on this basis. Indicative elevations were submitted, and I had regard to them as such in my assessment.
3. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Any comments which have been received have been considered.

Main Issues

4. The main issues are the effect of the development on: the character and appearance of the host dwelling and the surrounding area; and the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

5. The appeal site comprises an area of land to the rear of Rose Cottage, opposite a stone barn. It is adjacent to the boundary with Glen Cottage with a road to the rear. The surrounds are rural, with the group of properties to which Rose Cottage relates set back in long plots, giving an overall spacious feel to the immediate area. While some dwellings have been constructed off

the back road, long rear spaces remain as gardens with workshops or agricultural buildings, reflective of the surrounding rural character.

6. The site is in the North Pennines AONB (the AONB), much of which is remote wild countryside. Although the immediate area surrounding the appeal site is more built up, in retaining this element of rural character it conserves this special character of the AONB.
7. The proposal seeks outline permission for the erection of a dwelling. While the site could accommodate this, due to its size and shape it would not be a generous plot, as is typical in the immediate area. In this context a dwelling would be likely to appear disproportionately large in the confines of the site, removing the feeling of spaciousness. Although indicative, the submitted plans demonstrate that the addition of a dwelling would be likely to lead to the site reading as cramped and overdeveloped alongside neighbouring plots given its limited constraints, which would be at odds with the prevailing open, rural feel.
8. Furthermore, the backland position would upset the predominant pattern of development on this side of the road, whereby dwellings primarily front the village green. In this sense the proposal would appear uncharacteristic in a siting largely used in the street for agricultural buildings and workshops.
9. It is stated that the barn in the Rose Cottage rear garden has permission for conversion to a dwelling, but limited information is provided with no evidence of implementation. At present it remains that the siting of the proposal at the back road would appear uncharacteristic. In any event, the introduction of the proposal alongside a barn conversion and associated residential paraphernalia in this space would likely further exacerbate the feeling of overdevelopment alongside more generous plots, failing to reflect the area's character.
10. In accordance with paragraph 176 of the Framework, great weight should be given to conserving and enhancing landscape and scenic beauty in the AONB. By being an incongruous addition, overdeveloping the site, the proposal would fail to conserve the predominant rural setting of the area and the natural beauty of the locality, causing visual harm to the landscape. In this sense it would cause harm to the distinctive character of the area and in turn to the special qualities of the AONB, contrary to Policy ENV3 of the Eden Local Plan 2014-2032 (the Local Plan).
11. I find that the development would have a significant adverse effect on the character and appearance of the surrounding area. As such, it would fail to accord with Policy DEV5 of the Local Plan, which seeks to promote good design.

Living Conditions

12. I acknowledge that in the absence of detailed plans, it is not possible to fully consider the impacts of any future scheme on neighbouring occupiers. However, given the constraints of the site it is likely that the proposal would be near the rear gardens and elevations of Glen Cottage and Rose Cottage.
13. I have no information on which rear windows at Glen Cottage and Rose Cottage serve habitable rooms. Nonetheless, due to its proximity the proposal would create a change in outlook from both rear gardens, where it would read as a prominent addition. This is particularly the case for Glen Cottage given the higher elevation of the appeal site and the outbuilding along the boundary,

with windows facing the site. While the appellant has argued that the proposal would be screened by this outbuilding, site layout is a reserved matter.

14. The submitted plans show windows on all elevations of the proposed dwelling and, while indicative, given the limited distance between the site and the neighbouring gardens, it is likely that relatively close overlooking would occur. Clear views would inevitably be possible from a dwelling or associated outdoor space at the site into these gardens, particularly at Glen Cottage given the level change. This would negatively impact on neighbouring occupiers' abilities to enjoy these spaces.
15. It has also been raised that the proposal would have significant adverse impacts on the living conditions of future residents of the barn conversion, including the removal of associated garden and car parking or turning space. However, limited information is before me regarding the conversion. As I am dismissing the appeal based on the harm found above, I have not sought further evidence on this matter.
16. On the basis of the evidence before me the proposal fails to demonstrate that significant adverse impacts on the living conditions of the occupiers of neighbouring properties would be avoided, with particular regard to outlook and overlooking. As such, it would fail to accord with Policy DEV5 of the Local Plan, which seeks to ensure development does not have an unacceptable adverse impact on amenity.

Other Matters

17. The appellant has referred to a nearby housing development with smaller plot sizes than the appeal site, and notes that the proposal's gardens would be larger than average. Nonetheless, in its immediate setting, the appeal site represents an uncharacteristically modest plot. The appeal must be determined on its own site specific circumstances and reference to development elsewhere therefore carries little weight, which does not outweigh the harm identified above.
18. The appellant lists certain benefits of the proposal, including wildlife benefits in retaining hedgerows, reinstatement of gardens, and highway safety benefits associated with the access and parking provision. However, as landscaping, access and layout are reserved matters these benefits attract limited weight, which does not outweigh the harm identified above.

Conclusion

19. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR