



Appeal Decision

Site visit made on 20 June 2024

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2024

Appeal Ref: APP/F0935/D/24/3337481

41 Fernlea Way Carlisle, Cumberland CA3 9SJ

- 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 Mr Colak against the decision of Cumberland Council.
 - The application reference is 23/0809.
 - The development proposed is a two storey rear and side extension to provide kitchen, bedrooms and WC and Frontage Porch (revised application).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. On 1 April 2023, Cumberland Council replaced Cumbria County Council, Allerdale Borough Council, Carlisle City Council and Copeland Borough Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. For the purposes of this appeal, the development plan comprises the Carlisle District Local Plan 2015-2030 (CDLP).

Main Issue

3. The main issues are the effect of the development on:
 - The character and appearance of the appeal site and the area; and
 - The living conditions of existing neighbours at 43 Fernlea Way with particular regard to outlook.

Reasons

Character and Appearance

4. The appeal property is a semi-detached two storey house located in an area of properties which share similar design origins and characteristics. It is set on a wedge-shaped plot which widens towards the rear on a slight bend in the street. The rear of the property is visible from an area of open space beyond. Few properties appear to have been extended and there is a sense of homogeneity within the local area.
5. The proposed development would be staggered back from the front elevation of the appeal property. A two-storey pitched roofed extension would extend rearwards, close to the boundary of the property with No. 39 Fernlea Way (No. 39) and would wrap around almost the entire width of the rear. A single storey flat roofed element would project beyond the two-storey element to the

rear. The side and rear elements would have separated pitched roofs with an intervening valley feature.

6. Due to the wedged shape of the plot and widening nature of the gap between the appeal property and No. 39 the long side flank of the proposal would be prominent in views along Fernlea Way from the south. The side elevation of the side extension would substantially increase the scale of the property and result in a bulky extension, the incongruous nature of which would be exacerbated by the complex arrangement of its roof.
7. The overall bulk of the proposal would dominate the rear of the property and consequently would not appear in keeping with the locality. No other property on Fernlea Way appear to have two-storey extensions to the rear and in that respect the proposal would not be consistent with the prevailing character of the area, where the rear of properties maintain a strong building line and the simple form of the houses is retained.
8. I therefore conclude that the proposed development would significantly harm the character and appearance of the host building and the area. Thus, there is conflict with Policies SP6 and HO8 of the CDLP which seek to ensure that development respond to local context and relates to the existing building in terms of scale. The proposal would also fail to follow guidance in the Council's *'Achieving Well Designed Housing'* Supplementary Planning Document (SPD) that extensions must be of an appropriate scale and not dominate the original dwelling.

Living Conditions

9. 43 Fernlea Way (No. 43) has both ground and first floor windows close to the boundary with the appeal property. Despite the proposed inset of the proposal from the boundary, the introduction of a first-floor extension in this location would create a sense of overbearing and enclosure for the occupiers of No. 43 which would be detrimental to their outlook, especially at ground floor level. Furthermore, the rearward projection at ground floor height would add bulk and mass which would further diminish the outlook from ground floor windows closest to the appeal property. Given the overall scale of the proposal and its proximity to No. 43 it would therefore have a detrimental effect on the living conditions of the occupiers of that property.
10. The appellant has utilised the 45° rule in an attempt to demonstrate that the proposal would not adversely impact the neighbouring properties in terms of outlook and sense of enclosure. However, the Council's SPD does not advocate the use of this rule. Whilst the proposal may not breach this rule of thumb at first floor level, or from the nearest ground floor window on a vertical plane, it would be breached at ground floor level when drawn on a horizontal plane.
11. Consequently, I conclude that the cumulative effect of both the ground and first floor extensions would be overbearing and as a result cause harm to the living conditions of the occupiers 43 Fernlea Way with regard to outlook. The proposal would therefore conflict with CDLP Policy HO8 which seeks to ensure that there is no loss of amenity to surrounding properties as a result of extensions and alterations to houses.

Other Matters

12. I note that the appellant states that he has been granted planning permission for a similar extension to the scheme before me. I do not have the details of this before me. I acknowledge that this forms a realistic fallback position, to which I have had regard in coming to my conclusion. However, my considerations are based solely on the scheme before me. I have determined the appeal on the basis of what is proposed and its consequent effects on the information provided and for the reasons set out above.

Conclusion

13. For the reasons given above, having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

KL Robbie

INSPECTOR