



Appeal Decision

Site visit made on 28 June 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 June 2022

Appeal Ref: APP/Q9495/W/21/3275508

28 Fisherbeck Park, Ambleside, Cumbria, LA22 0AJ

- 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 G Hepworth against the decision of Lake District National Park Authority.
 - The application Ref 7/2021/5162, dated 26 February 2021, was refused by notice dated 23 April 2021.
 - The development proposed is a replacement dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the time of the National Park Authority's decision, it has adopted a new local plan. The policies referenced in the Authority's Decision Notice are superseded by those of the Lake District Local Plan 2020-2035 [2021] (the LDLP). The Authority has directed me to Policy 02 - Spatial Strategy, Policy 06 - Design and Development and Policy 20 - Renewable and Low Carbon Energy of the LDLP as the most relevant policies for the determination of the appeal, and I have had regard to them in reaching my decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the locality.

Reasons

4. The site is located on the outside of a bend on Fisherbeck Park, a loop road serving a planned housing estate on the edge of the settlement and bordering onto open countryside. The estate is made up of clustered groups of houses with consistent designs. Across the estate there are several different types of accommodation, including bungalows, detached 2-storey dwellings and 3-storey terraces and flats.
5. Despite the variety in accommodation, the estate has a strong group identity which derives from buildings which have design features crossing over between the different house types. These include elements ranging between common gable or window proportioning, similar roof pitching, roof edge detailing, external materials and flat roof bays and garages, for example. Together, these give a positive degree of coherence and create a strong sense of place.
6. The proposed bespoke design would include little reference to the common design attributes running through the estate. Whilst the external materials

could be conditioned to match those of the surrounding buildings, the appearance of the building would starkly contrast with the surrounding development.

7. Despite the recessed position, which would limit views of the uncharacteristic asymmetric gable, the proposed dwelling would be conspicuous in its setting by virtue of its contrary form and contrasting appearance. At the end of a row of similarly styled bungalows, the large expanse of the front roof slope would significantly increase the prominence of the building – particularly on approach from the northeast. The low eaves level taken with the overall height and steep inclination of the main roof would especially jar with the characteristic modest roof pitch prevalent across the estate.
8. In support of the proposal the appellant has drawn my attention to an implemented schemes at 33 Fisherbeck Park and an approved development at 4 Wynlass Park, Windermere as examples of extended and redeveloped dwellings allowed by the Authority. At my site visit, I saw that No33 had been extended. Whilst new elements had been incorporated to increase the building's overall massing, the additive elements appear subordinate and maintain the focus on the original part of the building. Furthermore, those additive elements reference the style and proportioning of the original building. They are therefore distinct from the proposal.
9. Wynlass Park consists of a limited number of properties which have a diversity in their external features and finishes. Taken with their more dispersed arrangement, they appear less homogenous than the Fisherbeck Park estate. Although that approved scheme would result in a significant change compared to the existing building, the effect in its context would not be so great. Nevertheless, the existence of development elsewhere does not represent an appropriate reason to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
10. For the above reasons, I find that the introduction of an individually designed dwelling with little reference to the existing built form would cause the building to stand out in its context and detract from the coherent styling of the surrounding development. It would fail to reflect the character and appearance of development in the locality. It would conflict with Policies 02 and 06 of the LDLP as they require new development to contribute to local distinctiveness and reinforce local character, including having regard to the local appearance of development.

Other Matters

11. I acknowledge that the proposed house could be constructed to out-perform the existing dwelling in terms of energy efficiency. It could limit dependency on non-renewable forms of energy and incorporate measures such as natural lighting, high levels of insulation and air-tightness, and maximise passive solar gain, for example. It could also provide for water-saving, improve internal circulation and provide better opportunities for home working.
12. However, some of those benefits would be offset by the embodied carbon within the existing building, which would be removed. There is little to substantiate that an overall benefit against a viable upgrade of the existing building would result. Moreover, there is little to demonstrate that those matters are dependent on the specific design of the proposal, or that they

could not be achieved in a manner consistent with other development plan policy requirements. Accordingly, on the basis of the evidence before me, I attach those benefits limited weight.

13. As requirements of the development plan, the lack of objection by the Authority in regard to the potential effects on neighbouring residential occupiers or the wider landscape are not matters in favour of the proposal.
14. I note the other concerns of third parties in relation to loss of views and creation of a precedent decision. Unless a protected view, the loss of an outlook over third-party land carries little weight in planning decisions. Similarly, precedent is rarely an argument that should carry great weight in planning decisions, which should be made on their own merits in the context of the development plan and other material considerations.
15. I acknowledge the appellant's reference to a finding in *City of Edinburgh Council v SoS for Scotland* [1997], which found that conflict of a single policy in a development plan does not necessarily render it in conflict with the development plan taken as a whole. Nevertheless, as a matter of planning judgement based on the balance of the evidence before me, I find the significant harm to the character and appearance would not be outweighed by the other considerations presented in the particular circumstances of the case.

Conclusion

16. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR