

# SCHEDULE B

**Applications  
determined by other  
authorities.**

SCHEDULE B

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**Item No: 05**

Between 25/09/2020 and 22/10/2020

**Appn Ref No:**  
19/0883**Applicant:**  
Mr & Mrs Archibald**Parish:**  
Wetheral**Date of Receipt:**  
22/11/2019**Agent:****Ward:**  
Wetheral & Corby**Location:**  
Kirkclodge, Allenwood, Heads Nook, Brampton, CA8  
9AA**Grid Reference:**  
349660 554899

**Proposal:** Variation Of Condition 2 (approved Documents) Of Previously Approved Application 18/1128 (erection Of Single Storey Extensions To Provide Additional Living Accommodation To Rear With Utility And W.c. To Side; Provision Of First Floor Dormer To West Elevation To Accommodate 1no. Bathroom; Erection Of First Floor Roof Balcony To Rear) To Relocate The Side Privacy Screen Of The Rear Roof Terrace And To Change The Material Of The Privacy Screen From Obscure Glazing To Timber (retrospective)

**Amendment:**

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**REPORT****Case Officer:** Alanzon Chan**Decision on Appeals:****Appeal Against:** Appeal against refusal of planning perm.**Type of Appeal:** Householder Appeals**Report:** A copy of the Notice of the decision of the Determining Authority is printed following this report.**Appeal Decision:** Appeal Dismissed**Date:** 21/10/2020



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## Appeal Decision

Site visit made on 30 June 2020

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 21 October 2020**

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**Appeal Ref: APP/E0915/D/20/3249077**

**Kirk Lodge, Heads Nook, Brampton CA8 9AA**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mrs Jill Archibald against the decision of Carlisle City Council.
- The application Ref 19/0883, dated 20 November 2019, was refused by notice dated 13 January 2020.
- The application sought planning permission for Erection Of Single Storey Extensions To Provide Additional Living Accommodation To Rear With Utility And W.C. To Side; Provision Of First Floor Dormer To West Elevation To Accommodate 1no. Bathroom; Erection Of First Floor Roof Balcony To Rear (Part Retrospective) without complying with a condition attached to planning permission Ref 18/1128, dated 25 April 2019.
- The conditions in dispute are Nos 1 and 2 which state that:
  1. The development shall be undertaken in strict accordance with the approved documents for this Planning Permission which comprise:
    1. the submitted planning application form, received 19 Dec 2018;
    2. the Location and Block Plan (Dwg No. 18-382-DWG010 Rev B), received 14 Jan 2019;
    3. the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), received 13 Mar 2019;
    4. the Proposed Elevations Plan (Dwg No. 18-382-DWG003 Rev E), received 13 Mar 2019;
    5. the Notice of Decision; and
    6. any such variation as may subsequently be approved in writing by the Local Planning Authority.
  2. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), (or any Order revoking and re-enacting that Order), the 1.8m high continuous obscure glazed screen at the northwest elevation of the balcony (facing Cairnville) and the 0.5m wide obscure glazed screen return at the southwest elevation of the balcony, as shown on the Proposed Floor Plan (Dwg No. 18-382-DWG002 Rev E), shall be obscure glazed to factor 3 or above and thereafter retained as such. The obscure glazed screen shall be installed prior to the completion of the balcony and thereafter retained as such.
- The reason given for the conditions are:
  1. To define the permission.
  2. In order to protect the privacy and amenities of residents in close proximity to the site in accordance with Policies SP6 and HO8 of the Carlisle District Local Plan 2015-2030.

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### Decision

1. The appeal is dismissed.

## **Procedural Matter**

2. When on my site visit, I observed that the works had already been completed.

## **Main Issue**

3. The main issues are:

- the effect of the proposed development on the character and appearance of the area; and
- whether the conditions are reasonable and necessary in the interests of the living conditions of neighbouring occupiers, having particular regard to matters of privacy and outlook.

## **Reasons**

### *Character and Appearance*

4. The appeal property is a single storey detached dwelling situated on the edge of Heads Nook, a small predominately residential village set within a wider rural landscape. To the rear it has a ground floor rear extension with a roof terrace on the first floor above it. This roof terrace has a border railing consisting of glazing with metal posts and railings approximately 0.5 metres in height to the rear and side. The roof terrace is enclosed by a side panel comprising timber slats measuring approximately 1.8 metres in height and 0.2 metres wide. Each of these slats are fixed to the frame on alternate sides meaning that there are gaps between them. At the time of my site visit what appeared to be a temporary green covering had been fixed to the side of the timber facing the main part of the terrace presumably to provide additional screening due to the presence of the gaps between the timber slats.
5. Given its height, scale and design the proposed timber privacy screen/side panel would not match the other means of enclosure on the roof terrace which are a combination of metal posts with glazed panels. I therefore consider that it represents poor design and an incongruous addition to the roof terrace which has an adverse visual impact on the street scene and wider area.

### *Effect on Privacy and Outlook*

6. The adjacent neighbouring property 'Cairnville' is a detached two storey dwelling with a long ground floor extension to the rear of the property on the other side of the garden from the shared boundary with the appeal property and a large conservatory close to this shared boundary. On my site visit I observed that the room furthestmost to the rear of the ground floor extension was a bedroom. Cairnville also has a large rear garden with stepped ground floor levels and a seating area comprising a decked area and patio located close to the shared boundary with the appeal property.
7. Consequently, given its scale, height, massing and proximity to the shared boundary I consider the proposed timber screen to be an imposing addition to the host property creating an increased sense of enclosure for neighbouring occupiers when using the seating areas in the garden and also the conservatory.

8. I acknowledge that there is a gap of approximately 1 metre between the appeal property and the shared boundary, however given the size and massing of the proposal this is not enough to mitigate the harm it causes to the living conditions of the neighbouring occupiers.
9. Furthermore, given the gaps in the timber slats and the fact that the screen would not be set back 1 metre from the shared boundary I also consider that the proposal would allow overlooking of the seating areas in the garden of Cairnville, its rear conservatory and also the bedroom located to the rear of the ground floor extension. Indeed, I could clearly see this bedroom window when standing on the roof terrace close to the timber panelling.

### **Other Matters**

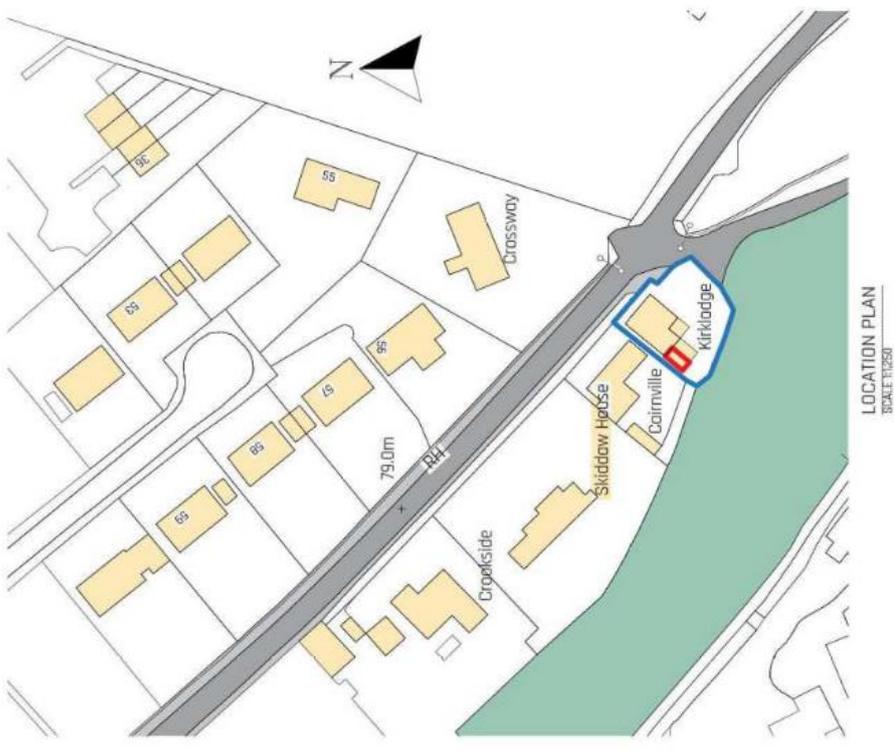
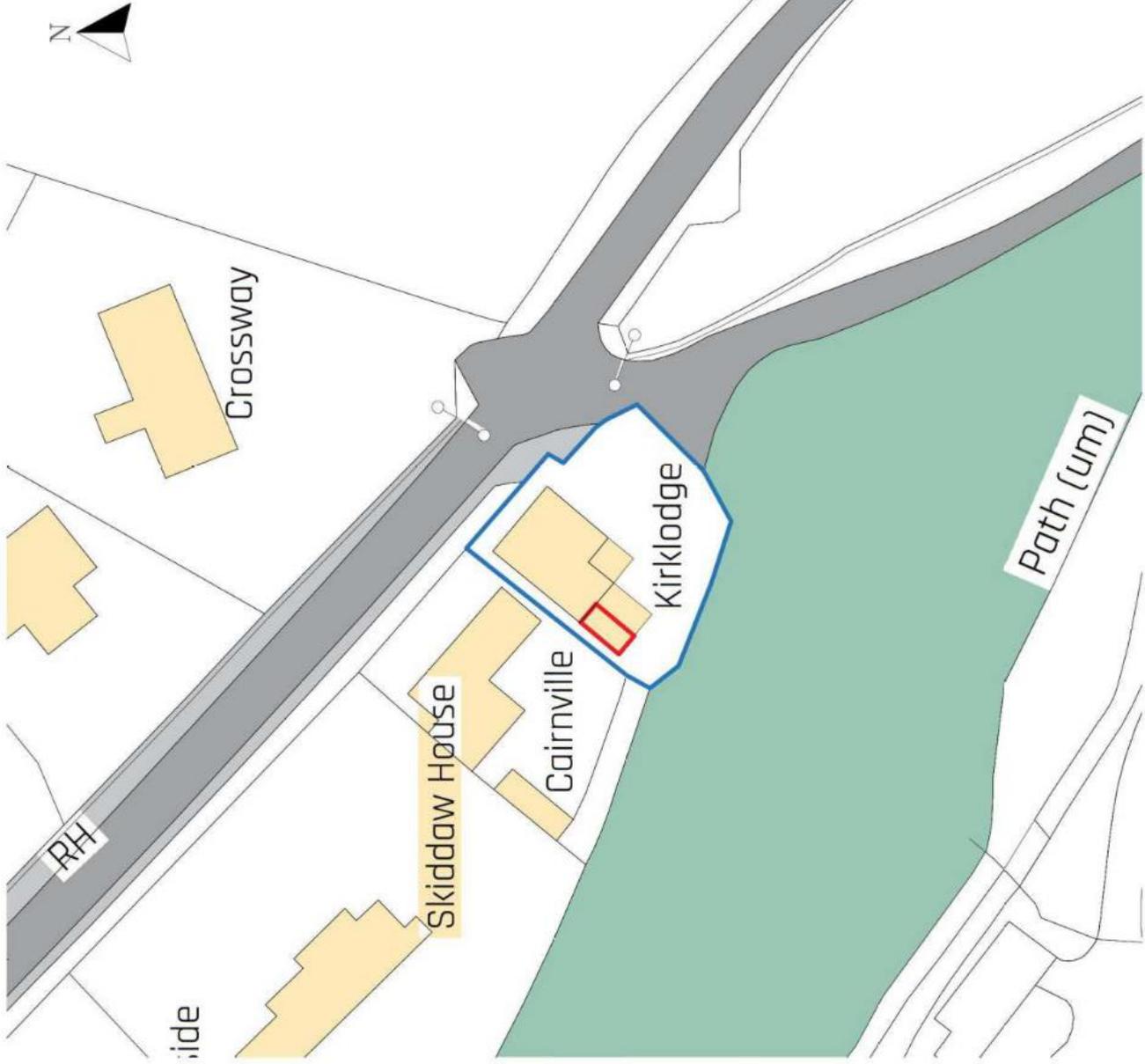
10. In support of the appeal scheme the appellant has pointed out that no objections from any other residents in the village have been submitted. However, this does not alter my findings with regard to the living conditions of the neighbouring occupiers of Cairnville and the character and appearance of the area that I have identified above.
11. The appellant has also stated that in future they may develop a first-floor rear extension over the footprint of the roof terrace that the neighbouring occupiers could find '*more overbearing*' than the timber panel. However, this is not a matter for me to determine in this s78 appeal.

### **Conclusion**

12. I therefore conclude that the proposal conflicts with Policies SP6 and HO8 of the adopted Carlisle District Local Plan 2015-2030 and paragraphs 127 and 130 of the National Planning Policy Framework. As a result, I also conclude that conditions nos. 1 and 2 attached to planning permission Ref 18/1128, dated 25 April 2019 are reasonable and necessary. Accordingly, for the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR



PROPOSED EXTENSION KIRKLODGE, HEADS NOOK, CAB 9AA	
BLOCK AND LOCATION PLANS	
DATE	NOV 2019
BY	NOV 2019
FOR PLANNING	NOV 2019
AS NOTED	FOR PLANNING
AG	S. LOWES
PLANNING	C. AYMERS
19-473-DWG001	0

## SCHEDULE B: Applications Determined by Other Authorities

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**Item No: 06**

Between 25/09/2020 and 22/10/2020

**Appn Ref No:**  
20/9007

**Applicant:**  
Norman Street Primary  
School

**Parish:**  
Carlisle

**Date of Receipt:**  
06/07/2020

**Agent:**  
Cumbria County Council -  
Economy & Planning

**Ward:**  
Cathedral & Castle

**Location:**  
Norman Street School, Norman Street, Carlisle,  
CA1 2BQ

**Grid Reference:**  
341141 555534

**Proposal:** Removal Of Condition 2 To Allow The Portacabin To Be A Permanent Classroom And Variation Of Condition 3 To Amend The External Materials Of Previously Approved Application 17/9010/CTY

**Amendment:**

### REPORT

**Case Officer:** Suzanne Osborne

#### City Council Observations on the Proposal:

**Decision:** City Council Observation - Raise No Objection      **Date:** 08/07/2020

**Decision of:** Cumbria County Council

**Decision Type:** Grant Permission      **Date:** 12/10/2020

A copy of the Notice of the decision of the Determining Authority is printed following the report.

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**The Town and Country Planning Act 1990  
The Town and Country Planning (Development Management Procedure)  
(England) Order 2015**

**Notice of Planning Permission**

To: Norman Street Primary School  
Norman Street  
Carlisle  
CA1 2BQ

In pursuance of the powers under the above Act and Order the Cumbria County Council as Local Planning Authority hereby **permit** the proposal described in your application and on the plans/drawings attached thereto received on 24 June 2020.

**viz: Section 73 application to remove Condition 2 of 1/17/9010 so as to permanently retain the portacabin classroom building and variation of Condition 3 relating to the external material and installation of ramp for disabled access.**

**Norman Street School, Norman Street, Carlisle, CA1 2BQ**

Subject to due compliance with the following conditions:

**Time Limit for the Completion of the Portacabin Building Enhancement Works**

1. The use of the development hereby permitted shall cease on 1 September 2021 if the cladding works and ramped access provision shown in the approved scheme have not been completed in full. If these works have not been completed by 1 September 2022 then the portacabin building and all associated foundations shall be removed from the site by 31 October 2022.

*Reason: To ensure that the proposed interventions that would make the retention of the portacabin unit acceptable for a greater period of time are promptly implemented.*

**Temporary Time Limit for Retention of the Portacabin Building**

2. Subject to compliance with condition 1, the portacabin building hereby permitted shall be used for a temporary period only expiring on 31 July 2030 and the portacabin building and all associated foundations shall be removed from the site by 1 September 2030.

*Reason: The portacabin unit is not a permanent building with a limited design-life and represents poor design on the whole and as such a permanent planning permission is not considered appropriate. This condition is imposed in line with the powers set out in Section 72 of the Town and Country Planning Act 1990 and in reflection of the advice set-out in Paragraph 014 (Reference ID: 21a-014-20140306) of the national Planning Practise Guidance.*

### Approved Scheme

3. The development shall be carried out and maintained in accordance with the following approved documents:
  - a. Site Plan-Rev.B – submitted 27 July 2017;
  - b. Drawing job No. 2020-110-02-Rev.A – Existing Portakabin Classroom Recladding Upgrade – dated 1 August 2020;

*Reason: To ensure the development is carried out to an approved appropriate standard and to avoid confusion as to what comprises the approved scheme.*

### Protection of Trees

4. No lopping of any nearby tree branches shall take place as part of the works to clad the portacabin building unless otherwise agreed in writing with the Local Planning Authority.

The existing tree planting to the immediate north-east of the portacabin shall be retained for the duration of the presence of the portacabin unit unless otherwise agreed in writing with the Local Planning Authority.

*Reason: To ensure that no trees on the school site are affected by the approved works to the exterior of the portacabin and that said trees are retained for the duration of the portacabins' presence in the interest of minimising its visual impact.*

Dated 12 October 2020



Signed: Angela Jones  
Executive Director - Economy and Infrastructure  
on behalf of Cumbria County Council.

### NOTES

- The local planning authority has worked with the applicant/agent in a positive and proactive manner to seek solutions to any problems that arose in dealing with this application and has implemented the requirements of the [National Planning Policy Framework](#).
  - The policies and reasons for the approval of this application are set out within the planning officers' report which can be viewed at: <https://planning.cumbria.gov.uk/Planning/Display/1/20/9007>
  - The conditions attached to this permission may override details shown on the application form, accompanying statements and plans.
  - Submissions to discharge planning conditions require a fee and any approval given in relation to these shall be issued in writing.
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## APPENDIX TO NOTIFICATION OF PLANNING DECISION

This Appendix does not form part of any consent, however, you should take careful notice of the advice given below as it may affect your proposal.

1. This grant of planning permission does not exempt you from regulation under Building Control and Environmental Protection regimes. The County Council regularly shares information with other authorities. Failure to comply with other regulatory regimes may result in prosecution.
2. Any grant of planning permission does not entitle developers to obstruct a public right of way. Development, insofar as it affects a right of way, should not be started, and the right of way should be kept open for public use, until the necessary order under Section 247 or 257 of [The Town and Country Planning Act 1990](#), or other appropriate legislation, for the diversion or extinguishment of right of way has been made and confirmed.
3. The attention of the person to whom any permission has been granted is drawn to Sections 7 and 8A of the Chronically Sick and Disabled Persons Act 1970 and to the Code of Practice for Access of the Disabled to Buildings or any prescribed document replacing that code.
4. Any application made to the Local Planning Authority for any consent, agreement or approval required by a condition or limitation attached to a grant of planning permission will be treated as an application under [Article 27](#) of [The Town and Country Planning \(Development Management Procedure\) \(England\) Order 2015](#) and must be made in writing. A fee is payable for each submission. A single submission may relate to more than one condition.



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Any discrepancy must be reported to the architect immediately and before proceeding.

www.blackboxarchitects.com

mail @ blackboxarchitects.com



0 metres 50 metres

Project	<b>Norman Street Primary School. Carlisle</b>			Black Box Architects Limited. 1 Devonshire Chambers 8 Devonshire Street Carlisle. Cumbria. CA3 8AD	
Drawing	<b>Existing Portakabin</b>	Revision	Scale	<b>1:1250</b>	
Detail	<b>Location Plan</b>	Job.no.	Date	<b>2020-110-04 Jun20</b>	
				Tel: 01228 402 200	