



Appeal Decision

Site visit made on 4 October 2022

by M J Francis BA (Hons) MA MSc MCIfA

an Inspector appointed by the Secretary of State

Decision date: 7 November 2022

Appeal Ref: APP/H0928/D/22/3304387

3 Railway Cottages, Long Marton, Cumbria CA16 6BY

- 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 Carl Simons against the decision of Eden District Council.
 - The application Ref 22/0057, dated 14 January 2022, was refused by notice dated 29 July 2022.
 - The development proposed is described as to make one car parking space at top of garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has submitted, following the determination of the application, an amended scheme to realign the parking area. I have considered whether these plans should be accepted in light of the 'Wheatcroft principles'.¹ However, as the Council and third parties have not seen the details of this scheme, they would be prejudiced. I have, therefore, chosen not to accept the amended plans.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the Settle-Carlisle Conservation Area; and
 - The effect of the proposal on highway safety

Reasons

Character and appearance

4. The host property, like other cottages in the row, has a narrow linear garden to the rear. This extends up to a bank with trees and hedgerow plants which runs alongside the road. This vegetation screens the terrace from the road. Adjacent to the northern elevation of the terrace is a triangular parking area for residents.
5. The site is within the Settle-Carlisle Conservation Area. This is a linear conservation area which runs either side of the railway line, and in this location includes Railway Cottages and their gardens, which are reputed to have been

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

built for railway workers. The substantial arched railway bridge adjacent to the site, and the high embankments either side, frame views of the verdant setting of trees along the roadside and the fields beyond. The significance of the conservation area includes the development of this extensive railway line, including the buildings and structures associated with the construction of the railway.

6. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, in this case the Settle-Carlisle Conservation Area, great weight should be given to the asset's conservation.
7. The creation of the access would result in a ramp being constructed through the earthen bank into the garden area. This would result in the removal of a variety of semi-mature trees and hedgerow plants, which currently adds to the attractiveness of the boundary and the character of the conservation area. As a mid-terraced property, this would be sited in the middle of the bank adjoining the road, which at this point appears to be at its steepest, thereby eroding and disturbing the existing line of trees. Although it is only proposed to remove two trees, which the appellant considers would retain 80% of the existing hedge in place, the trees in this area of the bank are growing very close together, and there is no evidence provided that other healthy species could be protected and retained. Whilst plastic matting can provide a suitable surface for parking, angling it up the bank would introduce a material at odds with the natural tree lined bank and the gentle, rural character of the site.
8. Although the appellant intends to plant new trees at the rear of the parking area to provide privacy and a natural view from the road, and there would be no tarmac or buildings on the site, the proposal would be clearly visible from the adjoining road. It would result in an unsympathetic break in the current bank and trees growing along the road which creates a green corridor screening the rear gardens.
9. I have identified the importance of the overall setting of the railway line, the terrace of cottages and this green boundary to the significance of the conservation area, as a designated heritage asset, and this would be eroded by the proposal. As a consequence, harm would be caused to this part of the Settle-Carlisle Conservation Area. The proposal would neither preserve or enhance the character or appearance of the conservation area and accordingly there would be conflict with the Act.
10. In assessing the degree of harm to the significance of the conservation area, as a designated heritage asset, as set out in the Framework, this would be less than substantial. In such circumstances paragraph 202 of the Framework requires the harm to be weighed against the public benefits of the proposal. Whilst it can be appreciated that the appellant wishes to provide a dedicated car parking space for the property, this is essentially a private benefit. Although the appellant has stated that they would plant further trees at the rear of the site, these would only be replacing trees that have had to be removed to create the parking area. Limited weight is therefore given to this.

11. Against the limited public benefit identified, is the great weight that I am required to give the heritage asset's conservation. Accordingly, the public benefits of the proposal do not outweigh the harm to the designated heritage asset.
12. I conclude that the proposal would be harmful to the character and appearance of the Settle-Carlisle Conservation Area. The proposal would fail to accord with Eden District Council Policy DEV5 which supports high quality design and protects and where possible enhances the district's distinctive landscape and natural environment; and Policy ENV10 which requires development to conserve and where appropriate, enhance the significance of Eden's heritage assets. It would also not accord with the historic environment objectives of the Framework.

Highway safety

13. The rectangular parking area would be 250cm wide, with a limited visibility splay. Drivers exiting the space would not be able to see pedestrians or vehicles approaching due to the adjacent bank and landscaping, and vehicles would need to protrude onto the road before they would have reasonable sight lines. Vehicles and pedestrians passing the site would similarly have an obstructed view of a vehicle exiting the space because of the surrounding greenery.
14. The appellant states that reversing from the parking spaces created at Nos 5 and 6 Railway Cottages has not caused any issues and no evidence of any incidents has been provided. However, these spaces being closer to the railway bridge and located before the road slopes down towards the proposal site, are more visible than the entrance proposed. Whilst the appellant has stated that many other properties in Long Marton have to reverse onto the road, with no means of turning, the circumstances of these cases has not been provided.
15. Whilst at the time of my site visit there was little traffic on the road, at commuting and school times the limited visibility from the parking space would harm the safety of those using the adjoining road. Although it has been stated that it would allow the appellant to park away from a dangerous corner on the road, it has not been stated where the appellant currently parks. The proposal, in this location with limited visibility, no turning space and requiring driving up and reversing out of a narrow space up a relatively steep ramp, would unacceptably harm highway safety in this location and would not accord with Eden District Local Plan Policy DEV3.

Other Matters

16. The proposal would release parking spaces so that residents would not have to park on the lane where there has been damage in the past. From my observation, the current parking area adjacent to the terrace would take several cars comfortably, and in the middle of the day when I undertook my site visit, there was no parking along the road. However, the provision of one parking space to relieve pressure on the general parking area would result in a small benefit.

Conclusion

17. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations that outweigh the identified harm and associated development plan conflict.
18. For the reasons given above, I conclude that the appeal is dismissed.

M J Francis

INSPECTOR