



Appeal Decision

Site visit made on 2 February 2024

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 14 March 2024

Appeal Ref: APP/Q9495/W/23/3317558

**Boathouse site adjoining Woodlands Boathouse, Storrs Park,
Bowness-on-Windermere**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by The Kenneth Scowcroft 1997 Settlement against the decision of Lake District National Park Authority.
 - The application Ref is 7/2021/6028.
 - The development proposed is the erection of boathouses and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of boathouses and associated works at Boathouse site adjoining Woodlands Boathouse, Storrs Park, Bowness-on-Windermere in accordance with the terms of the application, Ref 7/2021/6028, subject to the conditions in the attached schedule.

Preliminary Matters

2. I have used the description of development from the application form, omitting any wording that are not acts of development.
3. The National Planning Policy Framework (Framework) was revised in December 2023. The parts of the Framework most relevant to this appeal have remained substantially unchanged from the previous version. Therefore, the parties have not been prejudiced by my assessment of the scheme based on the revised Framework.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area including Lake District National Park; and
 - whether the proposal would preserve or enhance the significance of the English Lake District World Heritage Site (WHS).

Reasons

Character and appearance

5. The site lies on the shore of Lake Windermere, in the Lake District National Park. Paragraph 182 of the National Planning Policy Framework (Framework) requires 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 relation to these issues.
6. The site falls within Area 49: Lower Windermere in The Lake District Landscape Character Assessment which recognises that boathouses and jetties facing the lake are features of the eastern shore of the Lake. The area surrounding the site along the shore consists of a number of boathouses and jetties known as Bellman Landing. Accordingly, the shoreline near the site is characterised by boathouses.
 7. The site benefits from planning permission for two boathouses granted in 2018 and 2020. Furthermore, Certificates of Lawfulness relating to both sites were issued by the Council. Accordingly, there is a real prospect of the extant permissions being implemented in the event I dismiss this appeal.
 8. The boathouses subject of the extant permissions on the site have traditional forms with pitched roofs. They also have extensive glazing on the upper floor which extends to the eaves of gable ends. The boathouse subject of the 2020 permission would have two pitched roofs and a lower height than the 2018 boathouse, which would have an 'L' shaped floor plan and pitched roof with a single gable end facing the lake.
 9. Accordingly, the boathouses subject of the extant permissions would have a modern character despite their traditional forms and materials.
 10. The site immediately to the north of the site benefits from planning permission for the erection of a single replacement boathouse and appeared to be under construction at the time of my site visit. The form of the boathouse would include three pitched roofs with glazing at the upper floor that would extend up to the eaves of the gable ends. Accordingly, while this boathouse would have a traditional form and materials, it would have a modern character.
 11. The boathouses further to the north would generally appear smaller than the existing buildings and schemes for consented planning permissions for boathouses to the south. However, as the site immediately to the north of the appeal site is among the larger sites along Bellman Landing, it provides a significant contribution to the character of this portion of the shoreline of Lake Windermere.
 12. Overall, the area surrounding the site is characterised by built development consisting of boathouses that generally have traditional forms and materials with modern glazing, which gives the area a pleasant, recreational feel.
 13. The proposed boathouses would consist of two buildings which would contain three boathouses. The design would be similar to the boathouses to the north of the site, in that it would include pitched roofs of a similar height, small portions of flat roofs, and glazing at the upper floor that would extend to the eaves of the gable ends. Accordingly, the proposal would not appear prominent or incongruous compared with the approved buildings to the north..
 14. In addition, as the lower floor would lack windows on the elevation facing the lake, and a deep overhang, the building as a whole would not seem to have a bulky or dominant massing. Therefore, although the upper floor would have glazing to eaves, the scheme would not appear top heavy or incongruent when viewed in close range as an individual scheme.

15. The proposal would have a larger footprint than the scheme subject of the extant permission. However, the deeper floor plan would not appear prominent when viewed from the lake and would be clad in dark materials that would not appear prominent when viewed from an angle and against the backdrop of the rising ground to rear. The maximum height of the proposal would not be greater than that of the existing permission. In addition, the size of the gable ends would be more similar to the adjacent development than the extant permission, and the overall form including spacing of pitched roof forms and glazing bars would appear more in keeping with the scheme to the north than the extant permission.
16. Therefore, the proposal would not result in greater harm to the character and appearance of the area than the extant permission and would preserve the special qualities of the Lake District National Park.
17. Consequently, the proposal would not harm the character and appearance of area including Lake District National Park. Therefore, it would not conflict with Policies 1, 2, 5 and 6 of the Lake District National Park Local Plan 2020-2035 Adopted May 2021 (LP) which together seek development that would conserve or enhance the harmony and beauty of the Lake District, its Special Qualities, and are of a scale appropriate to the character and function of the location in which it is proposed.

English Lake District WHS

18. The site lies in the English Lake District WHS. The Statement of Outstanding Universal Value sets out that its narrow, glaciated valleys radiating from the central massif with their steep hillsides and slender lakes exhibit an extraordinary beauty and harmony. It goes on to say that one of the primary aims in the Lake District has traditionally been, and continues to be, to provide access and opportunities for people to enjoy the special qualities of the area. The significance of the English Lake District WHS, insofar as it relates to this appeal, lies in its extraordinary natural beauty and the way recreational activities have developed to allow people to experience the landscape.
19. As discussed above, the proposal would appear in keeping with the approved developments to the north and would not have an adverse effect on the built up recreational character of the surrounding area or special qualities of the Lake District National Park.
20. Consequently, the proposal would preserve the significance of the English Lake District WHS. Therefore, it would not conflict with LP Policy 7 which seeks development that would conserve and enhance the significance of heritage assets.

Other Matter

21. Two groups of trees on the site are subject of Tree Preservation Orders (TPO). The trees proposed to be removed appear to lie outside the groups of trees subject of TPOs. As stated in the Pre-development Arboricultural Report, the majority of the trees recommended for removal are in the early-mature to mature age class, have suppressed, weight-biased crowns, and are subordinate within the group canopy structure. Therefore, even if a number of these are within the protected groups, given the number of trees within the protected

groups proposed to be retained, the proposed removal of the trees would not adversely affect the amenity value of the groups of trees subject of TPOs.

Conditions

22. The conditions relating to time limits and plans are necessary in the interests of certainty. Given the trees on the site that are subject of tree preservation orders and that the Pre-Arbicultural Report recommends that definitive method statements are prepared, the condition relating to a protection method statement is necessary. The conditions regarding the roofs of the boathouses, stonework and timber cladding are necessary to safeguard the character and appearance of the area.
23. A condition regarding external lighting is necessary to safeguard protected species and a condition relating to overnight accommodation is necessary in the interests of certainty.

Conclusion

24. For the reasons given above, the appeal should be allowed.

R Sabu

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, PL03 Rev. A; PL.04; PL.05 Rev. A; Construction Environmental Management Plan; Pre-development Arboricultural Report; Ecological Appraisal and Macrophyte Survey.
- 3) Prior to the commencement of the development hereby permitted, a tree protection method statement shall be submitted to and approved in writing by the Local Planning Authority. Such method statement shall provide details and plans of the measures and working practices to be employed to prevent damage to trees on and around the application site. The development shall thereafter take place in accordance with the approved details.
- 4) Prior to the use of the development, the roofs of the boathouses hereby permitted shall be covered and maintained in local blue-grey slates which have been mined or quarried in the Cumbria. Such slates shall be riven not sawn and shall be laid in diminishing courses from eaves to ridge. The development shall be maintained as such thereafter.
- 5) A sample panel of stonework to be used on the building shall be constructed for inspection and approval by the local planning authority prior to the application of the stone to the boathouses hereby permitted. The development shall be carried out in accordance with the approved sample panel prior to the use of the development hereby permitted and maintained as such thereafter.
- 6) The timber cladding shall not be applied to the boathouses hereby permitted until the colour and finish has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details prior to the use of the development hereby permitted and maintained as such thereafter.
- 7) Details of any external lighting shall be submitted to and approved in writing by the local planning authority prior to installation. Such lighting shall be installed and retained in accordance with the approved details.
- 8) The boathouse hereby permitted shall not be used to provide overnight accommodation.

End of schedule