



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: 23 July 2024

Appeal Ref: APP/Q9495/W/24/3337895

Old Fallbarrow, Fallbarrow Road, Windermere LA23 3DJ

- 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 & Mrs Cook against the decision of the Lake District National Park Authority.
 - The application reference is 7/2022/5549.
 - The development proposed is the construction of boathouse and associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are (a) the effect of the proposal upon the landscape and scenic beauty of the Lake District National Park (LDNP), (b) the effect of the proposal on the cultural heritage of the LDNP and the English Lake District World Heritage Site (WHS), and (c) whether the proposed development would preserve or enhance the character or appearance of the Bowness Conservation Area (BCA).

Reasons

Landscape and scenic beauty

3. The appeal site comprises part of the garden serving the dwelling of Old Fallbarrow, where it extends up to the shore of Lake Windermere to the west. It contains a number of mature trees along its boundary with the car park of the Royal Windermere Yacht Club. The remainder of the garden extends to the northeast, where the host property and its outbuildings are positioned, with some intervening trees and hedges. The host property has a rural cottage style, simple in form, with low eaves. To the east and south is the village of Bowness with its associated piers and marinas along the bay. To the north is a holiday park, consisting of lodges set within the woodland of Fallbarrow Hall.
4. The appeal site is within the LDNP. The purposes and duty for national parks derive from statute¹. It is necessary to seek to further these purposes, which are to conserve and enhance the natural beauty, wildlife and cultural heritage of the area and to promote opportunities for the understanding and enjoyment of the special qualities of national parks by the public. Additionally, there is a duty to seek to foster the economic and social well-being of the local communities within National Parks. Paragraph 182 of the National Planning

¹ National Parks and Access to Countryside Act 1949, as amended.

Policy Framework (the Framework) advises that National Parks have the highest status of protection and great weight should be given to conserving and enhancing the landscape and scenic beauty therein.

5. The appeal site is designated as 'Area 49: Lower Windermere' within the Authority's Landscape Character Assessment² (LCA). Distinctive characteristics of this area identified within the LCA include extensive woodland that extend down to the lakeshore, which provide a strong sense of enclosure, residences located on the eastern shore, many with their own boathouses and jetties, and a mix of modern and Victorian buildings in the bustling town of Bowness.
6. The LCA identifies sensitive attributes as including the extensive areas of semi-natural woodland and the strong sense of enclosure provided by it, loss of landscape features, and the character of the main settlements, which are sensitive to new development which does not reflect local vernacular. Forces for change include the re-development and enlargement of boathouses and jetties on the lake. The LCA seeks to ensure the maintenance of tree cover and the sense of enclosure afforded by it, and that lakeside development reflects local vernacular styles and scale.
7. The appeal site lies at a point where the appearance of the lakeshore changes. The garden of Old Fallbarrow is largely free from any built form in the vicinity of the lake, other than a concrete slipway and wooden jetty. Mature trees give the area a wooded and verdant character, which contribute to the lake's sense of enclosure. Where development exists, it is set back from the lake, often screened by trees, and this continues to the north where the holiday lodges are set within and filtered by woodland. As such, the garden at Old Fallbarrow demonstrates some of those sensitive attributes recognised in the LCA. Its verdant appearance contrasts with the urban form of Bowness, where it extends up to the lakeshore, beyond the appeal site to the south.
8. While the appeal scheme has been designed to incorporate a dual pitch roof to emulate the outline of a twin boathouse and to minimise its overall height, it would nevertheless introduce a substantially sized building to this part of the lakeshore, where presently there is none. Due to its size, the proposal would require the removal of several mature trees that lie on the boundary with the yacht club, close to the lake. These trees positively contribute to the wooded character of this part of the lakeshore. While some retained trees would provide a backdrop to the proposal, the introduction of such a large building and the consequent removal of these mature trees would result in the erosion of the wooded and verdant character of this part of the shoreline, and the sense of enclosure afforded by it. It would not fill a gap in a line of existing development as suggested by the appellant, because existing development to the north sits within the woodland.
9. While some hedgerow planting is proposed to the southeast boundary, new species would inevitably be younger than those to be replaced. The hedge would be planted in a confined space between the proposed boathouse and the site boundary. I have not been provided with any detailed information relating to the likely size and spread that this hedge would achieve within this setting, in order to fully understand the level of visual amenity it would offer in comparison to the existing trees. It would be a considerable time before any new planting would reach maturity. Even then, a uniformly planted hedge

² Lake District National Park Landscape Character Assessment and Guidelines, Revised April 2021

between the boathouse and the car park would not contribute to the wooded character of the lakeshore in the same positive way as the existing mature trees. Nor would it screen the development to any significant extent from the west and southwest, in a similar manner to other development extending north.

10. I acknowledge that the boathouse would lie close to the built-up area of Bowness where lakeshore leisure activities are a recognisable part of local activity and that Policy 24 of the LDNP Local Plan³ (LP), which is specific to lakeshore development, permits the development of facilities that have a direct lake use function such as boathouses. However, such development is required to enhance or maintain the character of its lakeshore location. For the above reasons, I do not consider that such a substantially sized boathouse would enhance or maintain the character of this part of the lakeshore, which differs from the built-up form of the town. I cannot agree therefore with the conclusions of the appellant's Landscape and Visual Impact Assessment (LVIA) that the impact on the character of the lakeshore would be negligible to low.
11. Further, the LCA guidelines recognise that the re-development and enlargement of boathouses on the lake is a force for change, requiring careful consideration of scale. I have been provided with no evidence to suggest that the scale of the proposed boathouse reflects the scale of existing boathouses, particularly those of a domestic nature, such as the appeal scheme. The inclusion of a dayroom and balcony, which forms a large part of the upper floor, and appears unnecessary for any direct lake use function, seems to me to be further evidence that the scale of the proposal is excessive.
12. The design of the proposal would partly utilise Lakeland stone, a traditional material in Bowness, and oxidised copper cladding in dark brown, which I am advised is the material used at the Windermere Jetty Museum (WJM). Albeit not a traditional material, the latter has a muted colour finish, and the vertical cladding would not be dissimilar in appearance to a dark stained timber boarding, which could assist in assimilating the proposal into its setting.
13. However, the use of both these materials in a two-storey dual pitched building, with large sections of glazing in an overhanging, angled balcony and roof canopy, would result in an overly complicated form and appearance, which would not reflect the utilitarian function of the building as a boathouse. I appreciate that the angled form follows the natural shape of the shoreline and would assist in retaining views of the Yacht Club if approaching from the north. I also note that the Authority's Design Code⁴ does not preclude contemporary and innovative architecture. However, it remains necessary that such development reflects local distinctiveness.
14. The appellant indicates that design stimulus has been taken from the Yacht Club and the Windermere Steamboat Museum (now the WJM). While these are both local buildings with links to water activities, both have a public function, neither are examples of domestic boathouses. I am not convinced therefore that the proposed design meets the LCA guidelines in terms of requiring new development to reflect the local vernacular style of such buildings.

³ Living Lakes Your Local Plan Lake District National Park Local Plan 2020-2035, Adopted May 2021.

⁴ Lake District Design Code, The Code, Adopted September 2023

15. To conclude, the proposal would be harmful to the landscape and scenic beauty of the LDNP, and so it would fail to further this purpose of the national park. It would conflict with LP Policies 01, 02, 06 and 24, which collectively and amongst other matters, require that the extraordinary harmony and beauty of the Lake District landscape and its special qualities be conserved and enhanced, including enhancing or maintaining the character of the lakeshore, by requiring development to maintain local distinctiveness and a sense of place, having regard to scale, height, layout, appearance and materials. Further, the proposal would conflict with paragraph 180 of the Framework which requires the protection and enhancement of valued landscapes.

Cultural heritage of the LDNP and WHS

16. The purposes of the National Park include to conserve and enhance cultural heritage. Additionally, the Windermere valley lies within the WHS designation. As such, it is a heritage asset of the highest significance, recognised internationally to be of outstanding universal value. Nomination documents⁵ for the Windermere valley state that it contains a number of attributes that are recognised as contributing to the outstanding universal value of the WHS. These include the extraordinary beauty and harmony of the landscape, including its modification resulting from the 'Picturesque' interest that saw woodlands established on the shoreline throughout the 18th and 19th centuries. The document goes on to state that the early development of villas and designed landscapes around the lake and on its islands has produced one of the most important 'Picturesque' landscapes in Europe.
17. For the reasons discussed above, I have found that the proposal would result in harm to the landscape and scenic beauty of this part of the lakeshore, a landscape which is recognised for its extraordinary beauty and harmony, as an attribute that contributes to the outstanding universal value of the WHS. The harm identified would therefore negatively impact on the significance of this internationally designated heritage asset. As a result, the proposal would conflict with LP Policy 07, which requires that the significance of all heritage assets is conserved and enhanced. For the purposes of the Framework, this harm would be less than substantial. I will return to this matter in my Heritage Balance below.

Bowness Conservation Area

18. The appeal site also lies within the BCA. The BCA Conservation Area Appraisal⁶ (CAA) highlights that the appeal site lies within Lowside, the oldest part of town that pre-dates its Victorian expansion. It describes the haphazard layout of the area and that the atmosphere, albeit a short walk northwards, becomes more tranquil, and even rural. From the unbound grassed area north of Fallbarrow Road, a significant view is identified in the CAA of boats moored at the yacht club, and Old Fallbarrow itself is described as hidden within a woodland glade adjacent to the lake. Trees within the host property are marked on the Townscape Appraisal map of the CAA as significant. In my view, these trees make a positive contribution to the 'wooded glade' of Old Fallbarrow and to the significance of this part of the Conservation Area.

⁵ Nomination of the English Lake District, Volume 2 Valley Descriptions and History.

⁶ Bowness Conservation Area Conservation Area Appraisal and Management Plan, October 2011

19. While a change in character is perceptible within the grounds of Old Fallbarrow from the bustle of the town, recreational activity associated with Bowness, does extend onto the water. As such, the introduction of a boathouse at this location and any associated water-based activity would adequately conserve the character of this part of the BCA in terms of the type and level of activity.
20. The proposal would be visible from the lake and partially from Fallbarrow Road. The introduction of a building of this size and the consequent loss of several mature trees would detract from the 'wooded glade' of Old Fallbarrow as described in the CAA, negatively impacting on the significance of the BCA. While replacement planting is proposed, a uniformly planted hedge would not contribute to the wooded character of the Old Fallbarrow property and the significance of the BCA in the same manner as these existing mature trees.
21. As such, the proposal would have a harmful impact on the significance of the BCA, albeit this harm would be modest, given that a number of mature trees would be retained. The proposal would conflict with LP Policy 07, which requires that the significance of all heritage assets is conserved and enhanced. For the purposes of the Framework, this harm would be less than substantial, and I will return to this matter below.

Other Matters

22. The Authority's Officer Report (OR) states that the proposal would have an adverse impact on the setting of the two listed buildings at Old Fallbarrow, albeit harm to the setting of listed buildings is not explicitly stated in the Authority's reasons for refusal.
23. I have been provided with the listing descriptions for each, and I have considered the heritage information provided within the appellant's submission documents. These documents contain little evidence of the significance of these listed buildings, or any significance derived from their setting, as required by the Framework, in order to understand the potential impact of the proposal on their significance. I am bound by the duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, but given the lack of information before me, I am unable to reach any conclusions as to the effect of the proposal on the setting of these listed buildings. However, given my findings in relation to the main issues, it has not been necessary to seek further information in this regard.
24. While no other ecological impacts have been identified, the Authority's OR raises concerns that source survey information was not provided within the submitted Ecological Survey in relation to macrophytes, along with the credentials of those interpreting this information. Again, given my findings in relation to the main issues, it has not been necessary for me to seek further clarification on this matter.
25. LP Policy 03 has been listed on the Authority's decision notice and relates to flood risk. It does not appear to be relevant to the main issues and so I have not considered it further.

Heritage Balance

26. I have identified above that the scheme would cause less than substantial harm to the heritage significance of the WHS and BCA. Paragraph 205 of the Framework states that great weight should be given to a heritage asset's

conservation (the more important the asset, the greater the weight should be), irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

27. Framework paragraph 208 requires that less than substantial harm to the significance of a designated heritage asset is balanced against any public benefits. The host property does not benefit from a boathouse at present, and such provision would provide additional security and safety for the storage of boats and equipment. While this would mainly be a private benefit, the safe storage of boats would be beneficial to all lake users. However, it is not clear whether an alternative, more sensitive form of boat storage would be equally effective in providing these benefits.
28. The appellant indicates that building materials would be locally sourced where possible and local trades would be employed, offering some benefits to the local economy, while minimising the carbon footprint. Additionally, the appellant asserts that the building would be highly insulated, and it would use photovoltaics, resulting in a self-sufficient building in electricity needs.
29. These public benefits of the proposal are small, and they are not sufficient to outweigh the weight afforded to the less than substantial harm that I have identified would be caused to the significance of the WHS and BCA.

Conclusion

30. For the reasons given above, having had regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

S Brook

INSPECTOR