



Appeal Decision

Site visit made on 15 August 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 September 2023

Appeal Ref: APP/M0933/D/23/3327046

6 Kings Close, Cumbria, Arnside LA5 0DU

- 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 Mrs Michelle Connelly against the decision of South Lakeland District Council.
 - The application Ref SL/2002/0887, dated 27 September 2022, was refused by notice dated 25 January 2023.
 - The development proposed is proposed new access driveway
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development has been taken from the Council's decision notice, which provided a more succinct description than the application form.
3. The appellant has submitted updated drawings with the appeal. These show changes to the materials to be used. While the original plans show permeable bitmac and flat top concrete kerbs, updated plans show permeable paving grids and grassed finishes, with a grass border in addition to the installation of a wooden gate. Together I consider that these changes amount to a materially different scheme design than that considered by the Council and consultees. The appeal process should not be used to evolve a scheme. Having regard to the Wheatcroft principles¹ and guidance², I have considered the appeal on the plans which formed the basis of the Council's decision.

Main Issues

4. The main issues are the effect of the proposed development on: (i) the character and appearance of the area, having regard to the site's location within the Area of Outstanding Natural Beauty; and (ii) biodiversity.

Reasons

Character and Appearance, Area of Outstanding Natural Beauty

5. The site comprises a two storey semi-detached dwelling with front garden and low, stone boundary wall on Silverdale Road, separated from the footpath by a grass verge. It forms part of a small grouping of similarly designed properties flanking the entrance to the Kings Close junction, creating a pleasing sense of visual

¹ Bernard Wheatcroft Ltd vs. Secretary of State for the Environment [JPL 1982]

² 'Procedural Guide Planning Appeals – England'

consistency along the frontage. The site is in the Arnside and Silverdale Area of Outstanding Natural Beauty (the AONB), the immediate part of which retains a somewhat rural and verdant feel due in part to the prevalence of grass verges and the low stone walls providing views of grassed residential gardens and public spaces. The site contributes positively to these special characteristics of the AONB.

6. The proposal seeks to create a new access driveway from Silverdale Road onto the site, including the creation of a parking area within the site and a dropped kerb. Submitted plans show that permeable bitmac would be used to create the driveway and parking area, with flat top concrete kerbs placed towards the front of the site and at the current grass verge. A dropped kerb would also be installed, and a section of the front boundary wall would be removed to allow for vehicle access.
7. I noted the presence of some dropped kerbs along Silverdale Road, some of which allowed access to driveways similar in appearance to that proposed. However, this is not a feature of the shared frontage of the immediate group of properties within which the appeal site sits and is experienced. Entrances to these properties from Silverdale Road are limited to modest gaps in boundary treatments to allow for stepped or gated pedestrian access, with narrow paths provided from this location across the largely grassed and landscaped gardens to the dwellings.
8. Accordingly, the proposal would erode the visual consistency along the frontage of this group of properties through its dropped kerb and removal of a section of boundary wall. While the current entrance would be utilised for this, the proposal would nevertheless widen the access to the site from Silverdale Road in a notable and incongruous manner. Furthermore, the introduction of additional hardstanding due to the bitmac and concrete kerbs, replacing a section of the grass verge and garden area, would reduce the contribution of the site to the verdant nature of the immediate area. Overall, it would read as visually jarring.
9. As the site is within the AONB I attach great weight to conserving and enhancing the landscape and scenic beauty of the AONB in accordance with the National Planning Policy Framework (the Framework). As such, for the reasons given above, the proposal would not only result in harm to the character and appearance of the area, but also to the special qualities of the AONB.
10. For the reasons given, the proposal would have a significant adverse effect on the character and appearance of the area, having regard to the site's location within the AONB. As such, it would fail to comply with Policy AS02 of the Arnside and Silverdale Area of Outstanding Natural Beauty Development Plan Document (the DPD) and Policy CS8.2 of the South Lakeland Local Development Framework Core Strategy 2010 insofar as they seek to ensure development conserves and enhances the landscape, natural beauty and special qualities of the AONB.

Biodiversity

11. Together, and amongst other things, Policy AS04 of the DPD and Policy DM4 of the Local Plan Development Management Policies 2019 (the DMP) require new development to conserve and enhance biodiversity, resulting in net gains in biodiversity. This position is echoed by paragraph 174 of the Framework, which states that decisions should contribute to and enhance the natural and local environment by minimising impacts on, and providing net gains for, biodiversity.
12. A level of biodiversity value is currently provided by the grassed front garden at the site and the adjacent grass verge of the footpath. However, submitted

plans of the proposal on which the Council based its decision show that a section of these would be replaced with permeable bitmac and concrete slabs. Without any substantial evidence to the contrary, I therefore consider that the proposal as depicted on the submitted application plans would therefore have an overall negative impact on the level and quality of biodiversity in the immediate locality, due to the loss of this part of the verge and lawn, and the contribution these currently make in this regard.

13. For the reasons given, the proposal would therefore have a significant adverse effect on biodiversity. As such, it would fail to comply with Policy AS04 of the DPD and Policy DM4 of the DMP insofar as they require new development to conserve and enhance biodiversity, resulting in net gains in biodiversity.

Other Matters

14. The proposal would allow the appellant to reach a charge point for an electric vehicle, which would provide a benefit from an environmental perspective. However, this would not outweigh the harm identified above.

Conclusion

15. The proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR