



Appeal Decision

Site visit made on 11 February 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 3rd March 2025

Appeal Ref: APP/K0940/D/24/3355262

3 Bankside, Penny Bridge, Ulverston, Cumbria LA12 7RH

- 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 B Thompson against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/1741/FPA.
 - The development proposed is new forecourt to create off-street parking, bin store and improved pedestrian access to dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development was started on 8 July 2024, but it is not yet complete. Therefore, while I have taken into account what I saw at the time of my visit, I have determined the appeal on the basis that planning permission is sought for the proposal illustrated on the submitted plans.

Main Issues

3. The main issues are the effects of the proposal on: i) the character and appearance of the area; ii) biodiversity; and iii) highway safety.

Reasons

Character and appearance

4. The 2-storey terrace of which No 3 forms part is set back and elevated above the road. It is one of 2 similar terraces on stepped building lines, with front gardens separated from the road by traditional stone walls. Opposite, semi-detached and detached dwellings are set back with frontages enclosed by boundary treatments including walls and mature hedges. Buildings vary in terms of styles, sizes and ages, but the vegetated frontages soften and screen the hard built environment and the strong boundary treatments are unifying features in the street scene.
5. The stone boundary wall to the front of No 3 would be removed and part of the elevated garden land would be excavated and paved to provide an offstreet parking area to the front of the property. The elevated land to the side and rear of the parking area would be retained with stone walls.
6. There are driveways to the sides of the terraces, but the boundary wall to the front of the appeal property terrace is otherwise punctuated only by gated pedestrian access. The removal of a wide section of wall, the excavation of the land and the increase in the hard built environment would be a conspicuous and discordant

visual change. By virtue of its prominent and elevated siting above the level of the wall of neighbouring properties, the proposed offstreet parking would dominate the frontage and it would be visually obtrusive in the streetscene. Consequently, the proposal would be an incongruous feature that would detract from local distinctiveness and sense of place.

7. The ornamental planting, including shrubs, in the retained garden area to the side and rear of the parking area would not soften or screen the proposal. The adverse visual impact would not be mitigated by the planting, which is in any case only temporary and cannot be relied upon to screen development from view.
8. At the time of my visit, I saw various parking arrangements in the area. However, No 3 is a mid terrace dwelling and the proposal would not be directly comparable to a driveway to the side of a property, to frontage parking behind boundary walls and hedges, or to parking to the front of integral garages. Offstreet parking elsewhere in the area does not provide a justification for the appeal.
9. Therefore, I conclude that the proposal would harm the character and appearance of the area. It would conflict with Policy CS1.1 of the South Lakeland Core Strategy Adopted October 2010 (the CS) and Policies DM1 and DM2 of the Local Plan Development Management Policies Adopted March 2019 (the LP). These require, among other things, that proposals respond appropriately to local character and reinforce local distinctiveness and sense of place, with high standards of landscaping and boundary treatment that retains and enhances the built characteristics of the locality. It would also conflict with the design aims of the National Planning Policy Framework December 2024 (the Framework).

Biodiversity

10. The front garden that has already been excavated was apparently laid to lawn, which is a habitat of low biodiversity value. Moreover, the front gardens will be subject to disturbance from people and pets, light and noise, all of which will limit their potential to support protected or priority species. The loss of green space would be detrimental to the character and appearance of the area but, taking into account its scale and surrounding context and retained garden planting, it would not result in a discernible loss of wildlife habitat or biodiversity value.
11. The reason for refusal refers to biodiversity net gains as mandated by Framework paragraph 186(d) (now paragraph 187d)). The Framework does advise that proposals should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity. However, the Planning Practice Guidance is clear that householder development is exempt from the mandatory requirement for a 10% increase in biodiversity value.
12. Therefore, I conclude that the proposal would not result in a loss of biodiversity value. It would not conflict with the aims and objectives of LP policies DM1 and DM4 and CS8.4 which require, among other things, that proposals protect biodiversity assets and mitigate potential impacts.

Highway safety

13. The evidence suggests that the slope of the parking area would ensure that the eyeline of a driver exiting the parking space would be above the level of the neighbours' walls, thereby ensuring visibility up and down the street. However, at

the time of my visit, I saw that the eyeline of a driver parked next to the wall on the road would be below the level of the wall. It therefore seems likely that at the point at which a vehicle emerges onto the road, the driver would not be able to see over the roadside walls or the roofs of cars parked to either side of the proposed access. The lack of clear intervisibility between road users passing the proposed access, including more vulnerable pedestrians and cyclists, and vehicles emerging onto the highway would result in conflict between road users.

14. The Highway Authority consultee advises the need for a visibility splay of 60m in each direction measured 2.4m back from the edge of the highway, in accordance with Cumbria County Council's Cumbria Development Design Guide January 2023. Conversely, the appellant considers that the visibility splay would only need to be 43m. However, this appears to relate to safe stopping distances where the known 85th percentile speed is 30mph. In this case, while the road is subject to a 30mph speed limit, I am not aware of actual speed data to justify a reduction in the visibility splay and there is little robust evidence that a 43m visibility splay would be achievable in any case. Therefore, the proposal would not demonstrably provide a safe and suitable access for all users.
15. The occupiers of terraced properties park their vehicles on the street and events at the nearby school and church result in overspill parking on occasion. However, no parking survey has been provided to demonstrate unacceptable parking pressure or congestion and at the time of my visit there was no shortage of onstreet parking. In any case, while the proposal would create an offstreet parking space, it would remove an onstreet parking space. There would be no net change in the availability of parking spaces. There is little evidence that the existing pedestrian access to the property is inherently unsafe, such as might provide a justification for the proposal. Moreover, the presence of vehicular access points elsewhere, some of which may pre-date current highway standards, does not justify the scheme.
16. Therefore, I conclude that the proposal would not create a safe vehicular access, to the detriment of highway safety. It would conflict with LP policies DM1 and DM9 insofar as it would not ensure adequate and safe movement of pedestrians, cyclists and motor vehicles or avoid impacts on the road network.

Other Matters

17. The Parish Council's lack of objection to the proposal, and the absence of any other third party representations, weigh neither for nor against the appeal.

Conclusion

18. For the reasons set out above, I conclude that the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
19. Therefore, I conclude that the appeal should be dismissed.

Sarah Manchester

INSPECTOR