



Appeal Decision

Site visit made on 18 August 2025

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/Q9495/W/25/3366313

Fellside Close, Kendal Road, Bowness-On-Windermere, Westmorland and Furness LA23 3ER

- 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 Mrs Diana Dodd against the decision of Lake District National Park Authority.
 - The application Ref is 7/2024/5674.
 - The development proposed is construction of a new 2 bedroom detached property on a garden plot.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal in the National Park Authority's (NPA) Decision Notice focuses on the perceived effects of the proposed development on the Outstanding Universal Value (OUV) of the English Lake District World Heritage Site (WHS). However, the NPA's Appeal Statement raises additional matters of the site's location within the Lake District National Park (NP) and Fellside House being a non-designated heritage asset (NDHA).
3. As decision maker, I am required to discharge the statutory duty (as amended¹) in relation to the purposes for which National Parks are designated². In the interests of fairness, the parties were given an opportunity to comment on this matter and I have taken their responses into account in my determination of the appeal.
4. Having regard to advice in the Planning Practice Guidance (PPG) on NDHAs³, there is no information before me which shows that Fellside House is 'clearly identified' as such. Additionally, whilst I note the building's age, architectural style and setting, the NPA has not provided any 'sound evidence' to substantiate its claim in this regard. For these reasons, I am unable to conclude whether Fellside House is a NDHA and have not treated it as such in my determination of the appeal.

Main Issue

5. Taking the above into account, the main issue is the effect of the proposal on the character and appearance of the site and its surroundings, having regard to their location within the WHS and the NP.

¹ Section 245 of the Levelling up and Regeneration Act 2023 and associated Guidance for relevant authorities on seeking to further the purposes of Protected Landscapes, dated December 2024.

² Section 11A National Parks and Access to the Countryside Act 1949.

³ Planning Practice Guidance: Paragraph: 040 Reference ID: 18a-040-20190723.

Reasons

Character and Appearance - World Heritage Site and National Park

6. The appeal site is located within the generous and well-established grounds of Fellside House, a large Victorian Villa built in the Arts and Crafts style, which sits high above Windermere. The Villa has been subdivided into three separate residences and several other dwellings have been built in its wider former grounds.
7. The site comprises an lozenge shaped and steeply sloping piece of land which sits in front of and below Fellside House, separated by a private access road that leads to nearby dwellings. It is bordered by a low stone wall, as well as a set of steps and tarmacked driveway which denote the historic pedestrian and vehicular routes up to the Villa. It is currently used as a garden containing a small hardstanding patio area, an open mown lawn, and mature vegetation of, what are stated to be self-seeded, trees and bushes around its perimeter.
8. The site and the surrounding land are situated within the WHS⁴ and the NP. The WHS is internationally recognised as being of OUV and is a designated heritage asset of the highest significance. In line with the National Planning Policy Framework 2024 (the Framework), I give great weight to the asset's conservation, noting that the more important the asset, the greater the weight should be⁵. I also note the principles set out in the PPG that need to be taken into account in decision making within a World Heritage Site⁶.
9. From the evidence before me and pertinent to the appeal, the OUV and thus significance of the WHS primarily stems from its heritage interests as a rich cultural landscape⁷, which includes the attribute of 'villas and designed landscapes'. This focuses on their locations and structures and the values, aesthetic ideals and perceptions which led to their creation and enjoyment.
10. National Parks have the highest status of protection in relation to landscape and scenic beauty. The two purposes of National Parks 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.
11. In pursuing the statutory purposes, there is a duty on the NPA to seek to foster the economic and social well-being of local communities within the NP. Additionally, in exercising or performing any functions in relation to the NP, I am required to 'seek to further' its statutory purposes. In accordance with the Framework, I give great weight to conserving and enhancing the landscape and scenic beauty in the NP, as well as to the conservation and enhancement of its wildlife and cultural heritage⁸.
12. Fellside House and its grounds, including the appeal site, exemplify some of the key traits of a typical Lake District Villa within the WHS, and the special qualities of the NP in terms of its cultural heritage. The Villa's elevated position, grand scale, Arts and Crafts style and formal landscaped setting, including verdant gardens/ woodland, a sinuous carriage drive and integral pedestrian steps would, more than likely, all have been conscious design choices at the time of its construction.

⁴ Windermere Valley.

⁵ Paragraph 212 of the National Planning Policy Framework 2024.

⁶ Planning Practice Guidance: Paragraph: 032 Reference ID: 18a-032-20190723.

⁷ Theme 2.

⁸ Paragraph 189 of the National Planning Policy Framework 2024.

13. The Villa's subdivision and development within its wider former grounds have compromised these positive characteristics to a degree. Nonetheless, the primacy of the Villa's status, as well as the formal design and verdant nature of the building's historic context, particularly its approach, remain legible. For these reasons, Fellside House and its grounds, including the appeal site, contribute in a positive and meaningful way to the OUV and significance of the WHS and the cultural heritage of the NP.

Effects of the proposal

14. There are discrepancies in the NPA's evidence as to the perceived effects of the proposal, with the Officer Report referencing harm in relation to the new dwelling's 'position rather than its design', but the Appeal Statement citing harm in relation to its 'location, design and scale'. That said, any concerns relating to the design and scale of the proposal are not elaborated on or substantiated.
15. The proposed detached, two-bedroom dwelling would largely reflect the form and materials of existing modern dwellings in the locality. Additionally, being set into the steep slope, appearing part two storey and part single storey, would mitigate the dwelling's scale and massing to an extent.
16. Nonetheless, the proposal would introduce substantial built form into an undeveloped and verdant area of the mature garden surroundings of Fellside House. The proposal's position in front of and below the Villa, adjacent to the carriage drive approach and pedestrian steps, would further dilute the Villa's primacy, erode its soft landscaped surroundings, and weaken the legibility of its designed context.
17. A large part of the garden area within the site and the adjacent steps would be retained as part of the proposal. However, this would not offset the harmful presence of the heavily engineered built form of the dwelling, parking bays, retaining walls and stepped access with railings, at an important point in both the vehicular and pedestrian approaches to the Villa. Moreover, the building's presence would also detract from important views out from Fellside House.
18. The route of the carriage drive and intervening boundary walls and/or vegetation would mean that the identified harmful effects would not be readily perceptible from Kendal Road or other public routes within Bowness-on-Windermere. Even so, they would be highly apparent and keenly felt when viewed from the private route of Fellside Close used by the residents and visitors of Fellside House and nearby properties.
19. I acknowledge the presence of other dwellings within the former grounds of Fellside House, in particular those granted permission within the last 10 or so years, that sit prominently above the Villa⁹. I also note the grant of permission in 2023 for another dwelling within the former grounds, yet to be constructed¹⁰.
20. However, the developments cited are located in different positions and are of different forms to the proposal before me, and I do not have the full details and circumstances against which they were granted permission to allow a meaningful comparison. Additionally, the incremental erosion of Fellside House's soft landscaped grounds for residential development is clearly diluting the authenticity

⁹ Application Refs: 7/2014/5048 (High Fellside House); and 7/2019/5219 (Mountain View).

¹⁰ Application Ref: 7/2023/5429.

and integrity of this typical Lake District Villa and attribute of the WHS. Mindful of guidance in the PPG in relation to the cumulative effect of change within a World Heritage Site¹¹, the granted properties do not justify allowing the appeal.

21. Drawing the above together, the proposal would have a harmful effect on the character and appearance of the site and its surroundings. Having regard to their location within the WHS and the NP, it would weaken the positive traits of a key attribute of the OUV of the WHS and harm the asset's significance, and would not further the statutory purposes of the NP with regard to the conservation and enhancement of the cultural heritage of the area.

Balance

22. Bearing in mind the nature and extent of the proposed development, but also the high status of the WHS as a designated heritage asset, I find the harm to the asset's significance would be less than substantial and at the lower end of that category. Nonetheless, this harm carries considerable importance and weight.
23. This harm is required to be weighed against the public benefits of the proposal. The proposal would provide one local occupancy dwelling¹² which would contribute to the local housing supply as well as meet an identified need for smaller homes in the area. Additionally, it is reasonable to conclude that economic and social benefits would flow from the dwelling's construction and occupation, as well as from future occupiers supporting local services and facilities.
24. These outcomes would foster the economic and social well-being of the local community within this part of the NP and I note the support contained within Policy 15 of the Lake District National Park Local Plan 2020-2035, adopted 2021 (LP) for the delivery of housing development to meet local community needs. The extent of these benefits are tempered by the very modest amount of development proposed, but nevertheless, attract moderate weight in the appeal's favour.
25. On balance, the moderate weight I attach to the public benefits which would accrue from the proposal are not sufficient to outweigh the considerable importance and weight I give to the harm to the significance of the WHS.
26. Accordingly, the proposal would have a harmful effect on the character and appearance of the site and its surroundings, having regard to their location within the WHS and the NP. As such, the proposal conflicts with Policies 01, 05, and 07 of the LP and the Lake District Design Code Supplementary Planning Document (2023), in so far as they seek to conserve and enhance the extraordinary harmony and beauty of the Lake District landscape and its special qualities, including the attributes of OUV; and conserve and enhance the significance of heritage assets, including the WHS. Additionally, the proposal does not accord with the provisions and guidance within the Framework and PPG respectively which seek to conserve and enhance the historic environment.
27. Policies 02 and 06 of the LP are referenced in the NPA's reason for refusal. These relate to spatial strategy and design and development. The Officer Report confirms that the proposal is 'compatible with Policy 02 in principle' and I have concluded above that the scale, design and materials of the proposed dwelling would reflect

¹¹ Planning Practice Guidance: Paragraph: 032 Reference ID: 18a-032-20190723.

¹² Subject to the inclusion of an appropriate local occupancy condition.

other modern dwellings in the locality. As such, there is no conflict with these Policies and they are not determinative.

Other Matters

28. Windermere and Bowness Town Council raised no objection to the proposal subject to the provision of an appropriate visibility splay. Additionally, there were no representations from interested parties at application or appeal stage in relation to the NPA's reason for refusal. Nonetheless, a lack of objection in relation to the OUV and significance of the WHS or the statutory purposes of the NP, does not denote a lack of harm. These are neutral considerations in the balance and do not alter my conclusion on the main issue.

Conclusion

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

F Cullen

INSPECTOR