



Appeal Decision

Site visit made on 13 June 2024

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/K0940/W/23/3334518

The Willows, Great Urswick, Ulverston LA12 0ST

- 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 Mrs Elizabeth Hetherington of OMS Technical against the decision of Westmorland and Furness Council.
 - The application Ref is SL/2022/0968.
 - The development proposed is described as 'Demolition of existing poor-quality bungalow in favour of modern, low carbon, single storey home'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Third parties reference the submission of revised plans. Only one set of plans has been provided to me as part of the submissions and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed development upon (a) the character and appearance of the area, and (b) the living conditions of occupiers of the neighbouring property to the east, with particular regard to outlook and light.

Reasons

Character and Appearance

4. The appeal site comprises a single storey bungalow with front and rear gardens, set back from the lane that extends along the northern side of the tarn at Great Urswick. Development to this side of the lane varies somewhat in age, size and style, and it has a staggered arrangement, with views possible between buildings towards the tarn beyond. A number of these dwellings are of a chalet style, presenting gabled elevations to the lane and extending back, contrasting with the orientation of the existing bungalow at the appeal site. Buildings that neighbour the appeal site are modestly sized. Dwellings to the north of the lane are generally older, with a more traditional character and appearance. Many are positioned directly onto the lane.
5. The appearance of the proposed replacement dwelling would be of a contemporary style, incorporating larger window openings and an extensive roof terrace with glass balustrade. However, given the variety of styles locally, the design proposed would not necessarily be at odds with the mixed character

and appearance of the area. Albeit large, the roof terrace to the rear would be set in, and so it would be mostly screened in public views along the lane. The proposed materials of mainly render with a slate roof would be in keeping with the surrounding area.

6. However, not only would the replacement dwelling be somewhat wider and higher than the existing bungalow, it would also be significantly deeper, due to the proposed dwelling extending further forward. Given the staggered arrangement of properties to this side of the lane, the change to the building line would not in itself be harmful and the site itself is of a size sufficient to accommodate the increased footprint. Nevertheless, in combination, the proposed width, height and depth would result in a notably larger dwelling. While the proposal would extend close to the side boundaries of the plot, the increase in depth and scale would be perceptible in public views from the lane. As such, even with the incorporation of a hipped roof to the front of the building and a flat roof to the rear, the increased scale of the replacement building would appear substantially at odds with the modest size of neighbouring buildings, resulting in an incongruous development that would be harmful to the street scene.
7. I appreciate that the scale of built development increases to the west. However, Tarn Close Cottage is part single storey, part two storey and it has a degree of separation from the chalet bungalow to its eastern boundary. As such, the increase in scale of development further west is more gradual and so it does not jar the eye. The scale of development also increases to the north and where views are possible from the south, this would comprise the backdrop to the development. In such views, the proposal would not appear out of scale. However, this would not alleviate the harm resulting from the proposed development when looking south.
8. Having considered the Conservation Area Appraisal undertaken for the village, I note that the existing bungalow was categorized as having a damaging or detrimental impact on the special interest of the conservation area. However, the village was not subsequently designated as such. I have considered the proposal in context, which includes a number of chalet style bungalows. While the existing bungalow requires maintenance, it is of a scale and appearance that generally assimilates with neighbouring development to this side of the lane and so I consider it to have a neutral effect on the visual amenities of this area. As such, I do not agree with the appellant that its replacement attracts significant weight in favour of the appeal scheme.
9. I note that the appellant has sought to work with the Council to reach a positive outcome. Nevertheless, for the above reasons, the proposal would be harmful to the character and appearance of the area, conflicting with policies CS1.1 and CS8.10 of the Core Strategy¹, (CS), and policies DM1 and DM2 of the Local Plan Development Management Policies² (LP). These policies, collectively seek high quality development that is well proportioned, positioned and in scale, which enhances the existing built environment by responding to a site's locational context and local and settlement character and distinctiveness.

¹ The South Lakeland Local Development Framework Core Strategy, dated October 2010.

² Local Plan Development Management Policies (For South Lakeland District outside the Lake District and Yorkshire Dales National Parks), dated March 2019.

10. Further, the proposal would not meet the requirements of the National Planning Policy Framework (the Framework) at paragraph 135, in terms of requiring new development to be sympathetic to local character and the surrounding built environment, adding to the overall quality of the area.

Living Conditions

11. The neighbouring dwelling to the east, Sue's Lodge, is positioned close to the shared boundary with the appeal site and its west facing elevation contains a number of habitable room windows. One of these windows presently has an outlook onto the gable end of the existing bungalow, however, the two most northerly windows have a more open aspect.
12. The proposed development would not project forward of this neighbouring property, but by aligning with it, it would introduce the built form of the replacement dwelling and boundary fencing in close proximity to these windows. While the proposal would incorporate a part hipped roof and part flat roof, the proposed building and fencing, due to their position, size and proximity, would take up a large portion of the view from these windows. The impact would extend to all windows in this elevation, dominating the outlook for occupiers of this neighbouring property, to a much greater extent than presently exists.
13. I note the appellant's reference to the construction of fencing up to 2m in height along this boundary being permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, the proposed fencing exceeds this height, as would the eaves of the proposed dwelling. While permitted fencing would impact on outlook, given the additional bulk and solidity of the proposed dwelling, the dominating impact of the proposal would be more harmful than permitted boundary fencing alone.
14. Given the size of the proposal and its proximity to these neighbouring windows, there is also the potential for the proposal to adversely impact on the existing level of daylight received at this neighbouring property. The appeal documents include two diagrams entitled Light Study, however there is no supporting information provided with these diagrams sufficient to demonstrate that they have been prepared in accordance with best practice. Therefore, I am unable to conclude that the proposal would not be harmful in this regard also.
15. These neighbouring windows presently overlook the frontage of the appeal site, a situation which would be removed by the appeal scheme. However, the frontage of this existing bungalow is not private, given the proximity and openness of the site to the road. As such, I do not consider that this would be a benefit of the proposal that would attract anything more than very limited weight. Nor does it address the harm I have identified above.
16. To conclude on this second main issue, the proposal would harm the living conditions of the occupiers of the neighbouring property to the east (Sue's Lodge), by way of loss of outlook and light. The proposed development would therefore conflict with LP policies DM1 and DM2, which collectively, and amongst other matters, seek to ensure positive relationships with surrounding uses, and an acceptable level of amenity for existing occupiers, including through the provision of adequate spatial separation between existing and proposed properties. The proposal would not meet the requirements of

paragraph 135 of the Framework in terms of ensuring a high standard of amenity for existing users.

17. The Council's decision notice also references CS policy CS1.1, which sets out sustainable development principles. None of these principles appear to be directly relevant to this main issue and so I have not considered it further.

Other Matters

18. I am advised that the existing bungalow is experiencing subsidence and that it is not fit for habitation. There is no dispute between the main parties that the proposal would deliver a more energy efficient and accessible home, making a small but positive contribution to housing supply.
19. The appeal site is not subject to any environmental or other designations. The appellant indicates that the dwelling itself is within Flood Zone 1 and flood risk would not be increased. These matters are afforded neutral weight.
20. A number of concerns have been raised by local residents including, but not limited to: Loss of on-street parking, foundation construction given underlying geology, flood risk and drainage, loss of tree, loss of view, overshadowing to other properties, and construction impacts, including for ecology interests and the tarn. However, I note that these matters were considered where relevant by the Council at the application stage and did not form part of the reasons for refusal, which I have dealt with in the assessment above. While I can understand the concerns of residents, there is no compelling evidence before me that would lead me to come to a different conclusion to the Council on these matters.
21. Other concerns have been raised relating to neglect and defacement of the property, storage of domestic waste in the front garden, and intimidation. However, there are other mechanisms by which such matters can be addressed.
22. I note the appellants concerns with the time taken by the Council to determine two applications at this site, which must be a frustration for the appellant. However, this is not a determinative matter in this decision.
23. These other matters do not outweigh the harm that I have identified in relation to the main issues.

Conclusion

24. For the reasons outlined above, having had regard to the development plan as a whole and all other matters raised, the appeal should be dismissed.

S Brook

INSPECTOR