



Appeal Decision

Site visit made on 20 February 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 March 2024

Appeal Ref: APP/M0933/W/23/3329527

2 The Drive, Ulverston, Cumbria LA12 0DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mr Gavin Towers against the decision of South Lakeland District Council.
 - The application Ref is SL/2023/0113, dated 8 February 2023, was refused by notice dated 22 March 2023.
 - The development proposed is erection of a single detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted a Drainage Strategy Report as part of this appeal. As the details relate to the proposed drainage scheme only and is not considered prejudicial to any party, I have taken this document into account in reaching a decision.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the site and surrounding area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to amenity space provision, outlook and daylight; and
 - The effect of the proposed development on surface water drainage.

Reasons

Character and appearance

4. The appeal site is located within a residential area on land to the east of 2 The Drive. This property is a detached dwelling located within a large plot and the appeal site consists of an area of sloping garden associated with the property. There is a mixture of architectural styles in the area, and I have had due regard to the images provided by the appellant showing other dwellings in the locality although some are located a further distance away and thus are read differently. I observed the properties within the immediate street scene at my site visit and noted that the road is characterised by detached dwellings that sit

comfortably within large plots. They are set back from the road and benefit from space to the front, rear and sides and for the greater part are of a traditional appearance/style. These aspects combine to give a clear and consistent pattern of development and the arrangement and form of dwellings along with substantial landscaping along the road frontage gives a sense of openness and spaciousness within the street scene which contributes positively to the character and appearance of the area.

5. The appeal site has a large garden to the side and the proposed development within this area would reduce the amount of space between the host property and the proposed dwelling as well as the neighbouring boundaries associated with Pine Crest and Chadwick House located further back to the rear. The appeal site has a triangular shape which narrows towards the eastern edge. This constrains the overall size and layout of the plot in addition to there being a steep slope going down from the highway which adds to the complexity of the proposed development. The shape and size of the plot would mean that a proposed dwelling along with parking provision would need to occupy a substantial section of the site leaving only small and contrived areas for amenity space as well as leaving little space to the boundaries of the site. This arrangement is very different in comparison to other nearby plots and thus would result in a cramped form of development being inconsistent with the prevailing spatial character of the locality. It would diminish the amount of space that exists between and around properties as well as eroding the sense of openness and spaciousness within the street scene.
6. Moreover, the proposed development would construct a two-storey detached dwelling which would have a totally modern/contemporary approach in its finish, form and design including materials which would be at odds with/jar with the more traditional form and features of the host property and character of the area. To this end, the proposed flat roof form, window arrangement and porch design would be notable design features which would not reflect the design of the surrounding properties and because of its positioning close to the road, it would stand out as a visually prominent anomaly in this particular street scene. Such features along with the hard surfaces would introduce a more functional and commercial appearance to the site in comparison to others nearby which would cause harm to the street scene, and I am not convinced that the appearance of the dwelling would blend in with the existing trees and hedges.
7. The proposed dwelling would be split level and I am aware of existing and proposed landscaping which would help to screen the development from surrounding viewpoints including from the main road. Nevertheless, the dwelling would still be visible when viewed from The Drive and would still have an adverse visual impact. The overall positioning close to its site boundaries together with the proposed finish, form and design would result in the property appearing overly prominent in comparison to other properties and would be a stark contrast to the more traditional character.
8. For the above reasons, I conclude on this issue that the proposed development would unacceptably harm the character and appearance of the site and surrounding area. As such, it would be contrary to Policies CS1.1 and CS8.10 of the South Lakeland Local Development Framework Core Strategy, 2010 (CS) and Policies DM1 and DM2 of the Development Management Policies Development Plan Document, 2019 (DMP) which together, amongst other

matters, explain that it must be ensured that a high quality, localised and appropriate design is incorporated into all developments to retain distinctive character/sense of place and enhance the existing built environment. For the same reasons, the proposed development would also be contrary to the aspirations of the National Planning Policy Framework (the Framework) relating to achieving well-designed and beautiful places.

9. The Council refers to Policy CS1.2 of the CS which relates to the development strategy. This policy is not considered to be relevant to matters relating to character and appearance and reference to this policy has therefore been omitted.

Living conditions

10. I note the Council's concern in respect of the outdoor amenity space being small. However, based on the plans submitted, future occupiers would have access to a small patio area and balcony which overlook the garden which serves the property. Whilst small and contrived in shape and at odds with the level of space associated with other nearby properties, occupiers would still have access to outside amenity space provision and there is no compelling case to firmly conclude that such provision would be unsuitable or be unduly harmful to the living conditions of future occupiers.
11. I am also aware of concerns relating to outlook at ground floor level and the basement bedroom facing towards the north is claimed to have low levels of daylight due to the proximity of the retained conifers. Whilst there would likely be deficiencies in terms of daylight for the basement bedroom facing towards the north given the close proximity to the adjacent row of trees, the dwelling would benefit from extensive habitable spaces at both basement and ground floor level where there are several large windows providing for good levels of both outlook and daylight generally as well as good access to the amenity areas serving the property.
12. I therefore consider that overall, the dwelling would provide acceptable living conditions for future occupiers and would comply with Policies DM1 and DM2 of the DMP which together, amongst other matters, ensures the delivery of acceptable levels of amenity. For the same reasons, the proposed development would also accord with the aspirations of the Framework relating to achieving well-designed and beautiful places in this regard.
13. The Council refer to Policies CS1.1 and CS8.10 of the CS which relate to sustainable development principles and design. Such policies are considered relevant to my first main issue, and I do not find them to be strictly relevant to the subject concerning living conditions. I have therefore omitted reference to these policies.

Surface water drainage

14. A Drainage Strategy Report has been submitted which provides a detailed strategy for the management of surface water from the proposed development. It confirms that the combined sewer within The Drive is the only option for surface water discharge after assessing a number of other options and accounts for a number of restrictions, measures and improvements in this regard.

15. Based on the evidence before me and lack of evidence to the contrary, I have no compelling reason to conclude that the proposed development would be unacceptable on surface water drainage grounds or that such matters could not be sufficiently overcome by an appropriately worded planning condition which would allow agreement to be had with the appropriate bodies. On this basis, the proposed development would comply with Policies CS1.1, CS1.2 and CS8.8 of the CS and Policies DM1, DM2 and DM6 of the DMP which together, amongst other matters, explain that development proposals should include the use of appropriate sustainable drainage systems which are designed to control surface water run off close to where it falls and mimic natural drainage systems as closely as possible. For the same reasons, the proposed development would comply with the aspirations of the Framework relating to meeting the challenge of climate change, flooding, and coastal change.

Other Matters

16. The appeal site is not located within the National Park or Conservation Area and is close to local facilities/amenities. I am also aware that the proposed design is based on passive house principles and in line with the requirements for adaptable and accessible homes as well as providing details on how biodiversity net gain would be achieved. Such matters would not however alter my findings on the above main issues nor would a lack of harm in relation to highway safety, ecology, trees etc.

Conclusion

17. Although I have found a lack of harm in relation to living conditions for future occupiers and surface water drainage, I have found harm to the character and appearance of the site and surrounding area. It follows that the proposal conflicts with the development plan and there are no material considerations, including the advice of the Framework, which would outweigh this conflict.

18. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

N Teasdale

INSPECTOR