



Appeal Decision

Site visit made on 31 August 2023

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/Q9495/W/23/3319794

1 Wansfell Holme, Windermere, Cumbria, LA23 1LS

- 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 David Sutton (Suttons Tax Ltd) against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/5712, dated 10 November 2022, was refused by notice dated 13 January 2023.
 - The development proposed is 'demolition of existing garage, construction of garden annex, alterations to the existing driveway and retrospective permission for the existing water feature and associated landscaping works'.
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Decision

1. The appeal is dismissed insofar as it relates to 'construction of garden annex'. The appeal is allowed insofar as it relates to 'demolition of existing garage, alterations to the existing driveway and retention of existing water feature and associated landscaping works' and planning permission is granted for 'demolition of existing garage, alterations to the existing driveway and retention of existing water feature and associated landscaping works' at 1 Wansfell Holme, Windermere in accordance with the terms of the application Ref 7/2022/5712, dated 10 November 2022, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:

The development hereby permitted shall begin not later than three years from the date of this decision.

The development hereby permitted shall be carried out in accordance with the following approved plans and documents:

- Site Location Plan;
- Proposed Site Plan and Landscape Masterplan Drawing No. 1000;
- Planning Statement;
- Design and Access Statement;
- Heritage Statement;
- Tree Report;
- Construction Management Plan.

The development hereby permitted does not include any landscaping associated with the refused garden annex to the south of the driveway.

Procedural matter

2. The description of the proposed development included above in the header is taken from the application form. In the interests of clarity and for the purposes of the appeal the description is amended to be 'demolition of existing garage,

construction of garden annex, alterations to the existing driveway and retention of existing water feature and associated landscaping works’.

Reasons

3. Wansfell Holme is a Grade II listed building that is situated in the English Lake District World Heritage Site (WHS). The main issue is the effect of the proposed development on the setting of Wansfell Holme and on the Outstanding Universal Value (OUV) of the WHS.

4. Wansfell Holme was built in 1836 as a detached villa; it is now subdivided into three dwellings in the same ownership. The building has two storeys and is built in stone rubble. The centre three bays of the south-west elevation of the building is covered by a distinctive, elaborately ornamented, iron and glass sun room with five wide pointed arches. The French windows inside have Gothic traceried fanlights and other architectural and historic features of the building include elaborate cusped bargeboards with finials on carved corner brackets and tall octagonal chimneys. On the north-west elevation of the building is a gabled porch with Tudor arched entrance and 3-light windows to either side.

5. The listed building was purposely situated so that its principal south-west frontage overlooks Lake Windermere. From windows in this elevation, from the sun room, and from a terraced, lawned garden area surrounded by a stone retaining wall that extends to either side of the building, there are commanding views down to and overlooking the lake. There are similar commanding views from less formal lawned gardens that extend down to the south-west boundary of the property. From a gated entrance in this boundary a driveway rises and curves round to a flat parking area in front of the gabled porch. An existing double garage, which is set into a steep bank, is accessed off the parking area.

6. Not only are there outstanding views from the terrace over the lake and towards distant hills, there are also attractive views of distant mountains to the north and views of woodland to the south-east. The feeling of openness on the terrace and the uninterrupted views from it of the lake, hills and mountains, all contribute to the attractive setting of the listed building. Also of significance to the setting of the historic asset are the glimpses of the listed building from the driveway. The building is first glimpsed after passing through the entrance gates and becomes more prominent as the driveway turns towards the front entrance porch. In these views the existing garage is to the left and is unobtrusive.

7. The proposed single storey garden annex would be 15.5 metres long and 11.5 metres wide. It would comprise, principally, an open plan home office, a private office, a single garage and a washroom. It would have slate rubble elevations and a gable roof clad in green slates laid to diminishing courses. It would be located to the north-west of the terrace and to the south of the driveway as it curves round towards the front entrance. It would be a simple building constructed in local materials, though it would have an improbably long and somewhat incongruous lintel over a wide opening in its south elevation.

8. The proposed building would be located forward of the principal south-west elevation of the listed building and would be close to the retaining wall around the terrace. The roof of the building would rise above the retaining wall and would obscure views of distant mountains to the north from the terrace. Any building in this location would, furthermore, seriously undermine the feeling of openness experienced on the terrace and would intrude in glimpses of the listed building

from the driveway. In this regard, the proposed building would be set in front of the listed building in views from the driveway and would detract from first impressions of the elaborate architecture and historic interest of the listed building.

9. The proposed building would have a serious adverse effect on the setting and significance of Wansfell Holme. The listed building, given its historic significance, contributes to the OUV of the WHS. The harm that would be caused to the setting and significance of Wansfell Holme would also harm the OUV of the WHS. The proposed building thus conflicts with, in particular, policies 01 and 07 of the Lake District National Park Local Plan 2020-2035 (LP).

10. The proposed demolition of the existing garage is uncontroversial and proposed alterations to the existing driveway would be necessary after the garage is removed. The existing water feature that has been created is on the slope down from the terrace to the south-west boundary of the property. It is suitably informal, with boulders around a pond, and is not visually intrusive or out of character with its surroundings. These elements of the proposed development would not harm the setting of the listed building or the OUV of the WHS.

11. The harm that would be caused by the proposed building to the significance of the listed building would be less than substantial. In this circumstance paragraph 202 of the National Planning Policy Framework requires that the harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

12. The Appellant, who lives in one of the three dwellings, maintains that the proposed building would secure the optimum viable use of the heritage asset because it would provide a base for his accountancy firm which cannot be accommodated in his home. Income from the accountancy practice and from the parts of the listed building that are used as holiday lets, he maintains, "...will help us to keep on putting the property to its optimal use, and therefore be of public benefit". Income from the holiday lets would not be affected by any outcome of the appeal and office space for the accountancy practice need not be on-site but elsewhere in the vicinity. Furthermore, any possible public benefit that would accrue from continuing restoration and maintenance of Wansfell Holme and from the demolition of the existing garage does not outweigh the serious harm that would be caused by the proposed building to the setting of the heritage asset. No other matters mentioned by the Appellant affect this planning judgement.

Conditions

13. The National Park Authority were informed of the intent to grant planning permission for 'demolition of existing garage, alterations to the existing driveway and retention of existing water feature and associated landscaping works' and were asked to suggest any conditions that they considered to be necessary and appropriate. They responded with two suggested conditions.

14. A suggested condition requiring the development to be carried out in accordance with application drawings and documents is necessary for the avoidance of doubt. Parts of these drawings and documents relating to the proposed garden annex do not need to be excluded because planning permission has been refused for the annex, and reference to drawing no. 525/SS01ex has been deleted because this drawing illustrates the elevations of the listed building. A condition setting a time limit for commencement of the development hereby permitted will also be imposed, along with a condition that will exclude from the

permitted development any landscaping associated with the garden annex to the south of the driveway.

15. A suggested condition requiring the prior approval of a landscaping scheme is unnecessary because a landscape masterplan was submitted with the application and compliance with the suggested condition considered in the previous paragraph will require the permitted development to be carried out in accordance with it. The second element of the suggested condition, which relates to the replacement of trees within a five-year period, can only relate to trees that are planted pursuant to implementation of the planning permission, and the landscape masterplan does not indicate the planting of any trees.

Conclusion

16. The proposed development insofar as it relates to the construction of a garden annex would have a serious adverse effect on the setting and significance of Wansfell Holme and would cause harm to the OUV of the WHS. The proposed development insofar as it relates to all other matters would not cause any harm to the setting of the listed building or to the OUV of the EWHS. All other matters mentioned by the Appellant have been considered but they do not, either individually or collectively, affect this overall conclusion.

John Braithwaite

Inspector