



Appeal Decision

Site visit made on 24 October 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/M0933/W/22/3302654

9 Mounts Meadow Close, Gleaston, Ulverston, Cumbria LA12 0RL

- 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 A Davies against the decision of South Lakeland District Council.
 - The application Ref SL/2022/0028, dated 12 January 2022, was refused by notice dated 15 March 2022.
 - The development proposed is described as internal alteration to sub-divide existing single dwelling into 2 no dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for internal alteration to sub-divide existing single dwelling into 2 no dwellings at 9 Mounts Meadow Close, Gleaston, Ulverston, Cumbria LA12 0RL in accordance with the terms of the application, Ref SL/2022/0028, dated 12 January 2022, subject to the following 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 No. 227 'Location Plan';
 - Drawing No. 227.01 'Existing Floor Plans';
 - Drawing No. 227.02 Revision B 'Proposed Floor Plans';
 - Drawing No. 227.03 Revision B 'Elevations'; and
 - Drawing No. 227.04 'Site Plan'.
 - 3) The proposed dwelling at 9 Mounts Meadow Close shall not be occupied until two front car parking spaces and access to them have been laid out within the site. The car parking and access shall thereafter be kept available at all times for those purposes.

Applications for costs

2. An application for costs was made by Mr A Davies against South Lakeland District Council. This is the subject of a separate Decision.

Preliminary Matters

3. With this appeal, the appellant has submitted amended drawings 227.02 Revision B titled 'Proposed Floor Plans' and 227.03 Revision B titled 'Elevations'. This shows a window within the infilled garage door on the proposal's western elevation. The Council has considered these drawings and has confirmed that this would be sufficient to remove its reason for refusal related to character and appearance.
4. I have considered whether those who should have been consulted on the changes to the revised plans would be disadvantaged. I have therefore considered whether addition of this window would affect the living conditions of occupiers of properties opposite. However, due to the separation afforded by the road, and the presence of several other windows of the appeal property facing in the same direction, the change would not have an unacceptable effect upon their living conditions. I do not consider that any party would be disadvantaged by my acceptance of this revision. Based on the evidence presented and my observations on site, I find no reason to question the Council's assessment and concur that this addresses the issue regarding character and appearance.
5. The Environment Agency was consulted regarding the flood risk status of the appeal site and has confirmed the appeal property is in Flood Zone 1 and raise no objection with the proposal. The Council has agreed with this view and consequently has confirmed that the flood risk reason for refusal can be removed. Based on the evidence presented and my observations on site, I find no reason to question the Council's assessment and concur that there is no issue with flood risk.

Main Issue

6. The main issue is whether the proposal would affect the living conditions of the future occupants of the proposed property with respect to outlook, sunlight and amenity space.

Reasons

7. The appeal site is a semi-detached bungalow which has a large side and rear extension to its gable end. The property has a large rear patio area and L-shaped garden. It is separated from the adjoining neighbour's rear garden by a relatively high fence.
8. The proposal would subdivide the L-shaped dwelling into two properties. The part of the building adjoining the neighbouring property would be 9 Mounts Meadow Close (No 9) and the gable extension would be 9a Mounts Meadow Close (No 9a). It would also include dividing the garden between the properties and separating these with a rear boundary fence.
9. No 9 would have a ground floor bedroom and kitchen with outlook to the rear of the property. Due to the adjoining neighbour's fence and No 9a's side elevation, the outlook from these rooms would not meet either the 45 or 60-degree rules which is sometimes used as a rule of thumb to assess the impact of structures on the living conditions on existing and future occupants. Whilst useful, these are guidance only and in any event the Council do not have any adopted policy or supplementary guidance covering this matter. As was evident on my visit, the fence is not excessively high and good views over it would

exist. Furthermore, the side elevation is only single storey in height and as the roof would slope away from the rear area, it would not create an overly dominating structure. Overall, while the outlook would be confined to a degree by the fence and side elevation, due to the relatively large separation distances between the windows and these structures and their limited heights, the rear outlook would be reasonably open and clear. This would not result in an unacceptable level of outlook from the rooms.

10. With the open and clear rear external area, there would generally be good ambient light levels to No 9's rear rooms. Due to the No 9a's orientation to the south of No 9, some overshadowing of the rear windows would occur for parts of the day. However, with No 9a's single storey height and roof sloping away from the rear area, this would not have an unacceptable effect on the overall enjoyment of these rooms. In addition, the future occupiers of No 9 would have access to a garden area which extends well past the end of No 9a and would receive direct sunlight.
11. The rear patio would be a relatively open and spacious amenity area for No 9 and with the large size of the garden, would create a good quality external space. It would not feel unacceptably enclosed or oppressive.
12. In conclusion, the proposal would not create unacceptable living conditions for future occupants of 9 Mounts Meadow Close with respect to outlook, sunlight and amenity space. The proposal complies with Policy DM1 of the South Lakeland Development Management Policies Development Plan Document 2019, Paragraph 130 of the National Planning Policy Framework and Paragraph 120 of the National Design Guide. These policies and guidance document seek, amongst other matters, to ensure development delivers acceptable levels of amenity for existing and future occupants.

Conditions

13. The Council has requested conditions to be applied, which I have assessed with regard to the tests set out in the Planning Practice Guidance (PPG) and the National Planning Policy Framework. The conditions that I have imposed are broadly reflective of those suggested although I have amended some of the wording in the interests of precision and clarity. I have not included an environment net gain condition as no significant planting or vegetation would be removed. I have also not included a flood risk condition as the property has been confirmed as being in Flood Zone 1.
14. For certainty I have included the standard three-year time limit and that the development shall be carried out in accordance with the approved plans. For highway safety, I have included a condition to ensure adequate parking is provided.

Conclusion

15. In conclusion, the proposal would not conflict with the development plan, when read as a whole. Material considerations, including the Framework do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised I therefore conclude that the appeal should be allowed.

J Symmons

INSPECTOR