



Appeal Decision

Site visit made on 19 March 2025

by **Sarah Manchester BSc MSc PhD MEnvSc**

an Inspector appointed by the Secretary of State

Decision date: 28 March 2025

Appeal Ref: APP/K0940/D/24/3358059

59 Hall Park, Burneside, Kendal, Cumbria LA9 6RE

- 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 Lucy Scott against the decision of Westmorland and Furness Council.
 - The application Ref is 2024/1571/FPA.
 - The development proposed is a garden shed to the rear of residential property (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The planning application form states that the development was completed on 01 July 2024. At the time of my visit, I observed the garden shed subject of the appeal. Therefore, I have determined the appeal on the basis that planning permission is sought to retain the development that has been implemented.
3. In its decision notice, the Council cites conflict with policy CS8.6 of the Core Strategy Adopted October 2010 (the CS). This reflects the recommended reason for refusal in the officer report. However, the reference to CS8.6 appears to be an error as the body of the officer's report clearly references the relevant policy is CS8.2 and not CS8.6. I am satisfied that the interests of neither party will be prejudiced by my determining the appeal accordingly.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal property is a 2-storey dwelling at the end of a short terrace. In common with its neighbours and other properties on Hall Park, it has a double fronted principal elevation with a pitched canopy above its central front door and an open frontage. The row of properties of which No 59 forms part are oriented with their principal elevations facing away from Hall Park and towards the facing terrace Nos 89-97. These two rows of properties are separated by their small, open frontages and an intervening linear landscaped area with amenity mown grass, mature shrubs and trees, and footways.
6. The development is a detached wooden timber shed (the shed) with a shallow pitched roof. The shed measures roughly 4.8m by 3m wide, with elevations around 2.4m tall and pitched ridge just over 3m. It extends forward from a smaller metal shed sited to the side of No 59 and along the shared boundary with No 60, finishing

immediately adjacent to the narrow footway between the appeal property and the amenity landscaping.

7. As a result of the change in ground levels through the area, the shed is elevated above the road. However, it is screened in views from Hall Park by the appellant's green metal shed and the neighbour's wooden garden shed which sit to the rear of the offstreet parking spaces between No 59 and No 60. In contrast, from the front, by virtue of its height, scale and prominent siting forward of the front elevations of the appeal property row, the shed is a conspicuous and visually obtrusive feature.
8. The shed is out of scale in the context of the modest dwellings, small front gardens and the unassuming size of garden sheds in the area. Its disproportionately large scale is further emphasized by its elevated siting above the garden of No 60. The shed is poorly related to the surrounding built environment. It dominates not only the frontage of No 59 but also the views along and across the amenity landscaped area. By virtue of its height, size and siting, it is an overbearing and visually dominant presence immediately adjacent to the narrow footway. The shed is not sympathetic to the surrounding built environment or landscape setting and it does not contribute positively to local distinctiveness or sense of place.
9. The description of the development and the plans suggest that the shed is to the rear of No 59. In this regard, the appellant considers that the Hall Park elevation is the primary elevation because this is where they greet visitors and socialise. That being said, in stating that the original front door rarely gets used, she appears to acknowledge that the north-east elevation is the principal elevation. I accept that the road-facing elevation is more conveniently located in terms of access and, facing south-west, it benefits from more sunshine than the north-east elevation. However, the way in which the appellant uses the property, for reasons of practicality, is not compelling evidence that the principal elevation is the rear for the purposes of erecting outbuildings.
10. As noted, No 59 is one of numerous similar properties with canopied porches to their front elevations and open frontages. In contrast, the rears are more utilitarian and less aesthetically pleasing, with small flat roof extensions of little architectural merit, and enclosed rear gardens some with tall boundary treatments. On this basis, irrespective of the orientation of No 59, I am satisfied that the development is forward of the principal elevation and it is not to the rear of the property.
11. At the time of my visit, the shed was in full sunshine and it was not obviously sited in a shady corner. Neither the condition of the footpath nor the historic presence of a tree stump, brambles, rubble or small garden shed provide a justification for a substantially large outbuilding. I acknowledge that the appellant and her family require storage for bicycles, exercise and camping equipment. Even so, it has not been robustly demonstrated that there are no alternative solutions, including in terms of building sizes and siting, that could deliver similar benefits without the harm that I have found.
12. Therefore, I conclude that the development harms the character and appearance, and visual amenity, of the area. It conflicts with CS policies CS8.2 and CS8.10 and policies DM1 and DM2 of the South Lakeland Local Plan Development Management Policies Adopted March 2019. These require, among other things, that development responds appropriately to its context, maintaining and reinforcing local distinctiveness, settlement character and townscape quality. It also conflicts

with the aims of the National Planning Policy Framework in relation to achieving well-designed places.

Conclusion

13. For the reasons set out above, I conclude that the development conflicts with the development plan and there are no material considerations to outweigh the conflict.
14. Therefore, I conclude that the appeal is dismissed.

Sarah Manchester

INSPECTOR