



Appeal Decision

Site visit made on 2 March 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2023

Appeal Ref: APP/M0933/D/23/3314207

25 Dunmail Drive, Kendal, Cumbria LA9 7JG

- 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 Alex Barrow against the decision of South Lakeland District Council.
 - The application Ref SL/2022/0852 dated 15 September 2022, was refused by notice dated 9 December 2022.
 - The development proposed is extension to existing front dormer to full width & rear first floor extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on (i) the character of the area of the area and existing property; and (ii) the living conditions of occupiers of neighbouring properties.

Reasons

Character and Appearance

4. The appeal site is a modest semi-detached property within a predominantly residential area. In general, there is a harmony to the streetscene in terms of form, design and materials.
5. The proposed extension to the front dormer is not dissimilar to others within the immediate area. The proposed rear first floor extension would extend from the rear wall of the existing property and provide a shallow pitched roof. Due to the location of the appeal site, the side and rear of the property is visible in the streetscene. The proposed rear extension due to its location, design and scale would be an alien feature to the existing property and the area in general.

6. My attention has been drawn by the Appellant to extensions to properties within the area, photographs have been provided to allow me to assess these schemes against the proposal before me. Whilst I appreciate the photographs show large dormer windows and first floor extensions, none appear similar to the proposed rear extension before me. In any event each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
7. The proposed development would be an unsympathetic addition to the host property and immediate area. I find that the proposed development would harm the character and appearance of the area and the existing property.
8. There is conflict with Policy CS8.10 of the South Lakeland Development Framework, Core Strategy (2010) (the Core Strategy) and Policies DM1 and DM2 of the South Lakeland District Council Local Plan, Development Management Policies (2019) (the Local Plan) which seek amongst other things to ensure development makes a positive contribution to a locality and responds appropriately to local context and character.
9. There is also conflict with the National Planning Policy Framework (2021) (the Framework) which seeks amongst other things to ensure developments are of good design appropriate and sympathetic to their surroundings.

Living Conditions

10. The existing property is situated on a modest plot. There is an existing window in the side elevation of the existing property and a small roof light on the rear roof. Notwithstanding this, opportunities of overlooking towards neighbouring properties is limited.
11. The proposed rear extension would introduce direct overlooking to neighbouring properties, in particular No. 28 Dunmail Drive. Whilst mutual overlooking does exist between properties in this area; the scale, positioning and design of the proposed development would exacerbate the sense of being under surveillance and would diminish the levels of privacy currently experienced.
12. I conclude that the proposed development would harm the living conditions of occupiers of neighbouring properties.
13. There is conflict with Policy CS8.10 of the Core Strategy and Policies DM1 and DM2 of the Local Plan which seek amongst other things to ensure development protects the living conditions of occupiers of neighbouring properties through the delivery of acceptable levels of privacy.
14. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR