



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: 28th February 2024

Appeal Ref: APP/K0940/W/23/3328221

The Hollies, Keasdale Road, Carr Bank, Milnthorpe LA7 7LH

- 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. Philip Cooke against the decision of Westmorland and Furness Council.
 - The application Ref SL/2022/0864, dated 21 September 2022, was refused by notice dated 19 July 2023.
 - The development proposed is the construction of two garages for the housing of vehicles and domestic storage.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of two garages for the housing of vehicles and domestic storage at The Hollies, Keasdale Road, Carr Bank, Milnthorpe, LA7 7LH in accordance with the terms of the application, Ref SL/2022/0864, dated 21 September 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. 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

3. The main issue is the effect of the proposed development on the character and appearance of the area, including the landscape and scenic beauty of the Arnside and Silverdale Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is a wooded area of land in a mainly residential area within the Arnside and Silverdale Area of Outstanding Natural Beauty (the AONB). Paragraph 182 of the Framework explains that great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in this respect.
5. Characteristics of the area include a gently undulating landscape, areas of woodland, narrow roads with limestone walls, a mix of traditional and more recent built form, and a spacious grain of development apparent with some of the newer detached properties. Some of these characteristics are apparent in the landscape in which the site is set, including areas of woodland and a

- relatively dispersed pattern of development on the upper parts of the gently sloping hillside.
6. The location proposed for the two adjoining garages is separate from the host dwelling which is located to the rear of properties that front onto Keasdale Road. Access to the host dwelling is adjacent to the neighbouring property at Hilltop. The access for the proposed garages off Keasdale Road would be adjacent to this existing access track, separated from it by a low stone wall.
 7. Although the garages would be located away from the host dwelling, this would not be apparent as this property cannot be readily seen from within the surrounding area due to its backland location. The garages would however be located relatively close to the neighbouring dwelling at Hilltop. The proposed access would appear associated with the existing access point due to their closeness and use of similar surfacing material, furthering enhancing the visual link with the surrounding built form.
 8. The garages would have a domestic appearance in terms of scale and design and the use of render, stone detail and a slate roof would be consistent with the palette of materials within the surrounding built form. The garages would not be dissimilar in scale and design to other garages and outbuildings associated with the nearby residential properties, a number of which I observed as being set within generous sized plots and sited some distance from the dwellings they serve.
 9. Consequently, the garages would not appear as an unexpected feature in this location. Furthermore, due to their form and scale, they would not appear incongruous in the street scene.
 10. The site is fairly densely wooded. Although some trees would have to be removed, the proposed development would still be well screened in views from the surrounding area and neighbouring properties. Although the screening provided would be less in winter months when the trees are not in leaf, the dense planting means that views would generally still be filtered through the vegetation, in particular in views from the south which would be towards the elevation with the greatest height to accommodate the sloping topography.
 11. For these reasons, the location, scale and design of the proposal would not appear out of character within the street scene and would conserve the landscape character and visual amenity of the AONB. I therefore conclude that the proposed development would not harm the character and appearance of the area, including the landscape and scenic beauty of the AONB.
 12. Accordingly, the proposal would accord with Policies CS1.1, CS8.2 and CS8.10 of the 2010 adopted South Lakeland Local Development Framework Core Strategy and Policies DM1 and DM2 of the 2019 adopted South Lakeland Local Plan Development Management Policies. Amongst other considerations, these policies require development to have a high-quality design that responds appropriately to local context and distinctiveness; be proportioned, positioned and in scale with its surroundings; and protect landscape and settlement character. The proposal would also accord with Policies AS02 and AS08 of the 2019 adopted Arnsdale & Silverdale Area of Outstanding Natural Beauty (AONB) Development Plan Document. These policies require proposals to conserve and enhance the landscape and natural beauty of the area, to have the highest standards of design and respond to the local character. There would also be no

conflict with the sustainable development principles in chapter 2 of the Framework.

Conditions

13. I have considered the conditions suggested by the Council and have amended the wording of certain conditions in the interests of precision.
14. 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. To ensure an acceptable design, a condition is necessary to require the development to be constructed in accordance with the materials identified on the approved plans and on the application form. In the interests of maintaining and enhancing biodiversity, conditions are necessary to ensure the protection of trees during construction, the provision of bird and bat boxes and tree planting.

Conclusion

15. 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 three 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 – TQRQM21265214856069; site plan - TQRQM21265215337865; east elevation; rear elevation south; front north elevation; plan elevation (floor plan); proposed gravel driveway.
- 3) The construction of the development hereby permitted shall be carried out in accordance with the mitigation measures and method statement in the Arboricultural Impact Assessment, prepared by Jon Oliver Arboriculture, dated 3/11/21.
- 4) The development hereby permitted shall be constructed of the materials shown on the approved plans and the application form. The approved materials shall be retained thereafter.
- 5) Within 4 weeks from the completion of the development, 2no. bat/bird boxes shall be installed within the site. The bat/bird boxes shall be retained thereafter.
- 6) Four trees in accordance with the recommendations in the Arboricultural Impact Assessment, prepared by Jon Oliver Arboriculture, dated 3/11/21, shall be planted within the site within the first planting season following the development first being brought into use or the completion of the development, whichever is the sooner; and any of those trees which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.