



Appeal Decision

Site visit made on 14 February 2022

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2022

Appeal Ref: APP/E0915/D/21/3289523

Fairview, 3 Harrison Gardens, Monkhill, Burgh-By-Sands CA5 6DF

- 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 Anthony Milburn (Morton Garden Buildings Ltd) against the decision of Carlisle City Council.
 - The application Ref 21/0952, dated 6 October 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the erection of a summerhouse.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed summerhouse on the character and appearance of the surrounding area, with particular regard to the setting of Hadrian's Wall Vallum and the Hadrian's Wall World Heritage Site Buffer Zone.

Reasons

3. The appeal property is a recently constructed detached bungalow within a small cul-de-sac development of similar properties. The property has open aspects to the north and east, looking out across a garden plot laid predominantly to lawn, and across the surrounding rolling countryside. The appeal property lies within the Hadrian's Wall World Heritage Site buffer zone (WHSBZ) and the line of the Hadrian's Wall Vallum (the Vallum) passes through the appeal site. The proposed summerhouse would be located within the line of the Vallum.
4. Historic England's consultation response states that the Vallum is assumed to be a crucial element of the Hadrian's Wall frontier, which formed an extra layer of defence from attack and as demarcation of a military zone of control associated with the wall itself. As such, I saw that the open approach to the site from the east and the open swathe across the northern garden frontages of the appeal property and its neighbours to the west maintain a noticeable sense of linear openness in keeping with the linearity of Hadrian's Wall and the Vallum. The gardens of these three properties are largely open and unencumbered by substantial buildings, fences or other structures.
5. The proposed summerhouse would be seen as a clearly detached building that would stand apart from the existing house. Its intrusion within this open swathe would be exacerbated in longer views on approach from the east where it would be seen as an incongruous skyline feature on rising land. There would be garden retained around the summerhouse, particularly to the east of it and the main house, but the more limited depth of the garden to the north would

- be such that it would occupy a substantial portion of the currently open swathe of garden.
6. The extent to which the Vallum is visible in fields to the east of the appeal site is a matter of dispute between the parties. However, the approach to Monkhill from the east affords open longer views across the rolling fields, where the sense of openness is maintained across the garden frontage of the appeal property and its neighbours within Harrison Gardens. The proposed summerhouse would be of a relatively modest scale, but in this location and when viewed from a main approach into Monkhill along the line of the Vallum, it would be an unduly prominent and intrusive feature within this largely open setting. As such it would erode an understanding of the openness associated with the WHSBZ and the Vallum.
 7. I accept that the proposed summerhouse would be seen, from some viewpoints, against the backdrop of the existing house. This would provide a degree of context and a background of built development to the proposed summerhouse. However, this contribution in respect of longer views from the east would be limited, really only providing that context upon much closer viewing adjacent to the appeal site.
 8. I have also noted the appellant's contention that it is not practical or possible to locate the proposed summerhouse in a less sensitive location elsewhere within the appeal property's garden plot. I can understand the appellant's desire to maintain access to the property's north-facing garage door and noted the presence of windows on the building's east facing elevation. However, I am not persuaded that these matters are insurmountable or that a smaller structure or an alternative, less harmful location for a summerhouse, could not be achieved.
 9. I accept too that it is not a matter of dispute that the proposal would not cause harm to below-ground archaeology. This was, the appellant notes, the principal area of concern in respect of the proposal which resulted in the construction of the appeal property. However, it is clear that that proposal was the result of extensive discussions between the developer, the Council and Historic England at that time and I cannot be certain that the other, resolved, matters alluded to in correspondence did not include considerations of the setting and openness of the Vallum. Thus, whilst the agreed absence of harm to physical remains is welcomed, this would not justify the harm to the setting of the WHS, the WHNSBZ or the character of the Vallum set out above.
 10. Local Plan (LP) policy HE1 recognises the contribution that the WHSBZ makes to the World Heritage Site's setting and its Outstanding Universal Value. The effect of proposals on key views into an out of the buffer zone are noted as being a particular focus for consideration. Development that would result in substantial harm will, it is stated, be refused, whilst that which results in less than substantial harm will be assessed against public benefits.
 11. I have no reason to disagree with the Council with respect to their assessment and conclusions in terms of the living conditions of neighbouring residents, its scale and appearance relative to the existing dwelling and its construction materials. These are however neutral matters which weigh neither in support of, nor against, the proposal and are, in any event, largely private benefits to the appellant.

12. Nor do I disagree with the appellant's suggestion that the summerhouse would be of modest size and would not be an unusual feature in the rear garden of a dwellinghouse. However, its location in a prominent position within the appeal site, and within the Hadrian's Wall Vallum and the buffer zone of the Hadrian's Wall World Heritage Site are factors which lead me to conclude that the proposal would be contrary to LP policy HE1 and with LP policy SP6. Amongst other things, the latter requires proposals to take into consideration the historic environment and the settings of both designated and undesignated heritage assets, as a means to secure good design.

Other Matters

13. The Drover's Rest Inn, a short distance away from the appeal site on the opposite side of the road, is a grade II listed building. I do not disagree with the Council's assessment that the proposal would lie within the setting of the listed building. Nor do I have any reason to disagree with the Council's conclusion that the proposal would accord with the provisions of LP policy HE3 which seeks to ensure that development within the locality of a listed building should preserve its character and setting.
14. I am satisfied that in reaching this conclusion the Council have exercised their statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the [listed] building or its setting. I agree that the proposal would have a neutral effect on the setting of the listed building and, as such, would preserve its setting. This does not, however, alter my conclusions in respect of the main issue as set out above.

Conclusion

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

G Robbie

INSPECTOR