
Appeal Decision

Site visit made on 22 August 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2022

Appeal Ref: APP/Q9495/W/22/3293925

Land off Post Knott, Bowness on Windermere, Cumbria

Easting 340473 Northing 496555

- 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 T Dolman against the decision of Lake District National Park Authority.
 - The application Ref 7/2021/5583, dated 25 June 2021, was refused by notice dated 14 December 2021.
 - The development proposed is construction of 1no. two-storey dwelling and 1no. three-storey dwelling to meet local housing needs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The first main issue is the effect of the proposal on the character and appearance of the area. The second is the effect of the proposal on the living conditions of existing occupiers at Fern Bank, Coleridge House and Beatrix House. The third main issue is whether the proposal represents efficient use of the land.

Reasons

3. The appeal site forms a sloping area of land, rising from the west to the East, within the rural service centre (RSC) of Bowness, on the eastern shores of Lake Windermere. Coleridge House and Beatrix House sit closely to the north of the site in an elevated position looking south, whilst Fern Bank sits at the lower level of the site to the west.
4. Fern Bank hosts residential properties and is located to the west of the site. No.7 and No. 8 Fern Bank (No.7, No.8) sit closest to the site, whilst No. 5 and No. 6 are slightly further forward. All four properties have rear windows facing the appeal site.

Character and appearance

5. The properties on Fern Bank are of a reasonably traditional appearance, modest scale and exhibit a dominance of solid over void. Whilst simple, they perhaps best reflect the established wider character and appearance of this part of Bowness.

6. Coleridge House and Beatrix House are dwellings of greater scale, and the proposed dwellings would not be out of keeping with these, and other large dwellings close to the site.
7. However, due to the rising land levels and levels of visibility from Fern Bank and Brackenfield, which serves Fern Bank, the west facing elevations where the land falls away are likely to be the most prominent within public views towards the site.
8. From within these views, the largely glazed west facing elevations to both dwellings (including balcony glazing) would combine to form a stark and imposing elevation treatment which would jar with the dwellings of more traditional character in Fern Bank in close range views.
9. Coleridge House and Beatrix House incorporate a greater degree of glazing, but more especially to their ground floor front elevations, leaving more traditionally proportioned window openings at first floor level. Post Knott Cottage has an almost fully glazed front elevation but is located well to the west away from Fern Bank. The existing properties in the area do not therefore in themselves justify the design of the dwellings with regard to the amount of glazing proposed to the west facing elevations.
10. The proposal would subsequently have a significant adverse impact on the character and appearance of the area. It would therefore conflict with policies 01, 02, 05 & 06 of the Lake District National Park Local Plan (2021) (LDLP) which amongst other things require development which protects, maintains or enhances local distinctiveness including with regard to appearance and materials.

Living conditions

11. The southernmost dwelling would be set only a limited distance back within the site from the rear elevation of No.7 and No. 8. Bearing in mind the three storey construction on this part of the site and the largely glazed west elevation including a glazed balcony, the southernmost property would have an over dominating and overbearing impact on the occupiers of these dwellings.
12. Whilst acknowledging that the proposed dwelling would be angled slightly away from these properties, it is still the case that the proposal would result in a significantly harmful degree of overlooking towards the rear windows and rear outdoor areas as a result of the design and positioning of the southernmost dwelling. This would have a significant adverse impact on the living conditions of the occupiers of No.7 and No. 8.
13. The harm would not be mitigated as a result of existing planting on the boundary, which is not especially substantial, nor would it be resolved with new planting which would be likely to take some time to mature, but the retention of which could be required via condition.
14. Whilst obscuring the glazing to the balcony would provide some relief, this would not be complete as the height of the glazing would appear to allow for a clear view westward for anyone standing on the balcony.
15. I have not identified the same harm arising from the northernmost dwelling on the plot in relation to Fern Bank as this dwelling would be set further back within the site. Were I minded to allow the appeal, conditioning the side

screens of the balconies to be obscure glazed would mean that no significantly harmful overlooking to either Coleridge House or Beatrix House would ensue.

16. To conclude on this issue, the proposal would be significantly harmful to the living conditions of the occupiers of No.7 and No. 8. It would therefore conflict with Policy 06 of the LDLP which amongst other things requires that development must not have an unacceptable impact on the amenity of adjoining residents due to overlooking or overbearing effect.

Use of land

17. The evidence indicates that planning permission was previously granted for 5 affordable dwellings in 2005. The evidence indicates that this scheme turned out to be unviable. I have no reason to disagree with this position.
18. I acknowledge that there is a limited capacity for new development in the Lake District and that RSC's will be the focus for housing development. Whilst I accept that it is some degree of a jump from that previous scheme to the appeal before me, the physical circumstances of this particular site which is steeply sloping and closely bordered by existing dwellings to the north and west lead me to believe that it would be an expensive and difficult site to develop.
19. The evidence indicates that four plus bedroom dwellings (both dwellings would include 4no. bedrooms) do form part of the housing needs of the area and the plots afforded to both houses would not be excessive in size.
20. I therefore conclude on this matter that this proposal on this particular site would make an efficient use of land. The proposal would not therefore conflict with Policy 02 of the LDLP where it requires development in RSC's to make efficient use of land.

Other Matters

21. I acknowledge that there were no objections received from any of the occupants of Fern Bank in relation to the application or appeal. However, this cannot be taken as an indication of a lack of harm and occupants can change quickly over time.

Planning Balance and Conclusion

22. The proposal relates to the provision of local needs housing which weighs in its favour. However, I have identified significant harm to the character and appearance of the area and living conditions of existing occupiers which outweigh the benefits.
23. There is nothing to indicate that the decision should be made otherwise than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR