



Appeal Decision

Site visit made on 20 June 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2022

Appeal Ref: APP/G0908/W/22/3294296

BRLockUP, Ramsay Brow, Workington

- 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 Steve Bell against the decision of Allerdale Borough Council.
 - The application Ref FUL/2021/0208, dated 14 July 2021, was refused by notice dated 15 November 2021.
 - The development proposed is "2 No new dwelling houses, semi-detached".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether appropriate living conditions would be provided for future occupiers, with regard to the provision of external amenity space and noise and disturbance.

Reasons

3. The appeal site is formed of a group of single-storey stone-built lockup units situated on Ramsey Brow (A66), which forms the approach to Workington town centre. It is immediately adjacent to a public house which has a beer garden to the side and rear.
4. A pair of two storey semi-detached houses is proposed. Their front elevations would face towards an area of open space associated with the park opposite. Their rear elevations would face the pub and beer garden. The properties would occupy almost the entire plot. Neither party has drawn my attention to any minimum standards for external space provision. However, that is not a reason for external amenity space not to be provided for new dwellings.
5. The proposal before me would not provide the occupiers with any meaningful usable space for activities such as sitting out, drying of laundry, or children's play which would not be appropriate to provide off site. The size and location of external space would therefore represent an inadequate level and quality of amenity which should be expected for the size and type of dwellings proposed.
6. The proximity of an 'A' Class Road, which, at the time of my visit was busy, and a beer garden to the rear could have the potential to cause a significant level of noise and disturbance to the occupiers of the proposed dwellings, including late at night. A noise assessment demonstrates that it would be possible to mitigate the effects of the potential noise through the orientation of openings and the use of mechanical ventilation and non-opening windows. If the appeal were allowed conditions could be imposed to secure these measures.

7. The assessment only deals with noise experienced internally. Due to the lack of external space that would be provided, future occupants would be unlikely to spend any significant periods of time in it. Therefore, their living conditions would be unlikely to be unacceptably affected by the identified sources. Consequently, in this instance, I find no conflict with ALP1 Policies S4 and S32 and the proposal would provide appropriate living conditions with regard to noise and disturbance for the future occupiers of the proposal.
8. Nevertheless, for the reasons set out above, I therefore conclude that the proposal would fail to provide appropriate living conditions for future occupiers of the proposed dwelling with respect to the provision of external amenity space. Consequently, it conflicts with ALP1 policies S4, S5, and DM14 which, amongst other things, seek to ensure that development provides a high standard of amenity. The proposal would also fail to comply with the aims of the National Planning Policy Framework in this respect.

Other Matters

9. I note that the appellant states they had positive pre-application discussions. However, pre-application discussions are not binding on any future decision the local planning authority may make once a proposal has been subject to the formal planning process. This does not lead me to a different conclusion on the main issue.
10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires the decision maker to have special regard to be had to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. The site is within the setting of Curwen Hall (Grade I and Scheduled Ancient Monument) and its associated historic park and garden (Grade II). It is also adjacent to the boundary of Workington Conservation Area. From my observations, the significance of the heritage assets is derived from the historical development of Curwen Hall and the town of Workington. The Council do not consider that the proposal would have any adverse impact on their setting, and I have no reason to conclude otherwise. Having considered this and the variety of designs of nearby buildings, I conclude that the proposal would not adversely affect their setting.
11. My attention has been drawn to other developments in the town which have no external amenity space. I have not been provided with any specific details and therefore I am unable to draw any comparisons with the scheme before me. Similar developments elsewhere do not indicate that the proposal before me would be acceptable and does not persuade me to come to an alternative conclusion on the main issue.

Conclusion

12. For the reasons given above, having had regard to the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR