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# Appeal Decision

Site visit made on 3 April 2023

**by T J Burnham BA (Hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6 April 2023**

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**Appeal Ref: APP/Q9495/D/23/3314314**

**1 Conn Cottages, Bampton, Cumbria CA10 2RQ**

- 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 Charles Collins against the decision of Lake District National Park Authority.
  - The application Ref 7/2022/3098, dated 1 August 2022, was refused by notice dated 18 October 2022.
  - The development proposed is the erection of an oak framed gazebo.
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## Decision

1. The appeal is allowed. Planning permission is granted for the erection of an oak framed gazebo at 1 Conn Cottages, Bampton, Cumbria CA10 2RQ in accordance with the terms of the application Ref 7/2022/3098 dated 1 August 2022.

## Procedural Matters

2. The description within the banner heading and formal decision above has been amended to omit wording that is not a description of development.
3. At the time of my site visit an oak framed gazebo was present on the site and this appeared to broadly accord with the submitted plans. For the avoidance of doubt, my decision is based on the submitted plans.
4. The gazebo is placed above a hot tub. However, the Authority indicate that the hot tub is not an act of development, nor has there been a material change of use. I have no reason to disagree with that position. The evidence indicates that the property is used as a holiday home.

## Main Issues

5. The main issues are the effect of the gazebo on the living conditions of the occupiers of Hollin View (the neighbouring cottage to the south) with regard to overbearing and on the living conditions of neighbouring occupiers, in particular Hollin View.

## Reasons

6. The appeal property sits within the pleasant rural village of Bampton, within the Bampton Conservation Area (the Conservation Area).
7. The gazebo is of a reasonable height and is positioned close to the boundary with Hollin View within the rear garden of the appeal property. However, it

does not form an overbearing feature from within the bedroom which is served by the first-floor window on the north-eastern elevation. The structure appears peripherally within this view and clear and open views remain available from the window towards the gardens, trees, and the fells beyond. It does not form a dominating, enclosing or claustrophobic feature.

8. I do not consider that the presence of the gazebo offers any significant additional incentive to use the hot tub. By their nature, they can and are just as easily used in rainy or cold weather or during evening times. If anything, it could be the case that the structure acts to limit the spill of noise associated with the use of the hot tub.
9. The proposal would not therefore cause any significant harm to the living conditions of occupiers of Hollin View or other neighbouring properties. There would therefore be no conflict with policies 01, 02 or 06 of the Lake District National Park Local Plan (2021) (LP) which amongst other things require development that is appropriate to the character of an area and that development must not have an unacceptable impact on the amenity of adjoining residents with regard to overbearing effect or noise.

### **Other Matters**

10. The Authority have concluded that the gazebo is consistent with the appearance and character of the Bampton Conservation Area by reason of its materials, design, form and location. I have no reason to disagree, and the proposal would preserve the character and appearance of the Conservation Area.
11. I have not identified any conflict with the other policies of the LP that are before me relating to the Historic Environment (07) and Mineral Safeguarding Areas (28).

### **Conditions**

12. No conditions are suggested and I have no reason to disagree with that position given that the development appears to be complete.

### **Planning Balance and Conclusion**

13. There is nothing, including the Framework<sup>1</sup>, to indicate that the decision should be made otherwise than in accordance with the development plan and I therefore conclude that the appeal should be allowed.

*T J Burnham*

INSPECTOR

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<sup>1</sup> National Planning Policy Framework 2021.