



Appeal Decision

Site visit made on 18 February 2025

by **D M Young JP BSc (Hons) MA MRTPI MIHE**

an Inspector appointed by the Secretary of State

Decision date: 4 March 2025

Appeal Ref: APP/Q9495/W/24/3354802

1 Oakland Carriage Drive, Windermere, LA23 1SA

- 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 A Hammond against the decision of Lake District National Park Authority.
 - The application Ref is 7/2024/5156.
 - The development proposed is the demolition of existing garage and lean-to and the erection of a two-storey detached dwelling and garages.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the Lake District National Park (LDNP), Oakland as a non-designated heritage asset and the Windermere Conservation Area (WCA).

Reasons

3. This appeal scheme proposes to demolish an existing 20th Century garage in the south-east corner of Oakland's grounds and construct a two-storey dwelling with detached garages.
4. Oakland is a subdivided 19th Century villa located in the WCA. The duty under 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires special regard to be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
5. According to the Authority, Oakland was designed in the Gothic style by Manchester based architect J. S. Crowther and is identified as a building of special interest in the WCA Appraisal and recorded in the Lake District Historic Environment Record. It is therefore a non-designated heritage asset in its own right.
6. Paragraph 216 of the National Planning Policy Framework (the Framework) states that *"the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset"*.

7. The appeal site is also within the LDNP (a UNESCO World Heritage Site (WHS)) where there is a statutory requirement for decision makers to “*seek to further*” the statutory purposes of National Parks. These are:
 - conserving and enhancing the natural beauty, wildlife and cultural heritage of the areas designated, and
 - promoting opportunities for the understanding and enjoyment of the special qualities of those areas by the public.
8. These requirements are reflected in paragraph 189 of the Framework which states “*Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks*”.
9. At the local level, Policies 01, 02, 05, 06 and 07 of the Lake District National Park Local Plan 2020-2035 (the LP) seek among other things to ensure that development reinforces the importance of local character and protects or enhances heritage assets and the Special Qualities and attributes of Outstanding Universal Value of the LDNP.
10. According to the Authority, the landscaped grounds were designed by Thomas Mawson, a renowned landscape architect noted within the WHS nomination document for his work throughout the LDNP and further abroad. I concur with the Authority that the grounds were designed to complement Oakland and the wider landscape in the Orrest Head area of Windermere.
11. When I visited the site, I was able to see first-hand the contribution the landscaped grounds make to the significance and appreciation of Oakland and in turn the WCA and LDNP. In my view, the area to the south of the house is largely unspoilt. The manicured lawn, distinctive sloping topography and mature rhododendron bushes are all distinctive and positive elements in the landscape which augment the natural beauty of the LDNP. These attributes help to frame the picture postcard views of Oakland which on days when the striking topography of the distant Lakeland fells are visible, are of the very highest order.
12. The erection of a two-storey dwelling and to a lesser extent the garages would harm both the character and appearance of the appeal site and the landscape setting of Oakland. This would conflict harmfully with one of the Outstanding Universal Values (Theme 2) ‘*A landscape which has inspired artistic and literary movements and generated ideas about landscapes that have had global influence and left their physical mark*’. This specifically references ‘*villa landscapes – their buildings, gardens and surrounding designed landscapes*’ and ‘*physical designed landscapes*’. Further detail is provided in the WHS nomination document which states “*All villas are responses to the available views, favouring lakes and distant mountains in their outlook, and seeking a moderately elevated site to secure them. Most were approached by a carriage drive and formed the centrepiece of a small estate comprising a mixture of garden and woodland*”.
13. I acknowledge that there has been some dilution of Oakland’s and the WCA’s significance through the unsympathetic sub-division of the grounds on the north-western side of the house as well as the erection of dwellings on the opposite side of Carriage Drive. I do not know the full details of these developments, but it appears that these areas were not as sensitive in landscape and visual terms. The Authority also points out that application ref: 7/2015/5507 pre-dated the WHS

designation and the associated recognition of villas as attributes of Outstanding Universal Value. In any event, it would be wrong for the existence of other unsympathetic schemes within the WCA or grounds of Oakland to set a precedent for further harmful development.

14. There can be little doubt that views of the house and grounds from Carriage Drive would be significantly and irrevocably compromised by the encroachment of new built development into this highly sensitive area. This would also rob Oakland of valuable breathing space and degrade the historic settlement pattern of this part of Windermere which the Authority explains can be traced to the introduction of the railway in the mid-19th Century which acted as a catalyst for the construction of large villas on the slopes of Orrest Head. The harm, to the settlement pattern would conflict with one of the special qualities of the LDNP which is '*Distinctive buildings and settlement character*' which specifically mentions '*distinctive spatial and townscape character*' being influenced by the settlement's history and development.
15. While I disagree with the Authority that the detailed design of the proposed dwelling would be inappropriate, this does not overcome the harm I have identified to the designed landscape setting of Oakland, the settlement pattern of the WCA nor the relevant Outstanding Universal Values of the WHS. Bearing in mind the great weight that must be afforded to conserving and enhancing landscape and scenic beauty in National Parks, the limited public benefits of the scheme which include the provision of a three-bedroom dwelling in accordance with LP Policy 15, would not outweigh the aforementioned harm.
16. I therefore conclude the development would fail to conserve or enhance the historic environment and the Special Qualities of the LDNP. It would accordingly conflict with LP Policies 01, 02, 05, 06 and 07 as well as the relevant parts of the Framework.

Conclusion

17. For the reasons given above the appeal should be dismissed.

D M Young

INSPECTOR