



Appeal Decision

Site visit made on 14 October 2025

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 November 2025

Appeal Ref: APP/Q9495/W/25/3366518

**Windermere Business Centre, Bake House, Oldfield Court, Windermere,
Westmorland and Furness LA23 2HJ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant full planning permission.
 - The appeal is made by Mrs M Rothwell (watchthisspace) against the decision of Lake District National Park Authority.
 - The application Ref is 7/2024/5563.
 - The development proposed is construction of 3 apartments with associated garages at ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Since the determination of the application, the Planning Practice Guidance (PPG) has updated their guidance relating to flood risk and coastal change. This was updated 17 September 2025 and both parties have had the opportunity to comment on this in relation to the appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area, including whether it would preserve or enhance the character or appearance of the Windermere Conservation Area (CA);
 - The effect of the proposed development on the living conditions of existing neighbouring occupiers with particular regard to outlook;
 - The effect of the proposed development on highway and pedestrian safety; and
 - Whether the site would be suitably located having regard to its location within flood zone 3.

Reasons

Character and appearance

4. The appeal site relates to land used as the car park of Windermere Business Centre located off Oldfield Court within Windermere. The proposed development seeks planning permission for a detached building within the car park area to the

west of the business centre and would comprise 3 apartments with associated garages at ground floor level.

5. The appeal site is located within the CA. I therefore have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. I have also had regard to paragraph 212 of the National Planning Policy Framework (the Framework) which explains that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
6. The immediate site context is defined by the business centre building which has a simple form with a traditional palette of materials comprising stone, slate and render. Residential properties nearby are also of simple and traditional appearance and there is a distinct lack of any prominent contemporary buildings. In the wider area, properties range from Victorian terraces to inter-war semi-detached properties to the more recent development within Oldfield Court. The form, massing and pallet of materials are however relatively consistent which forms part of the character of the CA.
7. The scheme would introduce twin gable features on the front and rear elevations leading to pitched slate roofs. Set within and between the roofscapes would be zinc clad dormer windows and the building would be finished in Lakeland stone walling. A pair of hardwood garage doors would be located at ground floor level on both the front and rear elevation and above these would be vertical and triangular windows. I appreciate that some of the materials would be reflective of the site context. However, the building would be a highly contemporary and unusual addition to the area. It would result in a boxy roof form by virtue of the dormer windows and roof valley extension. This, together with the highly unusual fenestration of the windows and dominant appearance of the garage doors would result in an unsympathetic addition to the built environment. I appreciate the appellant's reasoning behind the design and note that the windows allow for secure ventilation etc. I am also aware of the demand for co living arrangements already onsite and that the proposed development would supplement this. Such matters would not however alter my findings as the scheme would still be out of keeping in this specific setting.
8. For the above reasons, I conclude on this matter that the proposed development would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the character or appearance of the CA. This would result in less than substantial harm to the significance of the designated heritage asset. While less than substantial, the prominence and scale of the proposed development, would result in the extent of harm being at the higher end of the spectrum.
9. Paragraph 215 of the Framework explains that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. There would be some social, economic and environmental benefits associated with the scheme including the provision of new dwellings and I am aware that such would be for local occupancy. The extent to which these would be beneficial is however limited

by the small-scale nature of the proposals and I attribute moderate weight to these benefits.

10. Taking the stated benefits of the proposal together, there would be a high level of less than substantial harm to the significance of the CA, so I am not persuaded there would be public benefits of sufficient magnitude to outweigh the great weight to the assets' conservation and the considerable importance and weight to this harm. Within the context of my statutory duties in the PLBCAA, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would conflict with Policies 01, 02, 06 and 07 of the Lake District National Park Local Plan 2020-2035, 2021 (LP) which together, amongst other matters, explain that the National Park will seek to conserve and enhance the significance of heritage assets, including the character, authenticity, integrity, setting and views of the historic environment.
11. For the same reasons, the proposed development would also be contrary to the Lake District National Park Design Code, 2023 and section 16 of the Framework relating to conserving and enhancing the historic environment.

Living conditions

12. The dwellings along Park Avenue are located to the southwest of the appeal site and their rear elevations and garden areas face towards the appeal site. Currently, the outlook from these properties to the rear is largely open with views across the garden areas and car park. The proposed scheme would be positioned on the rear boundary of the garden areas particularly No 9-15 Park Avenue and despite changes made to the size and scale of the building, it would still result in a substantially sized building being introduced to the rear. This would result in an overbearing impact for the existing occupiers of these properties particularly when utilising their garden areas. These areas would be located much closer to the development where its presence would be highly apparent. I have had due regard to the scale/orientation of the properties to one another, but I find that the proposed development would still compromise the outlook of existing neighbouring occupiers to a harmful degree.
13. For the above reasons, the proposed development would unacceptably harm the living conditions of existing neighbouring occupiers with particular regard to outlook. It would be contrary to Policy 06 of the LP which amongst other matters, explains that development must not have an unacceptable impact on the amenity of adjoining residents and users of the proposed development, due to visual intrusion, overlooking, overshadowing, overbearing effect, noise, light pollution or other adverse impacts. For the same reasons, the proposed development would also be contrary to section 12 of the Framework relating to achieving well-designed places.

Highway and pedestrian safety

14. As set out earlier, the appeal site is currently utilised as part of the car park for the business centre and HMO which is located on the upper floors. There are currently 19 car parking spaces available which I understand presents an under provision for the centre. The Cumbria Design Guide offers guidance on the level of parking provision that is expected for different developments. The requirement in this case would be for six parking spaces. This is indeed met by the proposed scheme, but its provision would result in the reduction in parking available for the business

centre as not all of the 19 existing parking spaces would be available for the business centre to use. As a result, cars would be displaced onto on-street parking in the area. Whilst 19 spaces would remain, the proposed development would add further users onto the site and would result in an increase in the requirement for off-street parking. A compliant scheme would need to retain the 19 existing spaces and provide six spaces for the proposed scheme which is not met by this appeal.

15. The Council explain that there are existing on street parking issues in the area. Whilst only a snapshot in time, I observed at my site visit that parking around the appeal site was busy and there were also poorly parked cars blocking footpaths etc. The displacement of cars onto on-street parking would exacerbate the existing problems leading to conditions prejudicial to highway and pedestrian safety.
16. The appellant claims that the demand for parking has reduced and that a lot of the car parking is surplus to requirements. There is however no substantive evidence of this and again whilst only a snapshot in time, the car park was well used being around half full at the time of my site visit. It cannot be assumed that most people are without transport, and I have no evidence that this is the case. The appellant refers to a previous suggestion for parking spaces, but I understand that such a suggestion was not accepted by the Council, and I have determined the scheme based on the plans the Council based its decision on.
17. For the above reasons, the proposed development would unacceptably harm highway and pedestrian safety. It would therefore be contrary to section 9 of the Framework relating to promoting sustainable transport.

Flood risk

18. The appeal site is located in flood zone 3 which means that it has a high probability of suffering from flooding. Paragraph 170 of the Framework sets out that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere. Paragraph 175 of the Framework explains that the sequential test should be used in areas known to be at risk now or in the future from any form of flooding, except in situations where a site-specific flood risk assessment demonstrates that no built development within the site boundary, including access or escape routes, land raising or other potentially vulnerable elements, would be located on an area that would be at risk of flooding from any source, now and in the future (having regard to potential changes in flood risk).
19. Details about the sequential test and if necessary, exceptions test are included in the PPG. It should show that there are no reasonably available, lower-risk sites that are suitable for the proposed development. As set out earlier, the PPG has updated their guidance relating to flood risk and coastal change. To this end, paragraph 027 of the PPG expands on paragraph 175 of the Framework. It explains that, in applying paragraph 175, a proportionate approach should be taken. Where a site-specific flood risk assessment demonstrates clearly that the proposed layout, design, and mitigation measures would ensure that occupiers and users would remain safe from current and future surface water flood risk for the lifetime of the development (therefore addressing the risks identified e.g. by

Environment Agency flood risk mapping), without increasing flood risk elsewhere, then the sequential test need not be applied.

20. The appeal before me has been accompanied by a Flood Risk Assessment which demonstrates that the development would be resilient to flooding and would not increase flooding elsewhere. That said, the assessment presents no sequential assessment as to whether there are other more sequentially preferable sites available for the development at lesser risk of flooding. I have had due regard to the updated guidance contained within paragraph 027 of the PPG, but this is concerned with the risk of flooding from surface water sources only. The appeal site is located in flood zone 3 with a high probability of flooding from rivers or the sea - flooding from fluvial sources, rather than surface water sources. On this basis, I find that a sequential test would still need to apply in the particular circumstances of this case.
21. The appellant claims that the flood maps are vague and inaccurate and that the site has not flooded. Even so, the site is located within flood zone 3 as per the current flood risk maps and I must determine the appeal on this basis, and I have no compelling reason to deviate from this. I note the previous approval within the adjacent business centre, but that scheme was indeed different to the appeal I am considering which was assessed accordingly based on a change of use.
22. For the above reasons, I conclude that it has not been demonstrated that there are no sites available to accommodate the development which are at lower risk of flooding and the development therefore fails the sequential test as required by local and national policy. The proposed development would not therefore be suitably located having regard to its location in flood zone 3. It would be contrary with Policy 03 of the LP which explains amongst other matters, that the Council will support development proposals in accordance with the approach to managing flood risk in the Framework and associated PPG. For the same reasons, the proposed development would also be contrary with section 14 of the Framework relating to meeting the challenge of climate change, flooding and coastal change.

Other Matters

23. I am aware of the matters that are not in dispute and responses received from various consultees. I am also aware of the appellant's frustrations with the Council in terms of communications during the application process and changes made to the scheme. Such matters would not alter my findings in relation to the above main issues.
24. Reference has been made to other schemes elsewhere and I do not dispute that such a scheme may be acceptable/integrate successfully in other areas, but this would not alter my findings that the scheme is unacceptable in this particular location. I also have very limited details of previous schemes to be able to comment fully and I have considered this scheme based on its own merits.

Balance and Conclusion

25. The proposed development would unacceptably harm the character and appearance of the surrounding area. It would fail to preserve the character or appearance of the CA. The development would also unacceptably harm the living conditions of existing neighbouring occupiers with particular regard to outlook. It would unacceptably harm highway and pedestrian safety and would not be

suitably located having regard to its location in flood zone 3. I attribute great weight to such matters. As set out earlier, there would be some benefits associated with the scheme, but these would not be sufficient to outweigh the harm that I have identified.

26. Bringing everything together, the development conflicts with the development plan when considered as a whole. There are no other considerations, including the provisions of the Framework that individually or cumulatively outweigh this harm. The appeal should therefore be dismissed.

N Teasdale

INSPECTOR