



Appeal Decisions

Site visit made on 11 October 2023

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2023

Appeal A Ref: APP/M0933/W/23/3321061

Westwinds, Allithwaite Road, Grange-over-Sands, Cumbria LA11 7EP

- 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 L Saunders against the decision of South Lakeland District Council.
 - The application Ref SL/2023/0080, dated 28 January 2023, was refused by notice dated 27 March 2023.
 - The development proposed is Construction of new dwelling in curtilage/garden of existing dwelling.
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Appeal B Ref: APP/M0933/W/23/3321067

Westwinds, Allithwaite Road, Grange-Over-Sands, Cumbria LA11 7EP

- 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 L Saunders against the decision of South Lakeland District Council.
 - The application Ref SL/2022/0824, dated 2 September 2022, was refused by notice dated 31 October 2022.
 - The development proposed is Construction of new dwelling in curtilage/garden of existing dwelling.
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Decision

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. As set out above there are two appeals on this site. Appeal B relates to a scheme for a bungalow as it was originally submitted to the Council. Appeal A relates to revised scheme for the bungalow, that was submitted to the Council, subsequent to the refusal of Appeal B. The two schemes differ in terms of the siting of the proposed bungalow within the plot and consequently, the layout of external space. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. In relation to Appeal B, I have taken the appellant details from the appeal questionnaire as the application form references only 'Saunders'.
4. I understand that South Lakeland District Council is now part of Westmorland and Furness Council. This has no effect, however, on the determination of this appeal as the development plan remains unchanged.

Main Issues

5. The main issues in both appeals are (a) the effect of the proposed developments upon the character and appearance of the area, and (b) whether the proposed developments would provide satisfactory living conditions for the future occupiers, with regards to private amenity space.

Reasons

Character and Appearance

6. The appeal site comprises Westwinds, a detached two storey dwelling with gardens to the front, side and rear. It forms a corner plot to the junction of Allithwaite Road and Cardrona Road. To the northern side of this junction, dwellings are set back. Low stone walls with some hedging form the boundaries. These factors combine to create a sense of space and openness around the junction. Garaging and kennels at the appeal site do not significantly diminish this sense of space. Bungalows to the south of Allithwaite Road are set in smaller plots, however they are set down from road level due to a change in topography and so they do not detract from this sense of space. Cardrona Road consists of predominantly two storey dwellings set back from the road in generous plots.
7. Both appeals schemes would introduce a detached bungalow into the side garden of Westwinds, adjacent to the junction. The design would be the same in both cases and the main elevation would address Cardrona Road. The appeal schemes differ only in the siting of the bungalow within the plot, in Appeal A, the proposed bungalow would be positioned further south than in Appeal B, closer to Allithwaite Road.
8. The proposed bungalow would be of a contemporary design. It would not reflect the two-storey hipped roof style of housing at Westwinds and along Cardrona Road. However, the area has a mix of styles and the proposed design would not be out of character with the style of some bungalows to the opposite side of the road. The materials proposed are slate and render, which would be consistent with other properties in this area.
9. Whilst the proposed bungalow would be orientated towards Cardrona Road, presenting a side elevation onto the main road, there are other examples of this along Allithwaite Road. As such, the design and materials of the proposed bungalow would not result in harm to the character and appearance of the area. The courtyard patio could provide for the drying of clothes and so this type of domestic paraphernalia would not necessarily harm the streetscene.
10. However, in both appeal schemes, the proposed bungalow would utilise the majority of the large side garden serving Westwinds, which would detract from the openness and sense of space that presently exists at this junction. This would be exacerbated in Appeal A where the proposed bungalow would be closer to Allithwaite Road. Whilst the proposed bungalow for Appeal A aligns with the frontage of Westwinds itself, due to the alignment of the road, it would sit much closer to the southern boundary than the host property, particularly at the corner with the junction, appearing unduly prominent.
11. In both schemes, the proposed bungalow would sit uncomfortably closer to the site boundaries than other buildings, giving both appeal schemes a cramped and incongruous appearance in the context of the more spacious surrounding

development. This would be particularly apparent along Cardrona Road, where in both schemes, the proposed bungalow would project forward of dwellings to the north and sit much closer to the road. The lack of spaciousness arising from the proposal would be visible over the low stone boundary walls from both roads and would be at odds with the spacious and open character of the area.

12. The allocation of land to the west of Westwinds for residential development has been brought to my attention, as well as a consented mixed-use scheme for extra care apartments, housing and commercial space on land to the south west. Whilst I have been provided with possible density figures for these sites, in neither case have I been provided with any definitive layout plans and so I cannot be certain as to how either of these schemes, should they come forward, would change the character and appearance of the area. I have also been referred to a recently constructed development to the east, off Allithwaite Road. However, this forms only part of the wider area and not the immediate context of the appeal site. As such, this information does not lead me away from my earlier findings.
13. Overall, for the reasons discussed above, Appeal A and Appeal B would harm the character and appearance of the area. The proposals would therefore conflict with Policies CS1.1 and CS8.10 of the South Lakeland Local Development Framework Core Strategy, Adopted 20 October 2010 (CS), Policies DM1 and DM2 of the Local Plan Development Management Policies¹ Adopted 28 March 2019, (LP), and Policy 10 of the Grange-over-Sands Parish Neighbourhood Plan 2017-2027 (NP), which collectively, and amongst other matters, seek high quality, localised and appropriate design which retains distinctive character/sense of place and enhances the existing built environment by responding to a site's locational context and local and settlement character.
14. Additionally, the proposals would not satisfy the design principles of the Grange over Sands Design Guide (DG), which is appended to the NP. This requires that new development relates well to its site and its surroundings.
15. In this regard, these policies are consistent with the National Planning Policy Framework (NPPF) in terms of requiring new development to be sympathetic to local character and the surrounding built environment, which adds to the overall quality of the area. Additionally therefore, the schemes subject of Appeal A and Appeal B would not meet these requirements of the NPPF.

Living Conditions

16. LP Policy DM1 requires that new development delivers an acceptable level of amenity for future users through the provision of adequate public, private and shared spaces. NP Policy 10 requires that new residential development accords with the DG, and Principle 13 therein, requires outdoor garden amenity space or a shared amenity area be provided where possible and practicable, in all new dwellings. The supporting text explains that the amount should be commensurate with the size and type of dwelling and the character of the area. As there is no defined space standard, a judgement is required in each case.

¹ (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks)

Appeal B

17. Appeal B, the scheme originally submitted to the Council, includes a lawned garden area to the south of the proposed bungalow. This lawned area would lie adjacent to Allithwaite Road, bound by an existing stone wall. Given the height of this wall, this area would not be private, being visible from the pavement and the adjoining road. A courtyard patio would also be provided adjacent to the shared boundary with Westwinds, however, whilst private, the level of amenity provided by this space would be limited by its small scale and enclosed nature.
18. I appreciate that the proposal would provide an accessible bungalow that could meet the housing needs of different groups in the community, and that large areas of outdoor space may not be desirable or manageable for some. I also understand that any future purchaser of the proposed bungalow would be aware of the amenity space beforehand.
19. Nevertheless, the level of outdoor space indicated in Appeal B would not provide satisfactory living conditions for future occupiers with regards to private amenity space. As such, the scheme under Appeal B would conflict with LP Policy DM1, NP Policy 10, and the advice contained within the DG. Further, there would be conflict with the requirements of paragraph 130 of the NPPF, which seeks to create places that promote health and well-being, with a high standard of amenity for future users.

Appeal A

20. As a result of re-siting the proposed bungalow, the scheme under Appeal A provides a smaller lawned area to the south, the same courtyard patio, and an additional lawned garden to the north. This additional area would be somewhat detached from the bungalow due to the intervening position of the garage, which would restrict views of this space from the house. Additionally, this space would experience some overshadowing from the garage. Nevertheless, it would be a further private space, and in combination with the area to the south and the courtyard patio, it would provide satisfactory living conditions for the future occupiers, with regards to private amenity space. As such, the scheme under Appeal A would not conflict with LP Policy DM1, NP Policy 10, or the advice contained within the DG. Nor would there be conflict with paragraph 130 of the NPPF in this regard.

Other Matters

21. The appeal site is within proximity to the Morecambe Bay Special Area of Conservation (SAC) and Special Protection Area (SPA). As I have found harm in relation to the main issues, it is not necessary in this instance to undertake an appropriate assessment to consider the effect on the SAC/SPA.
22. In relation to both Appeal A and B, I note that the proposals are not within a conservation area, the setting of listed buildings would not be affected, the site is at the lowest risk of flooding and no protected trees would be impacted. Additionally, no concerns are raised with regards to impacts on the living conditions of occupiers of neighbouring properties, ecology or any technical matters. These are neutral matters which cannot outweigh the harm identified in relation to the main issues.

23. The proposal would provide an additional dwelling and landscaping on previously developed land, in an accessible location. It would provide the opportunity for a custom build, accessible and adaptable dwelling that could meet the housing needs of different groups in the community, including older people. It would allow for homeworking, potentially reducing the need to travel, and it would utilise renewable energy (solar panels, air source heat pump and electric vehicle charging). Nesting boxes for birds would provide some biodiversity enhancement. However, the scale of the development is small, which limits the weight afforded to these benefits.

Conclusion

24. I have found that the scheme under Appeal A would provide acceptable living conditions for future occupiers with regards to private amenity space, but the scheme under Appeal B would not. The schemes under both Appeal A and Appeal B would result in unacceptable harm to the character and appearance of the area. For these reasons, both appeal schemes would conflict with the development plan when taken as a whole, and there are no other material considerations of sufficient weight to indicate a decision other than in accordance with it. Accordingly, I conclude that Appeal A and Appeal B should be dismissed.

S Brook

INSPECTOR