



Appeal Decision

Site visits made on 11 May 2022 and 11 July 2022

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 8th August 2022

Appeal Ref: APP/Q9495/W/21/3285641

Gummers How House, Newby Bridge, Ulverston LA12 8NP

- 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 R Ainscough against the decision of the Lake District National Park Authority.
 - The application Ref 7/2021/5089 dated 3 February 2021 was refused by notice dated 28 April 2021.
 - The development proposed is the demolition of existing boathouse and jetty. Construction of new boathouse, dayroom, jetty and slipway with associated site works and dredging.
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Decision

1. The appeal is allowed and planning permission granted for demolition of existing boathouse and jetty, construction of new boathouse, dayroom, jetty and slipway with associated site works and dredging at Gummers How House, Newby Bridge, Ulverston LA12 8NP in accordance with the terms of application Ref 7/2021/5089 dated 3 February 2021 and subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The decision notice refers to policies of the Lake District National Park Core Strategy. The Lake District National Park Local Plan 2020-2035 (the Local Plan) was adopted on the 19 May 2021 and the policies of the Core Strategy are no longer part of the development plan. The parties have provided comments on the updated policy position in their submissions, which have been taken into account.
3. The appellant submitted a revised plan with the appeal, removing glazing from the lake facing elevation of the proposal and adding timber shutters. The Council has had the opportunity to comment on this and has no objection to it being considered in the appeal. I am therefore satisfied that no party has been prejudiced by my taking this drawing into account in my determination of the appeal.
4. An initial site visit of the existing boathouse and jetty was carried out. Following a request from the Council that the appeal site was viewed from the lake, a further visit was undertaken with both main parties to achieve this.

Main Issues

5. The main issues are the effect of the proposed development on: the character and appearance of the area, having regard to the site's location within the Lake District National Park and the English Lake District World Heritage Site; and bats.

Reasons

Character and Appearance

6. The site comprises a single storey timber boathouse with jetty on the eastern side of Lake Windermere in the Lower Windermere Area of Distinctive Character. The Lake District National Park Landscape Character Assessment and Guidelines (the LCA) states that this is a predominantly tranquil valley due to the natural landscape and scattered dwellings, with many of the houses on the eastern shore having their own boathouses and jetties. The site falls within both the Lake District National Park and the English Lake District World Heritage Site (WHS).
7. I note that the Council raises no objection to the replacement jetty. The proposal would also replace the existing structure with a two storey twin berth boathouse with balcony. It would be finished in stone, with glazing and timber shutters on the first floor and a glass balustrade along the balcony. Due to its increased scale and the simpler design of the current boathouse, the proposal would be a more prominent and modern feature in this location.
8. However, a wide variety of boathouses line the lake, with a mixture of modest timber structures and two storey stone boathouses featuring glazing, balconies, and twin berths. As such, although neighbouring boathouses in the immediate vicinity are of a simpler design, in the wider surrounds the proposal would not appear out of place. In any event, it would also be experienced in the context of the boathouse at Ridding Bay opposite which, although single berth, reflects the materials, character and two storey scale of the proposal.
9. The proposal would add to the variety of shoreline structures while also picking up on design elements present at other sites. As such, it would reflect the local vernacular of styles and scales of boathouses and in context would not be read as an incongruous or unduly large scale element of built form. It would retain separation from other structures around the lake and be read against the vast backdrop of landscaping rising beyond the shoreline, respecting the intimate landscape pattern of the area. As such, a largely undeveloped and tranquil character would remain in the immediate surrounds.
10. The appeal site falls within both the Lake District National Park and the English Lake District WHS. In this regard, I acknowledge that the area is afforded the highest level of protection for its landscape and scenic beauty. However, given my findings above there would be no conflict with the statutory purposes of the national park nor would there be any harm to the Outstanding Universal Value of the WHS.
11. For the reasons given, the proposal would not have an adverse effect on the character and appearance of the area, including the Lake District National Park and the outstanding universal value of the World Heritage Site. As such, it would accord with Policies 01, 02, 05, 06 and 07 of the Local Plan. Together these policies require, among other things, that development be appropriate to the character of its location, that the extraordinary harmony and beauty of the landscape is conserved, good design, and the conservation and enhancement of the significance of heritage assets.

Bats

12. The appellant submitted a bat survey with the application. This stated that the risk to bats within the boathouse was not determined due to restricted access. However, an updated survey was submitted with the appeal which, following an internal inspection, concluded there was a very low potential for the building to be used by bats, and proposed a mitigation strategy on this basis.
13. The Council has had the opportunity to comment on this updated survey and has stated that it is satisfied with the findings, requesting that compliance with the survey be the subject of a condition should planning permission be granted for the proposal. On the basis of my observations, I have no reason to disagree with the findings of the survey.
14. For the reasons given, the proposal would not have an adverse effect on bats. As such, it would accord with Policy 04 of the Local Plan, which seeks to protect important habitats, sites and species.

Other Matters

15. The proposal would be fully outside, but within 15m of the boundary of, the Dog Kennel Wood ancient semi natural woodland. The submitted arboricultural report concludes that the proposal could be developed with minimal impact to these trees. Based on my observations, I have no reason to disagree. I further note that the Council is satisfied that potential impacts to the woodland could be addressed by an appropriately worded condition requiring details of how the woodland is to be protected. I agree with the approach of the Council and have imposed this condition below.

Conditions

16. I have had regard to the conditions suggested by the Council and the appellant's comments on these. As required by the relevant regulations I have received and considered the response from the appellant confirming they are agreeable to those which are pre-commencement conditions.
17. The standard time limit condition as well as a condition that the development is carried out in accordance with the approved plans are necessary in the interests of certainty. A condition requiring the submission of an addendum to the Construction Method Statement is also necessary to ensure the ancient woodland is not impacted by the proposal and that an appropriate access is provided to the site during construction.
18. A condition relating to the approval of materials to be used in construction is necessary in the interests of character and appearance. For the same reasons conditions relating to the materials and construction of the roof and the colouring of external woodwork is also required.
19. I have imposed a condition that any external lighting to be used at the proposal will be approved by the Council to ensure no harm to protected species. A condition that the proposal will not be used for the purposes of overnight accommodation is also required in the interests of certainty.
20. The Council has suggested a condition relating to the submission of a Bat Survey prior to the commencement of development. However, this document has now been submitted and approved by the Council during the appeal

process. As such, the suggested condition is not necessary and I have included reference to the bat survey in the standard plans conditions attached.

Conclusion

21. For the reasons given, the proposal would accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be allowed subject to the conditions in the attached schedule.

C Rafferty

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing number: 20022 P 101 (Location Plan & Site Plans); Drawing number: 20022 P 102 (Existing and Proposed Floor Plans); Drawing number: 20022 P 103 Revision A (Proposed Elevations); Pre-Development Arboricultural Report, prepared by Treescapes Consultancy Ltd, dated 10 November 2020; Construction Method Statement, prepared by Damson Consultancy Ltd, dated 23 November 2020; Bat Survey, prepared by Envirotech (Ref: 6797, Version 2), dated 17 August 2021; Design and Access Statement, Heritage Statement and Flood Risk Statement prepared by Damson Consultancy Ltd, dated 2 February 2021
3. No development shall take place, including any works of demolition, until an addendum to the Construction Method Statement prepared by Damson Consultancy Ltd, dated 23 November 2020 has been submitted to, and approved in writing by the local planning authority. This Statement shall provide details of how the access track from the road to the boathouse, through the Ancient Semi-Natural Woodland, is to be altered to accommodate the construction traffic and how the surrounding Ancient Semi-Natural Woodland is to be protected from construction and other traffic, and activity. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
4. No development of a building shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials to be used in the development. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
5. The roof of the building hereby permitted shall be covered in local blue-grey slates (being slates which have been mined or quarried within Cumbria). Such slates shall be riven not sawn, and shall be laid in diminishing courses from

eaves to ridge. The roof shall thereafter be retained in this condition throughout the lifetime of the development.

6. All doors, windows, shutters and associated framework and all external joinery shall be painted or stained or finished in a colour, or colours, to be first approved in writing by the local planning authority. Such painting or staining or finishing shall be undertaken not later than three months from the substantial completion of the works hereby granted consent and thereafter retained as approved.
7. Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. Such lighting shall be installed and retained in accordance with the approved details.
8. The boathouse hereby permitted shall not be used to provide overnight accommodation.