



Appeal Decision

Site visit made on 7 August 2023

by C Livingstone MA(SocSci) (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2023

Appeal Ref: APP/G0908/D/23/3318834

Park End, Rubby Banks Road, Cockermouth, Cumbria CA13 0DT

- 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 Frank McGuire against the decision of Allerdale Borough Council.
 - The application Ref HOU/2022/0174, dated 15 September 2022, was refused by notice dated 19 January 2023.
 - The proposed is described as “construction of a retaining wall to provide resilience against flooding and the erosion of the hedge-topped bank in front of Park End, Rubby Banks Road. The choice of pre-cast concrete blocks was made to give the best support without foundations, as excavation is considered inadvisable due to the proximity of electricity and gas services to the bank.”
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a retaining wall comprising of pre-cast concrete blocks faced with timber fencing at Park End, Rubby Banks Road, Cockermouth, Cumbria CA13 0DT in accordance with the terms of application reference HOU/2022/0174, dated 15 September 2022 and subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with the following approved plans: FRP-1, FRP-2 (revision A), FRP-3 and FRP-4.
 2. Notwithstanding condition 1, the fence hereby permitted shall not be installed until details of the finish have been submitted to and approved in writing by the local planning authority.
 3. The chamfering of the blocks as detailed on drawing FRP-2, revision A and external timber fencing to the front face of the wall blocks as detailed on drawing FRP-1 shall be implemented in full within 2 months of the date of this permission and shall be retained at all times thereafter for the lifetime of the development.

Preliminary Matters

2. The above description is taken from the application form. However, the proposal would be more accurately described as “the construction of a retaining wall comprising of pre-cast concrete blocks faced with timber fencing”. The main parties agree that this revised description is acceptable and therefore I have used it in my formal decision.

3. It was noted, on carrying out a site visit, that the development is partially retrospective as the pre-cast concrete blocks are positioned on the site. The fencing on the front face of the blocks is proposed.

Main Issue

4. The main issue is whether the development would preserve or enhance the character or appearance of the Cockermouth Conservation Area.

Reasons

5. The application site is located on an unadopted single track road that serves a small number of residential properties. The road runs along the banks of the River Cocker, and is part of a core path, with mature woodland forming a green corridor linking parts of the town. The dwellings on Rubby Banks Road are a mix of architectural styles. This is reflected in their front boundary treatments which include hedgerows, stone walls, metal railings and timber fencing.
6. The Cockermouth Conservation Area (CA) covers an area encompassing the historic central core of the town and the banks of the River Cocker. Given the above I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with its effect on an attractive recreational route through the town and the setting of the banks of the River Cocker.
7. Upon completion the concrete blocks would not be clearly visible and the retaining wall would appear as a relatively low timber boundary wall, with a hawthorn hedge above. The blocks would be tapered at the northern end to meet the edge of the driveway. This would minimise the side view of the blocks when approaching the site from the north. Both timber fencing and hawthorn hedging are traditional boundary treatments that are evident in this part of the CA. As such the development would reflect the character of the area and be in keeping with the local context.
8. I conclude that the completed development would preserve the character and appearance of the Cockermouth Conservation Area. It would therefore comply with Policies S4, DM14 and S27 of the Allerdale Local Plan Part 1 (2014). These policies are consistent with the NPPF in seeking high quality design which is sympathetic to local character and history and conserves and enhances the historic environment. As a result, the proposal would be in accordance with the development plan taken as a whole.

Other Matters

9. Several concerns have been raised that the development would restrict vehicular access along Rubby Banks Road. This road is single track and narrow in places, including at the application site. Notwithstanding this, during my site visit I saw a large delivery vehicle using Rubby Banks Road and its passage was not encumbered by the blocks. The proposal does not have an adverse effect on the safe and efficient operation of the road and I note that the Highways Officer has expressed a similar view.
10. A number of other concerns have been raised including ownership of the land and the necessity and efficiency of the development as a flood resilience measure. Based on the information before me these matters would not be sufficient to change my decision to the dismissal of this appeal.

Conditions

11. I have attached a condition specifying the approved plans in the interests of certainty. To protect the character and appearance of the area, conditions are necessary to ensure that the end block is chamfered, and the timber fencing erected within a 2 month timescale. To ensure a satisfactory appearance, details of the finish to the fencing will need to be agreed with the local planning authority.

Conclusion

12. For the reasons given above, I conclude the appeal should be allowed.

C Livingstone

INSPECTOR