



Appeal Decision

Site visit made on 15 February 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2022

Appeal Ref: APP/H0928/W/21/3286962

Bridge End Cottage, Eamont Bridge, Penrith CA10 2BH

- 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 G Hedley against the decision of Eden District Council.
 - The application Ref 21/0491, dated 17 May 2021, was refused by notice dated 12 July 2021.
 - The development proposed is Change of Use of Holiday Let to Dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site benefits from a planning permission for a Class C3 use (Town and Country Planning (Use Classes) Order 1987 (as amended)). Thus, the proposal does not involve a change of use as such. Nevertheless, the planning permission for the annex and the subsequent alteration to a holiday let were both subject to occupancy conditions. The appeal before me, therefore, is effectively to establish an unfettered permission for the occupation of the property as a permanent residence.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the future occupiers of Bridge End Cottage with particular regard to privacy.

Reasons

4. The appeal building is in the garden of Bridge End and is known as Bridge End Cottage (the cottage). It was originally granted planning permission as an annex dwelling and was subsequently changed to holiday accommodation restricted by condition. It forms part of a small cluster of properties on the southern side of the River Eamont.
5. The cottage faces Bridge End, the two being separated by a cobbled courtyard style garden. The two properties are approximately 8.5 metres apart. Access is currently taken to both the cottage and the back door of Bridge End via a single pedestrian gate from a narrow lane off the main road. The access also serves one other property behind. As a consequence, there is a high degree of interrelationship between the two both visually and functionally.
6. The principal windows of all habitable rooms of the cottage face directly towards Bridge End. Privacy distances for such situations are set out in the

Councils Housing Supplementary Planning Document (2010) (SPD) and are equally applicable to conversions as they are to new build or extensions. The distance between the cottage and Bridge End therefore falls significantly short of the recommended 21 metres between principal windows of a proposed development and another property.

7. One would arguably have a greater expectation of a higher standard of living conditions for a permanent residence than a holiday let due to the nature of the occupation of the latter versus the former. As such, and with the above distance in mind, the only available outdoor space the cottage would have would be unavoidably overlooked by a number of windows in the ground and first floor of Bridge End.
8. As such, occupants of the cottage would have no private place to sit outside and enjoy without being overlooked by the occupants of Bridge End and to a lesser extent the occupants of the adjacent property. Furthermore, their internal living accommodation would be directly overlooked by the occupants of Bridge End given the location and concentration of all its windows. This would lead to an unacceptable level of both actual and perceived overlooking to the detriment of their living conditions.
9. The use of the cottage as permanent residential dwelling would therefore adversely affect the living conditions of future occupiers with respect to privacy in conflict with Eden Local Plan 2014-2032 (ELP) Policy DEV5 which seeks, amongst other things, to ensure that new development provides an acceptable level of amenity for future occupiers. It would also be contrary to paragraph 130(f) of the National Planning Policy Framework which seeks to ensure that development is to a high standard of amenity for existing and future users.

Other Matters

10. Eamont Bridge is a smaller village/hamlet where, under ELP Policies LS1 and HS2, new dwellings are considered acceptable in circumstances where applicants with strong local connections can build or commission their own home. The Council considers that the principle of a dwelling in this location would therefore be acceptable subject to a local occupancy condition, and I have no reason to disagree with this view. This, however, does not outweigh the need to consider all other relevant factors in granting planning permission for that development.
11. The appellant feels they are no longer able to run the property as a holiday let for personal reasons and that the occupation and ownership of the cottage is not restricted to the owners of Bridge End. Be this as it may, the cottage would be unacceptable to use as an unencumbered dwelling for the reasons I have given.
12. Residential use would have some benefits in that it allows the property to be occupied full-time. I also note there would be no harmful effect on the character and appearance of the area or the highway network, though these are neutral effects rather than benefits and as such do not weigh in the developments favour.
13. The appeal site is within the setting of Bridge End, a Grade II listed building. I am therefore required under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the proposal would preserve

the setting of that heritage asset. As there are no external alterations to the property, the proposal would have a neutral effect on its setting thereby preserving it and this matter does not require further consideration.

Conclusion

14. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR