



Appeal Decision

Site visit made on 13 July 2022

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2022

Appeal Ref: APP/Q9495/W/21/3276704

Newby Bridge Hotel, Newby Bridge, Ulverston LA12 8NA

- 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 Lakeside Inns Limited against the decision of Lake District National Park Authority.
 - The application Ref 7/2021/5223, dated 9 March 2021, was refused by notice dated 5 May 2021.
 - The development proposed is described as 'removal of external storage area and area of untended garden. Locate 4 guest accommodation pods on prepared pad foundations. Introduce hard landscaping and parking.'
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Decision

1. The appeal is allowed and planning permission is granted for the removal of external storage area and area of untended garden; locate 4 guest accommodation pods on prepared pad foundations; introduce hard landscaping and parking at Newby Bridge Hotel, Ulverston LA12 8NA in accordance with the terms of the application, Ref 7/2021/5223, dated 9 March 2021 and the plans numbered ADAL0086/00-01, ADAL0086/2/10-01 Rev C, ADAL0086/2/10-10, ADAL0086/2/10-02 Rev C and ADAL0086/2/10-04 Rev C.

Procedural Matters

2. Since the development has been carried out, retrospective planning permission has been sought. There are some discrepancies between the proposed site plan and the situation on site. These include the extent and position of the patio and planter to unit 1, the provision of hot-tubs and the erection of a building used for housekeeping purposes. That said, I am satisfied that I have sufficient information before me to properly assess the effects of the proposed development in regard to the main issue. In reaching my decision I have assessed the development as shown on the submitted plans.
3. Although I was unable to enter Holly Beck Hall during my site visit, I was able to make careful observations of the appeal site and its surroundings, sufficient along with the evidence before me, to reach a fully informed decision.

Main Issue

4. The main issue is the effect of the development upon the living conditions of the occupants of Holly Beck Hall, with particular regard to overlooking and noise and activity.

Reasons

5. The principle of additional hotel accommodation on this site is not contested and based on all that I have seen and read, I see no reason to disagree. I am aware that the National Park Authority (the Authority) granted permission under application reference number 7/2019/5273 for additional hotel accommodation, including the erection of 6 guest rooms on the appeal site. A further planning permission has also recently been granted for 4 detached guest pods (application reference 7/2021/5665) on the same site.
6. The use, location and design of the approved pods, is the same as the scheme before me. The crux of the dispute between the parties is whether a fence is required above the boundary wall between the appeal site and Holly Beck Hall, to address concerns regarding overlooking and noise and activity from the occupation of pods 3 and 4. The appeal scheme does not propose a fence which was a requirement of the recently approved permission.
7. Pods 3 and 4 have been positioned to face Great Wood, a designated ancient semi-natural woodland which also forms part of Holly Beck Hall. The Authority considers the land immediately beyond the boundary of the pods, to form part of the garden of this adjacent dwelling. I observed that the land has the character and appearance of woodland and is some distance from Holly Beck Hall. The woodland does not form part of the curtilage of Holly Beck Hall i.e., land that is intimately associated with the dwelling, or its formal garden area. The use of the land for informal play and camping, does not render the woodland part of the domestic garden.
8. Beyond the fence, the mature trees that form Great Wood provide an intervening feature that occlude direct views to Holly Beck House. A fence may be preferable for the security of both the appeal site and Holly Beck Hall and it also provides a sense of seclusion for the occupants of the pods. Although the patio areas have been raised above the ground level, the fence serves to restrict overlooking of the woodland area rather than of Holly Beck Hall or its private garden area, neither of which are immediately adjacent to the boundary of the appeal site. The woodland cannot therefore be afforded the same degree of protection as domestic garden closely associated with the neighbouring dwelling.
9. No evidence is before me to demonstrate that the fence has acoustic properties in order to reduce external noise pollution. With or without the fence in situ, occupants could still make noise when using the seating area or hot-tub, outside of the pods. However, given the distance from Holly Beck House, I do not find that the occupants' quiet enjoyment of their home would be materially harmed. Moreover, the pods although detached, are a short walk away from the main hotel buildings, such that staff would be available to deal with any complaints that may arise. This was accepted as an acceptable set of circumstances by the Authority in granting the previous approval (7/2021/5665) for 4 guest pods in the same location as the scheme before me.
10. Full height glazing exists within the front elevations of pods 3 and 4 facing the woodland, which I saw were fitted with venetian type blinds. An external light is further located above the door. A degree of light spillage may occur during hours of darkness or poor weather conditions. This is unlikely to cause significant nuisance to the occupants of Holly Beck Hall given the orientation of

the pods away from the neighbouring house, the windows and lights being set away from the boundary and the dense tree planting.

11. The proposed development would not unduly harm the living conditions of the occupants of Holly Beck Hall, with particular regard to overlooking and noise and activity, over and above the scheme that has already been permitted. The proposal would comply with Policy 6 of the Lake District National Park Local Plan 2020–2035 (2021) which seeks to ensure an acceptable impact on the amenity of adjoining residents and users. It would further comply with paragraph 127 of the Framework which seeks to provide a high standard of amenity for existing users.

Other Matters

12. The site lies within the English Lake District World Heritage Site (WHS), a designated heritage asset for its picturesque landscape and cultural heritage. The development consists of the expansion of an existing hotel on previously developed land which makes a limited contribution to the significance of the WHS. As such, less than substantial harm would be caused to the significance and outstanding universal value of the WHS. This is balanced against the public benefits of the development which include the expansion of an existing accommodation business that enables the public to stay overnight and enjoy the special qualities of the National Park, to which I attach modest weight.

Conditions

13. I have considered the Authority's suggested conditions in accordance with the Planning Practice Guide and paragraph 56 of the Framework. As the development has taken place, conditions relating to a time limit and the submitted plans are not necessary.

Conclusion

14. For the reasons identified above, having regard to the development plan as a whole and all other relevant considerations, I conclude that the appeal should be allowed.

M Clowes

INSPECTOR