



Appeal Decision

Site visit made on 20 February 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26th February 2024

Appeal Ref: APP/Q9495/W/23/3327056

Satter Knotts, Far Sawrey, Ambleside, Cumbria LA22 0LW

- 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 and Mrs Crocker against the decision of the Lake District National Park Authority.
 - The application Ref 7/2022/5797, dated 20 December 2022, was refused by notice dated 10 February 2023.
 - The development proposed is construction of boat house to provide wet dock, storage and ancillary accommodation, all in connection with using lake for recreation and water-based transport.
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Decision

1. The appeal is allowed, and planning permission is granted for the construction of boat house to provide wet dock, storage and ancillary accommodation at Satter Knotts, Far Sawrey, Ambleside, Cumbria, LA22 0LW in accordance with the terms of the application, Ref 7/2022/5797, dated 20 December 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The description of development in the banner heading above comes from the application form. I have used that description in my decision but have removed words that are not acts of development.
3. The National Planning Policy Framework (the Framework) was amended in December 2023. I am satisfied that the amendments made have not had a material bearing on how the appeal proposal is considered. References in the decision are to the December 2023 Framework.

Main Issue

4. The main issue is the effects of the proposal on the character and appearance of the area, including the outstanding universal value (OUV) of the Lake District World Heritage Site (WHS).

Reasons

5. The appeal site is an area of land beside an existing wooden jetty on the western shore of Lake Windermere and within the Lake District National Park. Paragraph 182 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, which have the highest status of protection in this respect.

6. Both main parties identify the site as lying in Area 49: Lower Windermere Area of Distinctive Character as defined in the Lake District National Park Landscape Character Assessment and Guidelines, revised April 2021 (the LCA). Distinctive characteristics identified in the LCA include extensive ancient semi-natural woodland right down to the lake shores punctuated by scattered large residences provide a strong sense of enclosure; wooded and open rocky outcrops and knolls set back from the immediate lakeshore to the east and west on rising ground; eastern shore dominated by large private houses, villas, and hotels, with many houses having their own boathouses and jetties. The strong sense of tranquillity on the western shores of the lake is highlighted, attributable to the perceived naturalness of the landscape and the relative absence of dwellings, settlements, and slow-moving boats.
7. The site is also identified as lying within the Low Fell Landscape Character Type as defined in the LCA. Definitive attributes identified in the LCA include a landscape of low undulating fells and ridges which are dissected by Lake Windermere and Coniston Water; rugged Fells dissected by streams and lowland river valleys; dispersed settlement pattern served by a network of minor roads and tracks; strong landscape pattern of dry stone walls and shard walls, villages, hamlets, and isolated farms and barns, built in a vernacular style from local limestone and slate.
8. A number of these characteristics are apparent in the landscape in which the site is set, including a sense of tranquillity, wooded slopes and outcrops, a dispersed settlement pattern, and the vernacular style within the built form. The site therefore contributes positively to the character and appearance of the area.
9. The boathouse would result in a slight increase in the intensity of development on the more tranquil and less developed western shore of the lake. However, as it would be built in between three existing boathouses, the proposal would not extend development along the lakeshore. Rather, it would appear as part of a small cluster of development together with the existing three boathouses and the dwelling at Bryers Cottage just to the south. Similar clusters of development are dotted along the western shore.
10. The boathouse would be of a similar form to the three existing boathouses nearby, which are modest in scale and of a traditional form. It would comprise similar materials, with a natural slate roof and cladding to the walls. No trees would be removed although several would require some pruning. The proposed parking space would be located beside the existing access track between the steeply sloping land to the west and the fairly tall trees close to the lake shore, which would be supplemented by native tree planting.
11. Given this context, the proposal would sit comfortably within its landscape setting. It would not result in a notable change to the landscape character of the area and the key characteristics of the landscape would be preserved.
12. The site is located on a slight bay. The outcrop to the north would provide some screening of the proposal in views from the north including from the ferry and ferry landing points.
13. The sloping landform and vegetation would screen the development from many locations to the west. From vantage points where the development would be visible, views would be heavily filtered by trees which would continue to

- provide screening during winter months. The proposed development would not appear conspicuous due to the filtering effect of the vegetation. The proposed development would be located at a much lower level than many vantage points to the west which would further limit its prominence.
14. It would be possible to view the proposed development from public vantage points and several properties on the eastern shore of the lake opposite the site. In such views, the proposal would be seen as a small element within an expansive view of the lake. The proposed development would be viewed at some distance, and given its modest scale, would not feature as a prominent element in such expansive views. It would be seen against the backdrop of the wooded hillside and the materials proposed would additionally help to assimilate the building into its setting in views from the east. There would be a similar context for vantage points to the south.
 15. From closer vantage points, the proposal would be visible for residents of the nearby dwelling at Bryers Cottage and for users of the track that runs alongside the site. However, the development would not appear dominant or incongruous given that it would be viewed alongside the other similar boathouses and much of the overall bulk of the building would be located at a lower level due to the steeply sloping land between the track and the lake. The proposal would be visible by users of the lake, from where more of the building would be apparent. However, given its form and location, it would not appear as a discordant form of development.
 16. Overall, therefore, in my judgement, the proposal would not be a prominent or incongruous form of development that would have adverse landscape and visual impacts.
 17. The Lake District is a WHS which is identified in paragraph 206 of the Framework as a heritage asset of the highest significance. The OUV of the WHS is in part attributed to the extraordinary beauty and harmony of the physical natural and cultural landscape of mountains, lakes, valleys, and woodland; the historic open access to the Lake District fells and lakes for recreation, the perception and enjoyment of a largely open landscape; and opportunity for quiet enjoyment and spiritual refreshment. Given my conclusions on the landscape and visual effects of the development above, I am satisfied that there would be no harm to the OUV of the WHS.
 18. For the above reasons, I conclude that the proposal would not harm the character and appearance of the area, including the OUV of the WHS. Accordingly, the proposal would accord with Policies 01, 05, 06 and 07 of the 2021 adopted Lake District National Park Local Plan 2020-2035 (the Local Plan). Amongst other matters, these policies seek to conserve and enhance the extraordinary harmony and beauty of the Lake District landscape and its special qualities; and require development to maintain local distinctiveness and conserve and enhance the character, authenticity, integrity, setting and views of the historic environment. I also find no conflict with the spatial strategy set out in Policy 02 of the Local Plan, or paragraph 182 of the Framework as summarised above.
 19. The Authority has referred to a conflict with paragraph 183 of the Framework which applies to major developments in National Parks. The Authority's assessment does not appear to have considered the proposal as a major development. My attention has not been drawn to any definition or policy

context for such in the development plan. On the basis of the evidence before me, I do not consider that paragraph 183 of the Framework is relevant to the consideration of the proposal.

Other Matters

20. There is no evidence before me to suggest there would be an unacceptable effect on protected species or other habitats and species, subject to appropriate mitigation measures which can be secured through planning conditions. The Environment Agency has reviewed the appellants' flood risk assessment and is satisfied that the proposal would be safe from flood risk without exacerbating it elsewhere. In the absence of any substantive evidence to the contrary, I have no reason to take a different view. None of these other matters alter or outweigh my conclusion on the proposal.

Conditions

21. I have considered the conditions suggested by the Authority, having regard to the six tests set out in the Framework, and have amended the wording of certain conditions in that light without altering their fundamental aims. This includes separating the list of approved documents, and where relevant their recommendations, into separate conditions in the interests of precision.
22. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
23. In the interests of highway safety and the living conditions of nearby residents, a condition requiring that the construction of the development is carried out in accordance with the appellants' Construction Method Statement is necessary. In the interests of maintaining and enhancing biodiversity, conditions are necessary to ensure the protection of trees, the safeguarding of protected species during construction and the provision of bird and bat boxes. To ensure the provision of satisfactory drainage and flood risk mitigation, conditions requiring implementation of the measures set out in the appellants' Flood Risk Assessment and Drainage Statement are necessary. A requirement for the development to be carried out in accordance with the measures for energy efficiency and renewable energy contained within the appellants' Energy Statement is necessary in the interests of sustainable design in line with Policy 20 of the Local Plan.

Conclusion

24. The proposal would accord with the development plan as a whole. There are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan - PL100 Rev B; Proposed site plan - PL102 Rev C; Proposed plans and elevations - PL103 Rev C.
- 3) The construction of the development hereby permitted shall be carried out in accordance with the Construction Method Statement prepared by Ben Cunliffe Architects (dated November 2022).
- 4) The development hereby permitted, including its construction, shall be carried out in accordance with the recommendations set out in section 6 of the Pre-development Arboricultural Report prepared by Treescapes Consultancy Ltd (reference AH/AIA/201021B, dated 04/11/2021).
- 5) The construction of the development hereby permitted shall be carried out in accordance with the recommendations for otters and bats within the ecological report prepared by Envirotech (reference 7130, dated 09 September 2021). This shall include undertaking construction work only during daylight hours; and securely covering any trenches and excavations to be left open overnight or providing a ramp of no greater than a 45-degree angle out of any such trenches and excavations.
- 6) The bat and bird boxes as recommended in the ecological report prepared by Envirotech (reference 7130, dated 9 September 2021) and shown on plan PL102 Rev C shall be installed prior to the development hereby permitted first being brought into use and shall be retained thereafter.
- 7) The development hereby permitted shall be carried out in accordance with the Flood Risk Appraisal prepared by M & P Gladsden (reference CN 21474, dated 27 January 2022) including a minimum finished floor level of 43.344m AOD for the floor above the wet dock.
- 8) The development hereby permitted shall be carried out in accordance with the Drainage Statement prepared by Ben Cunliffe Architects (dated November 2022).
- 9) The development hereby permitted shall be carried out in accordance with the measures for energy efficiency and renewable energy contained within the Energy Statement prepared by Ben Cunliffe Architects (dated November 2022), which shall be retained thereafter.