



Appeal Decision

Site visit made on 16 May 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2023

Appeal Ref: APP/Q9495/W/23/3316752

West View, The Heads, Keswick, Cumbria CA12 5ES

- 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 Craig Woods against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/2242, dated 28 September 2022, was refused by notice dated 7 December 2022.
 - The development proposed is erection of single-storey extension to enhance the kitchen and owners accommodation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of residents of the neighbouring property at Lane Rigg House with regard to outlook and privacy.

Reasons

3. The appeal site is a guest house known as West View. The property sits next to Lane Rigg House, a residential dwelling. The proposal would comprise a single storey extension to the side of the rear projection of West View. Due to the orientation of the two properties, the proposed extension would appear to the rear of Lane Rigg House. I viewed the proposed arrangement from the rear of both properties.
4. Lane Rigg House has three windows at lower ground and ground floor level in that part of its rear elevation nearest to West View. From what I saw during my site visit, the window at lower ground floor level does not relate to what would reasonably be classed as a habitable room. One of the ground floor windows relates to a kitchen. My attention has not been drawn to any definitions used by the National Park Authority, but it is reasonable that I take the view that kitchens are habitable rooms. The other window relates to what is described as a utility/drying room. From what I saw during my site visit, this room is not currently used as a habitable space. Nevertheless, there is no reason why it could not be used as such should residents choose to do so. I therefore consider that this room is a habitable room for the purposes of this appeal, irrespective of whether the current residents keep the door positioned directly in front of the window constantly open.

5. I appreciate that there are a number of existing windows in the rear projection of West View that afford views towards the window of the utility/drying room. However, the window in the proposed extension would allow for more direct views. The window of the proposed extension would be positioned slightly lower than the utility/drying room window which would reduce the opportunity for direct overlooking to an extent. Nevertheless, while concerns about overlooking and loss of privacy could be addressed to a degree by the use of a condition requiring the window to be obscurely glazed, the residents of Lane Rigg House would still have a perception of being overlooked when using this room. This would compromise residents' use of the room and therefore the living conditions that they could reasonably expect to enjoy.
6. Due to the angle of vision that would be created, there would not be an unacceptable loss of privacy when in the kitchen of Lane Rigg House.
7. The proposed extension would be seen from the kitchen window of Lane Rigg House but only clearly so from certain locations within the room. Owing to this, the outlook from the kitchen window would remain one of a relatively open aspect from most locations within the room. I am not therefore persuaded that the proposal would result in such an overbearing effect on outlook from the kitchen window that the living conditions of residents would be unacceptably impacted.
8. The proposed extension would be in a more direct line of sight of the window of the utility/drying room. Although the proposed extension would be of a relatively modest size, it would be visible above the boundary hedge and fence when viewed from this window and in closer proximity than the existing rear projection of West View. Given its proximity and the angle of view, the proposed extension would restrict the aspect from this window and would introduce a sense of enclosure to the room. Accordingly, the proposal would result in a detrimental overbearing impact on the living conditions of residents of Lane Rigg House.
9. Although not forming part of the Council's reason for refusal, the interested parties, the residents of Lane Rigg House, have raised concern about the effect of the proposal on light into the kitchen and utility/drying room, and it has been mentioned by the Council and appellant in their appeal statements. The orientation of these windows is roughly to the east. The proposed extension would sit to the south east. The location and form of the rear projection of West View will already affect the light received by these windows. There would likely be some limited reduction in light to these windows for part of the day with the extension in place. However, given the scale of the proposal and its location on the side of the three storey rear projection of West View, it would be unlikely to increase this to an extent that would result in an unacceptable impact on the living conditions of residents.
10. For the reasons given above, I conclude that the proposal would have an unacceptable impact on the living conditions of residents of the neighbouring property at Lane Rigg House with regard to privacy and outlook. As such, it would conflict with the residential amenity requirements of Policy 06 of the 2021 adopted Lake District National Park Local Plan 2020 – 2035 and chapter 12 of the National Planning Policy Framework.

Other Matters

11. I appreciate the appellant's desire to create an improved living environment in which they can run a tourist business. However, this would not outweigh the identified harm.
12. The appeal site is within the Keswick Conservation Area (the Conservation Area). West View is a substantial property with equally large properties on both sides. Although the proposed development would be visible in public views from within the Conservation Area, it would appear as a subservient addition to the host property and would be constructed from matching materials. The proposed development would therefore preserve the character and appearance of the Conservation Area and would not harm its significance as a designated heritage asset.

Conclusion

13. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR